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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 319

[Docket No. 96-046-5]

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

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

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

**EFFECTIVE DATE:** March 13, 1998.

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

**SUPPLEMENTARY INFORMATION:**

#### Background

The regulations in 7 CFR 319.56 through 319.56-8 (referred to below as "the regulations") prohibit or restrict

the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of fruit flies and other injurious plant pests that are new to or not widely distributed within and throughout the United States.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The State of Espirito Santo, Brazil, where papayas for importation into the United States will be grown, does have

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

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

framework of overlapping, redundant safeguards that together minimize the pest risk associated with papayas from Brazil.

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

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

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

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

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

<sup>1</sup> NAPPO Compendium of Phytosanitary Terms, February 1996.

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

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

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

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

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

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

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

*Response:* Under § 319.56-2t, papayas from Belize are eligible for importation into the United States without treatment if the papayas originate from the Medfly-free districts of Cayo, Corozal, or Orange Walk, or from the Medfly-free portion of the district of Stann Creek, in Belize. Under § 319.56-2x, papayas from other districts of Belize are eligible for importation into the United States if

the papayas are treated for Medfly. However, no papayas from Belize may enter Hawaii because of the risk of introducing papaya fruit fly (*Toxotrypana curvicauda*) into Hawaii.

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

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

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

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

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

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

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

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

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

*Comment:* No reliable, peer-reviewed research exists that adequately demonstrates that Solo type papayas that are less than one-half ripe pose

little risk of harboring Medfly or South American fruit fly. Therefore, it must be concluded that Solo type papayas that are less than one-half ripe are hosts for Medfly and South American fruit fly. As such, APHIS should not allow Brazilian papayas to enter the United States unless a stand-alone quarantine treatment, such as vapor heat or irradiation treatment, is required for the papayas.

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

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

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

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

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

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

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

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

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

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

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

advanced degree of ripeness is reached) is accurate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Second, we are establishing trapping thresholds that will trigger action if the fruit fly population in a papaya production area is too large. Specifically, in order to monitor the Medfly levels in commercial papaya production areas, we are establishing a

threshold for Medfly captures in papaya production areas of Brazil and Costa Rica. The thresholds are as follows: If the average Jackson trap catch is greater than 7 Medflies per trap per week, measures, which may include Malathion bait sprays or other chemical sprays, must be taken to control the Medfly population in the production area. If the average Jackson trap catch exceeds 14 Medflies per trap per week, importations of papayas from that production area would be halted until the rate of capture drops to an average of 7 or fewer Medflies per trap per week.

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

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

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

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

*Comment:* The average Medfly catch for Vaversa farm was 50.44 Medflies per trap per week. Therefore, in accordance with the proposed trapping thresholds, this farm would not be eligible to export

papayas to the United States. What was the Medfly weekly trap catch for Honey Fruit, Agrobias, and Exofruit farms?

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

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

Additionally, during all weeks when the Medfly catch exceeded 7 flies per trap per week, mitigation measures would have been required to reduce the Medfly population in the production area.

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

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

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

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

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

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

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

*Response:* We believe that averages are sufficient to determine a papaya production area's eligibility to import papayas into the United States. Variations in trap catches will occur among traps in a given production area, but prior trapping data indicates that your scenario is highly unlikely. However, if this situation occurs, required recordkeeping will identify areas where fruit fly populations are

concentrated, and we will investigate the conditions in those areas, including ensuring that the surrounding traps are properly baited, that field sanitation has been performed in compliance with the regulations, and that, if necessary, bait spray treatments are applied to reduce fruit fly populations around traps with excessive fruit fly catches. Therefore, we are making no changes to the proposal in response to this comment.

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

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

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

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

*Response:* The placement of 1 trap per hectare is a requirement for the shipment of papayas to the United

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

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

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

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

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

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

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

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

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

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

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

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

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

*Comment:* Data regarding the levels of benzyl isothiocyanate (BITC) in Brazilian papayas, the correlation

between the concentration of this chemical and quantified color stages of Brazilian papayas, or the effects of BITC on South American fruit fly should be presented before papayas from Brazil are allowed to enter the United States.

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

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

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

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

*Response:* We do not agree that colorimetric measurements, measurements taken by a machine that looks at a portion of the surface color of the exterior of a commodity and generates a graph to indicate the ripeness of that commodity, are

essential to determining whether less than one-half ripe papayas from Brazil are susceptible to infestation by Medfly or South American fruit fly. We believe that visual inspection of the papayas, as used in the research conducted in Brazil, serves the same purpose as colorimetric measurements and, in fact, is more effective because, unlike colorimetric measurements, visual inspection takes into account the range of colors on the entire exterior of the fruit.

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

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

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

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

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

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

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

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

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

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

changes to the proposal in response to this comment.

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

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

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

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

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

*Response:* We agree. In response to this comment, we are adding at § 319.56-2w(e) a provision that papayas from Brazil and Costa Rica must be safeguarded from exposure to fruit flies from harvest to export. This would require that from the moment the papaya is picked from the tree to the time that it reaches the United States, including in packing houses in Brazil and Costa Rica, the papaya will be safeguarded from fruit fly infestation. In order to meet this provision, trucks that move papayas from the orchard to the

packing house will have to be covered or screened in some manner that prevents access by fruit flies. The packing house will also have to be constructed so as to prevent entry by fruit flies. Finally, the cartons that the papaya is shipped in will have to be fruit fly-proof or covered by fruit fly-proof material. This provision will help reduce the risk of the introduction into the United States of Medfly, South American fruit fly, and other pests that may be associated with papayas from Brazil and Costa Rica.

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

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

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

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

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

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

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

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

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

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

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

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

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

*Comment:* If the Environmental Protection Agency (EPA), in accordance with the Food Quality Protection Act (FQPA), reassesses and subsequently cancels all tolerances for malathion, would that prevent the importation of malathion-treated papayas? If not, how

would State and Federal officials contain and eliminate future Medfly outbreaks? Finally, what other pesticides might be used in Brazil and Costa Rica to ensure the same level of safety as malathion and might these pesticides also be subject to FQPA restrictions?

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

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

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

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

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

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

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

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

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

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

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

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

According to the GAO report, USDA estimates that foreign pests are entering the United States at a level that is costing \$41 billion annually in lost production and expenses for prevention and control. In terms of imported fruits and vegetables, the greatest risk of plant pest introduction into the United States is non-commercial shipments of imported fruits and vegetables, including those entering the United States in international passenger

baggage. Therefore, we do not believe that the conclusions of the study are relevant to the importation of commercial shipments of papayas from Brazil or Costa Rica.

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

*Response:* The recent Medfly outbreak in Florida is a major concern for us as well, but there is no indication that it was a result of legally imported fruits and vegetables for consumption.

Regarding the importation of papaya from Brazil and Costa Rica, as discussed, less than one-half ripe papayas are not a host of Medfly. This final rule imposes requirements on the importation of papayas from Brazil and Costa Rica, in the unlikely event that a Medfly is attracted to a papaya in either country. We are confident that this final rule will allow papayas from Brazil and Costa Rica to be imported into the United States while continuing to provide protection against the introduction of Medfly into the United States.

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

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

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

*Response:* Prior to January 8, 1983, 7 U.S.C. 159 and 160 directed the Secretary to hold a public hearing before promulgating a determination to "restrict" (7 U.S.C. 159) or "forbid" (7 U.S.C. 160) the importation into the United States of plants or plant products that may result in the introduction of injurious plant pests into the United States. However, on January 8, 1983, Public Law 97-432 struck out the provisions in both 7 U.S.C. 159 and 160 directing the Secretary to hold a public hearing before promulgating a determination regarding the restriction or prohibition of a plant or plant product's entry into the United States. We believe the public comment period for this rulemaking provided adequate

opportunity for interested persons to comment on the proposed rule. Therefore, we are taking no action in response to this comment.

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

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

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

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

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

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

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

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

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

#### **Effective Date**

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

#### **Executive Order 12866 and Regulatory Flexibility Act**

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

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

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

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

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

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

Imports into the United States of fresh papayas have grown rapidly, to the

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

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

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

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

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

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

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

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

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

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

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

adversely affected by the rule change, the impact on most will not be significant in terms of their overall operations.

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

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

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

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

#### **Executive Order 12988**

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

#### **National Environmental Policy Act**

An environmental assessment and finding of no significant impact have been prepared for this rule. The assessment provides a basis for the conclusion that the importation of

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

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

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

#### **Paperwork Reduction Act**

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

#### **List of Subjects in 7 CFR Part 319**

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

Accordingly, 7 CFR part 319 is amended as follows:

#### **PART 319—FOREIGN QUARANTINE NOTICES**

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

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

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

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

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

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

(b) Beginning at least 30 days before harvest began and continuing through the completion of harvest, all trees in the field where the papayas were grown were kept free of papayas that were 1/2 or more ripe (more than 1/4 of the shell surface yellow), and all culled and fallen fruits were buried, destroyed, or removed from the farm at least twice a week.

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

(d) When packed, the papayas were less than 1/2 ripe (the shell surface was no more than 1/4 yellow, surrounded by light green), and appeared to be free of all injurious insect pests.

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

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

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

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

records of fruit fly finds for each trap, updated the records each time the traps were checked, and made the records available to APHIS inspectors upon request. The records were maintained for at least 1 year.

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

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

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

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

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

**Terry L. Medley,**

*Administrator, Animal and Plant Health Inspection Service.*

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

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Parts 966 and 980

[Docket No. FV98-966-1 FR]

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

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This final rule increases the minimum grade requirements for Florida and imported tomatoes. The grade requirements are changed from U.S. No. 3 to U.S. No. 2. The change in grade requirements will help the Florida tomato industry meet domestic market needs, increase returns to producers, and provide consumers with higher quality tomatoes. Application of the

increased grade requirements to imported tomatoes is required under section 8e of the Agricultural Marketing Agreement Act of 1937.

**EFFECTIVE DATE:** March 30, 1998.

**FOR FURTHER INFORMATION CONTACT:**

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

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

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

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

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

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

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

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

Under § 966.323, all tomatoes, except for pear shaped, paste, cherry, hydroponic, and greenhouse tomatoes, must be inspected as specified in the United States Standards for Grades of Fresh Tomatoes (7 CFR part 51.1855 through 51.1877; standards). Through February 3, 1998, such tomatoes had to be at least 2<sup>9</sup>/<sub>32</sub> inches in diameter, and sized with proper equipment in one or more of the following ranges of diameters.

Size designation	Inches minimum diameter	Inches maximum diameter
Medium .....	2 <sup>9</sup> / <sub>32</sub>	2 <sup>17</sup> / <sub>32</sub>
Large .....	2 <sup>19</sup> / <sub>32</sub>	2 <sup>25</sup> / <sub>32</sub>
Extra Large .....	2 <sup>24</sup> / <sub>32</sub>	.....

These size designations and diameter ranges are the same as specified in § 51.1859 of the standards. All tomatoes in the Medium size designation were required to grade at least a U.S. No. 2,

while tomatoes in the larger size designations were only required to grade at least a U.S. No. 3. Section 966.52 of the order provides authority for the establishment and modification of regulations applicable to the handling of particular grades, sizes, and size designations of tomatoes.

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

At the same meeting, the Committee unanimously recommended an increase in the diameter size requirement for Florida tomatoes from 2<sup>9</sup>/<sub>32</sub> inches to 2<sup>9</sup>/<sub>32</sub> inches, that the size designations of Medium, Large, and Extra Large be changed to numeric size designations of 6x7, 6x6, and 5x6, respectively, and that the diameter size ranges for the designated sizes be increased slightly. These size ranges are different from those specified in § 51.1859 of the standards. The minimum size and size designation changes were addressed in a separate rulemaking action. That action was published in the **Federal Register** on October 6, 1997 (62 FR 52047). Interested persons were invited to submit written comments until October 16, 1997. Subsequently, the period for comments was reopened until November 5, 1997, by a document published in the **Federal Register** on October 22, 1997 (62 FR 54809). After evaluating all comments received, the Department issued a final rule on December 30, 1997, implementing the recommended size increase and size designation changes. That final rule was published on January 5, 1998, with the changes effective on February 4, 1998 (63 FR 139).

The changes in that final rule require tomatoes to be at least 2<sup>9</sup>/<sub>32</sub> inches in diameter, and sized with proper equipment in one or more of the following ranges of diameters (63 FR 139; January 5, 1998). These size

designations and diameter ranges are not the same as those specified in § 51.1859 of the standards.

Size designation	Inches minimum diameter	Inches maximum diameter
6x7 (Formerly Medium)	2 <sup>9</sup> / <sub>32</sub>	2 <sup>19</sup> / <sub>32</sub>
6x6 (Formerly Large) ....	2 <sup>17</sup> / <sub>32</sub>	2 <sup>27</sup> / <sub>32</sub>
5x6 (Formerly Extra Large) .....	2 <sup>25</sup> / <sub>32</sub>	.....

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

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

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

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

The proponents of the change indicated that the marketplace is

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

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

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

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

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

Beginning February 4, 1998, and until the effective date of this final rule import requirements specify that all lots with a minimum diameter of  $2\frac{1}{32}$  inches and larger shall meet at least a U.S. No. 3 grade. All other tomatoes

shall meet at least a U.S. No. 2 grade. Any lot with more than 10 percent of its tomatoes less than  $2\frac{1}{32}$  inches in diameter is required to grade at least U.S. No. 2. This final rule changes these requirements by requiring all lots of imported tomatoes to grade at least U.S. No. 2, regardless of size.

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

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

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

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

Committee data indicates that approximately 20 percent of the Florida

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

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

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

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

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

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

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

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

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

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

Additionally, the marketplace price and quality benefits expected for Florida growers and handlers as a result of this action will also benefit exporters and importers of tomatoes. Consumers will also benefit as a result of the higher quality product available in the marketplace. As mentioned earlier, the

benefits of this rule are not expected to be disproportionately greater or lesser for small entities than for large entities.

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

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

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

burden on exporters, or importers of tomatoes. The expected increase in customer satisfaction and more positive marketplace atmosphere resulting from providing the desired quality should benefit all tomato importers regardless of size.

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

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

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

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

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

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

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

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

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

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

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

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

As indicated earlier, in making its recommendation the Committee discussed leaving the grade requirements unchanged. However, after

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

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

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

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

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

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

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

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

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

#### List of Subjects

7 CFR Part 966

Marketing agreements, Reporting and recordkeeping requirements, Tomatoes.

7 CFR Part 980

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

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

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

**Authority:** 7 U.S.C. 601-674.

#### PART 966—TOMATOES GROWN IN FLORIDA

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

##### § 966.323 Handling regulation.

\* \* \* \* \*

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

#### PART 980—VEGETABLES; IMPORT REGULATIONS

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

##### § 980.212 Import regulations; tomatoes.

\* \* \* \* \*

(b) \* \* \*

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

\* \* \* \* \*

Dated: March 9, 1998.

**Robert C. Keeney,**

*Deputy Administrator, Fruit and Vegetable Programs.*

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

BILLING CODE 3410-02-P

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

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

#### FOR FURTHER INFORMATION CONTACT:

S. Robert Coleman, Senior Policy Analyst, Office of Policy and Analysis, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4498;

or

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

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

Dated: March 10, 1998.

**Floyd Fithian,**

*Secretary, Farm Credit Administration Board.*

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

BILLING CODE 6705-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

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

RIN 2120-AA64

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

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

## FARM CREDIT ADMINISTRATION

### 12 CFR Parts 614 and 627

RIN 3052-AB09

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

**AGENCY:** Farm Credit Administration.

**ACTION:** Notice of effective date.

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

**DATES:** Effective April 17, 1998.

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

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

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

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

necessary. For certain airplanes, the action also proposed to require an inspection to detect cracks of the flanges, and follow-on actions.

#### Comments

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

#### Conclusion

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

#### Cost Impact

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

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

#### Regulatory Impact

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

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

#### List of Subjects in 14 CFR Part 39

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

#### Adoption of the Amendment

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

#### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

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

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

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

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

*Compliance:* Required as indicated, unless accomplished previously.

To prevent rupturing and cracking of the flanges of the bleed air ducts of the auxiliary power unit (APU), and cracking of the adjacent duct, which could damage the elevator control system and consequently reduce the controllability of the airplane; accomplish the following:

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

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

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

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

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

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

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

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

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

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

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

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to

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

(d) The actions shall be done in accordance with All Operator Telex (AOT) 36-02, dated August 23, 1995; Airbus Service Bulletin A300-36-0033, dated October 17, 1994; Airbus Service Bulletin A300-36-6024, dated October 17, 1994; and Airbus Service Bulletin A310-36-2032, dated October 17, 1994. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**Note 3:** The subject of this AD is addressed in French airworthiness directive 95-182-184(B), dated September 27, 1995.

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

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

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

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

BILLING CODE 4910-13-U

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

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

RIN 2120-AA64

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

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to all Israel Aircraft Industries, Ltd., Model 1121, 1121A, 1121B, 1123, 1124, 1124A, 1125 Westwind Astra, and Astra SPX series airplanes, that requires repetitive functional tests for proper operation of hydraulic fuses installed in the brake system and emergency hydraulic indicating system; and replacement of any discrepant hydraulic fuse with a new, improved unit. This amendment is prompted by the issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are

intended to prevent failure of the hydraulic fuse to operate properly, due to internal corrosion, in the event of an external leak downstream of the fuse, which could result in loss of hydraulic systems.

**DATES:** Effective April 17, 1998.

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

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

#### FOR FURTHER INFORMATION CONTACT:

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

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Israel Aircraft Industries, Ltd., Model 1121, 1121A, 1121B, 1123, 1124, 1124A, 1125 Westwind Astra, and Astra SPX series airplanes was published in the **Federal Register** on January 13, 1998 (63 FR 1930). That action proposed to require repetitive functional tests for proper operation of hydraulic fuses installed in the brake system and emergency hydraulic indicating system; and replacement of any discrepant hydraulic fuse with a new, improved unit.

#### Comments

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

#### Conclusion

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

#### Interim Action

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

**Cost Impact**

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

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

**Regulatory Impact**

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

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

**List of Subjects in 14 CFR Part 39**

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

**Adoption of the Amendment**

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

**PART 39—AIRWORTHINESS DIRECTIVES**

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

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

**§ 39.13 [Amended]**

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

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

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

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

**Compliance:** Required as indicated, unless accomplished previously.

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) The actions shall be done in accordance with Commodore Jet Service Bulletin SB 1121-29-022, dated September 11, 1996; Westwind Service Bulletin SB 1123-29-045, dated September 11, 1996; Westwind Service Bulletin SB 1124-29-132, dated September 11, 1996; and Astra Service Bulletin SB 1125-32-154, dated September 11, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Galaxy Aerospace Corporation, One Galaxy Way, Fort Worth Alliance Airport, Fort Worth, Texas 76177. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the **Federal Register**, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

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

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

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

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

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

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

RIN 2120-AA64

#### Airworthiness Directives; British Aerospace Model HS 748 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; request for comments.

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

**DATES:** Effective March 30, 1998.

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

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

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

The service information referenced in this AD may be obtained from AI(R) American Support, Inc., 13850 McLearn

Road, Herndon, Virginia 20171. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### FOR FURTHER INFORMATION CONTACT:

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

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

#### Explanation of Relevant Service Information

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

#### FAA's Conclusions

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.19) and the

applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

#### Explanation of Requirements of the Rule

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

#### Differences Between This AD and Service Bulletin

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

#### Cost Impact

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

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

### Determination of Rule's Effective Date

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

### Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 97-NM-223-AD." The postcard will be date stamped and returned to the commenter.

### Regulatory Impact

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

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

### List of Subjects in 14 CFR Part 39

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

### Adoption of the Amendment

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

### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

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

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

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

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

**Compliance:** Required as indicated, unless accomplished previously.

To detect and correct fatigue cracking in the flanges of the aileron operating arm bracket, which could result in failure of the aileron operating arm bracket, failure of the

aileron control system, and consequent reduced controllability of the airplane, accomplish the following:

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

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

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

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

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

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

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

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

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

(d) The actions shall be done in accordance with Jetstream Service Bulletin HS748-27-124, dated November 17, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from AI(R)

American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**Note 3:** The subject of this AD is addressed in the British airworthiness directive 007-11-95.

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

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

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

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

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

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

RIN 2120-AA64

#### Airworthiness Directives; de Havilland Model DHC-8-100 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

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

**DATES:** Effective April 17, 1998.

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

**ADDRESSES:** The service information referenced in this AD may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, Garratt Boulevard, Downsview, Ontario, Canada

M3K 1Y5. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### FOR FURTHER INFORMATION CONTACT:

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

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

#### Comments

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

#### Conclusion

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

#### Cost Impact

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

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

#### Regulatory Impact

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

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

#### List of Subjects in 14 CFR Part 39

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

#### Adoption of the Amendment

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

#### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

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

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

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

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

alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent smoke contamination in the passenger and crew cabins, in the event of fire or smoke in the baggage compartment, due to a direct smoke path between the baggage compartment and the cabins, accomplish the following:

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

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

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

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

(d) The actions shall be done in accordance with Bombardier Service Bulletin S.B. 8-25-80, Revision 'A', dated July 5, 1993. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, Garratt Boulevard, Downsview, Ontario, Canada M3K 1Y5. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**Note 3:** The subject of this AD is addressed in Canadian airworthiness directive CF-92-16, dated June 26, 1992.

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

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

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

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

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

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

RIN 2120-AA64

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

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; request for comments.

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

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

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

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

**SUPPLEMENTARY INFORMATION:** The Direction Generale De L'Aviation Civile (DGAC) which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may

exist on Eurocopter France Model AS-350B, BA, B1, B2, and D helicopters, and Model AS 355E, F, F1, F2, and N helicopters. The DGAC advises that due to the discovery of the installation of tailboom attachment bolts in the affected model helicopters which do not meet metallurgical design requirements, replacement of certain attachment bolts is required within 100 flying hours.

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

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

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

helicopters that were delivered from the manufacturer prior to May 16, 1997, or were overhauled prior to May 16, 1997, or had any tailboom attachment bolts, part number (P/N) 22201BC06008L, replaced after July 1, 1994. If the helicopter meets either of those criteria, the AD requires an inspection of the marking on each of the 23 attachment bolts that are located above the baggage compartment floor, and replacement of any attachment bolt that is marked with the letter "M" above the designation "BC" on the head of the attachment bolts with an airworthy attachment bolt marked with a letter other than "M". The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the structural integrity of the helicopter. Therefore, the replacement of the attachment bolts is required within 10 hours time-in-service, and this AD must be issued immediately.

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

#### Comments Invited

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

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

concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 97-SW-33-AD." The postcard will be date stamped and returned to the commenter.

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

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

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### Adoption of the Amendment

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

#### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

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

#### AD 98-06-12 Eurocopter France:

Amendment 39-10390. Docket No. 97-SW-33-AD.

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

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

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

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

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

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

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

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

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

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

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

marked with a letter other than "M" constitutes terminating action for the requirements of this AD.

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

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

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

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

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

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

**Eric Bries,**

*Acting Manager, Rotorcraft Directorate,  
Aircraft Certification Service.*

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

BILLING CODE 4910-13-U

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 97-ASO-26]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

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

**EFFECTIVE DATE:** 0901 UTC, April 23, 1998.

#### FOR FURTHER INFORMATION CONTACT:

Nancy B. Shelton, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5586.

#### SUPPLEMENTARY INFORMATION:

#### History

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

#### Correction to Final Rule

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

#### PART 71—[CORRECTED]

##### § 71.1 [Corrected]

##### ASO NC E5 New Bern, NC [Corrected]

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

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

**Wade T. Carpenter,**

*Acting Manager, Air Traffic Division,  
Southern Region.*

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

BILLING CODE 4910-13-M

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[TD 8445]

RIN 1545-AQ15

#### Information Returns of Brokers

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Technical amendment.

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

**EFFECTIVE DATE:** January 1, 1993.

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

#### SUPPLEMENTARY INFORMATION:

##### Background

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

##### Need for Correction

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

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

##### List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

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

#### PART 1—INCOME TAXES

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

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

##### § 1.6045-1 [Amended]

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

**Dale D. Goode,**

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

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

BILLING CODE 4830-01-U

**PENSION BENEFIT GUARANTY CORPORATION**

**29 CFR Part 4044**

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

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule.

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

**EFFECTIVE DATE:** April 1, 1998.

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

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

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

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

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

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

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

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

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

**List of Subjects in 29 CFR Part 4044**

Pension insurance, Pensions.

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

**PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS**

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

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

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

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

TABLE I.—ANNUITY VALUATIONS

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

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

TABLE II.—LUMP SUM VALUATIONS

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

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

TABLE II.—LUMP SUM VALUATIONS—Continued

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

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

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

**David M. Strauss,**

*Executive Director, Pension Benefit Guaranty Corporation.*

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

BILLING CODE 7708-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 97-190; RM-9139]

#### Radio Broadcasting Services; Ipswich, SD

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

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

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

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 97-190, adopted February 25, 1998, and released

March 6, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

#### PART 73—[AMENDED]

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

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

#### § 73.202 [Amended]

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

Federal Communications Commission.

**John A. Karousos,**

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

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

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 97-191; RM-9140]

#### Radio Broadcasting Services; Murdo, SD

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Windy Valley Broadcasting,

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

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

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

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

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

#### PART 73—[AMENDED]

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

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

**§ 73.202 [Amended]**

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

Federal Communications Commission.

**John A. Karousos,**

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

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

BILLING CODE 6712-01-P

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**FEDERAL COMMUNICATIONS COMMISSION**
**47 CFR Part 73**

[MM Docket No. 97-177; RM-9131]

**Radio Broadcasting Services; Kenova, WV**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

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

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

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

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

**List of Subjects in 47 CFR Part 73**

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

**PART 73—[AMENDED]**

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

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

**§ 73.202 [Amended]**

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

Federal Communications Commission.

**John A. Karousos,**

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

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

BILLING CODE 6712-01-P

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**DEPARTMENT OF TRANSPORTATION**
**Federal Highway Administration**
**49 CFR Part 386**

RIN 2105-AC63

**Civil Penalties**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Final rule.

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

**DATES:** The effective date is March 13, 1998.

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

**SUPPLEMENTARY INFORMATION:**
**Electronic Access**

An electronic copy of this document may be downloaded using a modem and

suitable communications software from the Federal Register Electronic Bulletin Board Service at (202) 512-1661. Internet users may reach the **Federal Register's** home page at: <http://www.nara.gov/nara/fedreg> and the Government Printing Office's database at: [http://www.access.gpo.gov/su\\_docs](http://www.access.gpo.gov/su_docs).

**The Debt Collection Improvement Act of 1996**

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

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

**Method of Calculation**

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

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

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

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

#### Rulemaking Analyses and Notices

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

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

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

The FHWA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of the Department of Transportation's regulatory policies and procedures. This final rule sets forth inflationary adjustments that are ministerial acts in compliance with the statute over which agencies have no discretion. We believe that this rule will

not result in a major increase in costs or prices for State or local governments. The law is simply designed to preserve the remedial impact of civil penalties. Consequently, it is anticipated that the economic impact of this final rule will be minimal because it will not substantially change the applicable civil penalty amount. This regulatory action will merely make inflation adjustments for all applicable civil penalties as required by law.

#### Regulatory Flexibility Act

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

#### Executive Order 12612 (Federalism Assessment)

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

#### Executive Order 12372 (Intergovernmental Review)

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

#### Paperwork Reduction Act

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

#### National Environmental Policy Act

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

#### Unfunded Mandates Reform Act

This rule does not impose unfunded mandates as defined by the Unfunded

Mandates Reform Act of 1995 (Pub. L. 104-4).

#### Regulation Identification Number

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

#### List of Subjects in 49 CFR Part 386

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

Issued on: March 5, 1998.

**Kenneth R. Wykle,**

*Administrator, Federal Highway Administration.*

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

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

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

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

#### Appendix A to Part 386—[Amended]

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

#### Appendix B to Part 386—[Added]

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

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

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

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

What are the types of violations and maximum monetary penalties?

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

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

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

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

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

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

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

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

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

(e) *Violations of the Hazardous Materials Regulations (HMRs).* This paragraph applies to violations by motor carriers, drivers,

shippers and other persons who transport hazardous materials on the highway in commercial motor vehicles or cause hazardous materials to be so transported.

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

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

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

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

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

BILLING CODE 4910-22-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

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

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

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

**ACTION:** Closure.

**SUMMARY:** NMFS is prohibiting directed fishing for pollock in the Eastern Regulatory Area of the Gulf of Alaska

(GOA). This action is necessary to prevent exceeding the interim specification for pollock in this area.

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

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

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

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

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

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

#### Classification

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

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

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

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

Dated: March 9, 1998.

**Bruce C. Morehead,**

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

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

BILLING CODE 3510-22-F

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

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

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

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

**ACTION:** Closure.

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

catching Pacific cod for processing by the inshore component in this area.

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

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

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

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

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

§ 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area of the GOA.

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

#### Classification

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

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

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

Dated: March 10, 1998.

**Gary C. Matlock,**

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

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

BILLING CODE 3510-22-F

# Proposed Rules

Federal Register

Vol. 63, No. 49

Friday, March 13, 1998

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

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

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

[DA-97-12]

RIN 0581-AB49

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

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

**AGENCY:** Agricultural Marketing Service, USDA.

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

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

**ADDRESSES:** Comments (two copies) should be submitted to Richard M. McKee, Deputy Administrator, Dairy programs, USDA/AMS, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456.

Comments also may be sent by fax to (202) 690-3410. Additionally, comments may be submitted via E-mail to: Milk\_Order\_Reform\_@usda.gov.

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

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

Additionally, comments may be sent via E-mail to: Milk\_Order\_Reform@usda.gov.

All comments submitted in response to this proposal will be available for public inspection at the USDA/AMS/Dairy Programs, Order Formulation Branch, Room 2968, South Building, 14th and Independence Ave., S.W., Washington, D.C., during normal business hours (7 CFR 1.27(b)). All

persons wanting to view the comments are requested to make an appointment in advance by calling Richard M. McKee at (202) 720-4392.

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

**SUPPLEMENTARY INFORMATION:** Prior documents in this proceeding:

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

### Preliminary Statement

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

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

Monday, March 30

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

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

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

Tuesday, March 31

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

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

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

Dated: March 10, 1998.

**Enrique F. Figueroa,**  
*Administrator, Agricultural Marketing Service.*

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

BILLING CODE 3410-02-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-CE-146-AD]

RIN 2120-AA64

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

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

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

**DATES:** Comments must be received on or before April 24, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-CE-146-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

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

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

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

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

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

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

##### **Availability of NPRMs**

Any person may obtain a copy of this NPRM by submitting a request to the

FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-CE-146-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

##### **Discussion**

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

##### **Relevant Service Information**

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

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

##### **The FAA's Determination**

These airplane models are manufactured in Italy and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the R.A.I. has kept the FAA informed of the situation described above.

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

##### **Explanation of the Provisions of the Proposed AD**

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

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

#### Cost Impact

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

#### Regulatory Impact

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

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

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

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

### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

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

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

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

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

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

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

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

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

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

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

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

(e) Questions or technical information related to SIAI Marchetti Mandatory Service

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

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

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

**James E. Jackson,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

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

BILLING CODE 4910-13-U

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-SW-49-AD]

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

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

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

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

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

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

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

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

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

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

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

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

**Availability of NPRMs**

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

**Discussion**

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

delamination outside certain tolerance limits may occur on Kevlar tie-bars.

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

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

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

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

cost impact of the proposed AD on U.S. operators is estimated to be \$152,280 to replace one blade and perform one inspection on each helicopter.

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

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

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

**The Proposed Amendment**

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

**PART 39—AIRWORTHINESS DIRECTIVES**

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

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

**§ 39.13 [Amended]**

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

**Eurocopter France:** Docket No. 97-SW-49-AD.

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

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

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

**Compliance:** Required as indicated, unless accomplished previously.

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

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

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

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

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

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

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

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

**Eric Bries,**

Acting Manager, Rotorcraft Directorate,  
Aircraft Certification Service.

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

BILLING CODE 4910-13-M

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Part 184**

[Docket No. 89G-0393]

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

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Tentative final rule.

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

**DATES:** Submit written comments by May 27, 1998.

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

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

**SUPPLEMENTARY INFORMATION:**

**I. Background**

In accordance with the procedures described in § 170.35 (21 CFR 170.35), SPA-Società Prodotti Antibiotici S.p.A., now Fordras S.A., Milan, Italy, submitted a petition (GRASP 9G0355) requesting that egg white lysozyme used to inhibit the bacterium *C. tyrobutyricum* to prevent late blowing of cheese during production be affirmed as

GRAS as a direct human food ingredient. FDA published the notice of filing for this petition in the **Federal Register** of October 27, 1989 (54 FR 43861), and gave interested persons until December 26, 1989, to submit written comments.

**II. Standards for GRAS Affirmation**

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

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

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

### III. Safety Evaluation

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

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

#### A. The Enzyme Component

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

The Commission on Enzymes of the International Union of Biochemistry has devised a systematic strategy for naming enzymes. This system combines a naming system and a numbering system. For most enzymes, the systematic name is derived from the names of the substrate, product, and type of reaction. The systematic number is based on the

class and subclasses to which the enzyme belongs. The systematic name of lysozyme is peptidoglycan *N*-acetylmuramoylhydrolase. Its systematic number is EC No. 3.2.1.17 and its Chemical Abstracts Service Registry Number (CAS Reg. No.) is 9001-63-2.

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

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

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

FDA considered the estimated dietary exposure to lysozyme for the proposed use in cheese (Refs. 16 and 17).

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

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

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

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

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

#### *B. Enzyme Source, Manufacturing Methods, and Processing Aids*

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

whites do not materially change the quality, utility, functionality or safety of the enzyme lysozyme.

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

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

#### *C. Labeling as a Condition of Use*

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

labeling also would alert the sensitive population to the possible presence of source-derived proteins other than lysozyme in the enzyme preparation.

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

#### *D. Summary and Conclusions*

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

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

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

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

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

#### IV. Comments

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

One comment stated that use of lysozyme as a food preservative may lead to selection of lysozyme-resistant strains of the bacterial food poisoning

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

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

#### V. Specifications

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

Lysozyme assay can be performed using a method entitled "Lysozyme hydrochloride, Microbiological Determination," which is included in the petition (Ref. 21) or by using any appropriate validated method.

#### VI. Conclusions

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

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

#### VII. Environmental Considerations

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

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

## VIII. Analysis of Economic Impacts

### A. Benefit-Cost Analysis

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

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

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

### B. Regulatory Flexibility Act

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

FDA believes that this tentative final rule is not likely to have a significant

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

## IX. References

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

1. Carini, S., G. Mucchetti, and E. Neviani, "Lysozyme: Activity Against Clostridia and Use in Cheese Production—A Review," *Microbiologie Aliments Nutrition*, 3:299-320, 1985.
2. Procter, V. A., and F. E. Cunningham, "The Chemistry of Lysozyme and Its Use as a Food Preservative and a Pharmaceutical," *CRC Critical Reviews in Food Science and Nutrition*, 26:359-395, 1988.
3. Fleming, A., "On a Remarkable Bacteriolytic Element Found in Tissues and Secretions," *Proceedings of the Royal Society*, 93:306-317, 1922.
4. Blake, C. C. F., D. F. Koenig, G. A. Mair, A. C. T. North, D. C. Phillips, and V. R. Sarma, "Structure of Hen Egg-White Lysozyme," *Nature*, 206:757-783, 1965.
5. Kuhara, S., E. Ezaki, T. Fukamizo, and K. Hayashi, "Estimation of the Free Energy Change of Substrate Binding in Lysozyme-

Catalyzed Reactions," *Journal of Biochemistry*, 92:121-127, 1982.

6. Malcolm, B., K. Wilson, B. Matthews, J. Kirsch, and A. Wilson, "Ancestral Lysozymes Reconstructed, Neutrality Tested, and Thermostability Linked to Hydrocarbon Packing," *Nature*, 345:86-89, 1990.

7. "The Use of Lysozyme in the Prevention of Late Blowing in Cheese," *Bulletin of the International Dairy Foundation*, No. 216, 1987.

8. Chaplin, M. F., and C. Bucke, *Enzyme Technology*, Cambridge University Press, New York, NY, pp. 66-72, 1990.

9. Denmark Ministry of Agriculture Circular on Approved Enzymes for Cheese, Journal nr. 10.1.5-18/83, January 13, 1984.

10. French Republic Ministry of Agriculture Service Note 5236, April 21, 1987.

11. Federal Republic of Germany, Bundesgesetzblatt Nr. 56, pp. 2103-2107, November 22, 1985.

12. Official Gazette of Italian Republic, General Series n. 23, October 4, 1986.

13. Spanish Ministry of Health and Consumption, General Direction of Public Health, General Sanitary Register, File n. 8826, June 20, 1983.

14. Monograph on "Enzyme Preparations," Food Chemicals Codex, National Academy Press, Washington, DC, 4th ed., pp. 133-134, 1996.

15. Pariza, M. W. and E. M. Foster, "Determining the Safety of Enzymes Used in Food Processing," *Journal of Food Protection*, 46:453-468, 1983.

16. Memorandum dated March 20, 1990, from Food and Color Additives Review Section, FDA, to Direct Additives Branch, FDA, "Use of Lysozyme to Prevent the 'Late Blowing' of Cheese."

17. Memorandum dated August 5, 1996, from Chemistry Review Branch, FDA, to Biotechnology Policy Branch, FDA.

18. Kessler, D. A., M. R. Taylor, J. H. Maryanski, E. L. Flamm, and L. S. Kahl, "The Safety of Foods Developed by Biotechnology," *Science*, 256:1747-1749 and 1832, 1992.

19. Crespo, J. F., C. Pasqual, A. Ferrer, A. W. Burke, J. M. Diaz Pena, and M. M. Esteban, "Egg White-specific IgE Level as a Tolerance Marker in the Follow-up of Egg Allergy," *Allergy Proceedings*, 15:73-76, 1994.

20. Anet, J., J. F. Back, R. S. Baker, D. Barnett, R. W. Burley, and M. E. H. Howden, "Allergens in the White and Yolk of Hen's Egg: a Study of IgE Binding by Egg Proteins," *International Archives of Allergy and Applied Immunology*, 77:364-371, 1985.

21. Lysozyme Hydrochloride, Microbiological Determination.

22. Letter dated November 25, 1996, from John B. Dubeck, Keller and Heckman, to Linda Kahl, FDA.

23. Letter dated February 28, 1997, from John F. Foley, Keller and Heckman, to Linda Kahl, FDA.

## List of Subjects in 21 CFR Part 184

Food ingredients, Incorporation by reference.

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

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

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

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

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

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

**§ 184.1550 Egg white lysozyme.**

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

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

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

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

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

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

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

Dated: March 3, 1998.

**L. Robert Lake,**

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

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

BILLING CODE 4160-01-F

**FEDERAL COMMUNICATIONS  
COMMISSION**

**47 CFR Part 73**

[MM Docket No. 98-29, RM-9190]

**Radio Broadcasting Services; Indian Wells, CA**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

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

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

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

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

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

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

Street, NW., Washington, DC 20036, (202) 857-3800.

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

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

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

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**

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

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

BILLING CODE 6712-01-P

**FEDERAL COMMUNICATIONS  
COMMISSION**

**47 CFR Part 73**

[MM Docket No. 98-28; RM-9234]

**Radio Broadcasting Services;  
Meyersdale, PA**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

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

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

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

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

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

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

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

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

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

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 98-6515 Filed 3-12-98; 8:45 am]

BILLING CODE 6712-01-P

### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[MM Docket No. 98-27, RM-9188]

#### Radio Broadcasting Services; Munds Park, AZ

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed by Dancing Terrapin Broadcasting seeking the allotment of FM Channel 291A to Munds Park, Arizona, as that locality's first local aural transmission

service. Petitioner is requested to provide additional information to establish Munds Park's status as a community for allotment purposes. Coordinates used for this proposal are 34-56-44 and 111-38-22.

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

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Gary A. Witte, President, Dancing Terrapin Broadcasting, 77 Gunsight Hills Drive, Sedona, AZ 86351.

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98-27, adopted February 25, 1998, and released March 6, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

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

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

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

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 98-6516 Filed 3-12-98; 8:45 am]

BILLING CODE 6712-01-P

### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 600

[I.D. 030398B]

#### Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Applications for Exempted Fishing Permits (EFPs)

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

**ACTION:** Notification of two proposals for EFPs to conduct experimental fishing; request for comments.

**SUMMARY:** NMFS issues this notice to announce that the Regional Administrator, Northeast Region, NMFS (Regional Administrator), is considering approval of two EFPs to conduct experimental fishing that would permit vessels to conduct operations otherwise restricted by regulations governing the Fisheries of the Northeastern United States. These EFPs to conduct experimental fishing would involve the possession and retention of northern shrimp (*Pandalus borealis*), including the possible capture and release of regulated multispecies and other bycatch, in the Small Mesh Northern Shrimp Exemption Area within the Gulf of Maine/Georges Bank Regulated Mesh Area. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act provisions require publication of this notice to provide interested parties the opportunity to comment on the proposed EFPs.

**DATES:** Comments on this notice must be received by March 30, 1998.

**ADDRESSES:** Comments should be sent to Andrew A. Rosenberg, Ph.D., Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark on the outside of the envelope "Comments on Proposed Shrimp Exempted Fishing Permits."

**FOR FURTHER INFORMATION CONTACT:** Bonnie VanPelt, Fishery Management Specialist, 978-281-9244.

**SUPPLEMENTARY INFORMATION:** The Maine Department of Marine Resources (MEDMR) has submitted two proposals to investigate the selectivity of different configuration and mesh size nets used to target northern shrimp (*Pandalus borealis*) within the Small Mesh Northern Shrimp Exemption Area.

The first experiment (Exp. 1) proposes to test experimental codend nets against

control codend nets to determine the mesh size and configuration that are most selective, i.e., that enables more juvenile shrimp to escape. The second experiment (Exp. 2) would employ the more selective net, as determined from the first experiment, as the control net. Exp. 2 would incorporate chafing gear by attaching it to the bottom half of some of the experimental codends to test whether the assessed selectivity factor would be altered in any way.

On February 5, 1998, MEDMR submitted two applications for EFPs to conduct the proposed projects. Exp. 1 and Exp. 2 would run consecutively, so that the results from Exp. 1 can ultimately determine the design of Exp. 2. Exp. 1 would begin as soon as possible and would involve up-to-10 commercial fishing vessels. Exp. 2 would follow Exp. 1 and would involve one specified vessel. Both experiments would be conducted on the proposed gear trials using otter trawls with properly configured Finfish Excluder

Devices. All trawl bodies and extensions would be comprised of 1- $\frac{3}{4}$  in (44.5 mm) 54 thread braided nylon diamond mesh. The codend would be at least 100 meshes long.

Exp. 1 proposes to conduct trawl surveys using five different experimental codend mesh sizes of different thread sizes against a control codend of 1- $\frac{1}{4}$  in (31.8 mm) mesh size. Phase 1 of Exp. 2 proposes to test experimental codends of different configurations and mesh sizes with one being modified by the addition of chafing gear to test for variability in selectivity. For this series of tows, the control codend would be the industry standard of 1- $\frac{3}{4}$  in (44.5 mm) diamond mesh. The second phase of Exp. 2 would conduct trawl surveys using the size and configuration net that has been determined to be more selective from Exp. 1 as a control against four experimental codends. The four experimental trawls will be assembled with a Nordmore grate system of 1 in

(25.4 mm) spacing. Finfish would be retained only for the purpose of obtaining length frequencies, and in all cases finfish would be released.

EFPs would be issued to participating vessels to exempt them from the mesh size, minimum fish size, and days-at-sea restrictions of the Northeast Multispecies Fishery Management Plan. Participating vessels will also carry a certificate exempting them from the minimum mesh size requirement of 1- $\frac{3}{4}$  in (44.5 mm) as established by the Atlantic States Marine Fisheries Commission for vessels enrolled in the Northern Shrimp Small Mesh Exemption Program.

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

Dated: March 9, 1998.

**Gary C. Matlock,**

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

[FR Doc. 98-6569 Filed 3-12-98; 8:45 am]

BILLING CODE 3510-22-F

# Notices

Federal Register

Vol. 63, No. 49

Friday, March 13, 1998

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

## DEPARTMENT OF AGRICULTURE

### Natural Resources Conservation Service

#### Proposed Change to Section IV of the Tennessee Field Office Technical Guide (FOTG) of the Natural Resources Conservation Service

**AGENCY:** U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS).

**ACTION:** Notice of availability of proposed changes in Section IV of the NRCS Field Office Technical Guide for review and comment.

**SUMMARY:** It is the intention of the NRCS in Tennessee to issue new or revised conservation practice standards in Section IV of the FOTG, as follows: Agrichemical Handling Facility (Code 203); Fencing (Code 382); Heavy Use Area Protection (Code 561); Nutrient Management (590); Waste Management System (Code 312); Waste Storage Facility (Code 313); and Waste Treatment Lagoon (Code 359).

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

**CONTACT FOR FURTHER INFORMATION:** Inquire in writing to James W. Ford, State Conservationist, Natural Resources Conservation Service (NRCS), 675 U.S. Courthouse, 801 Broadway, Nashville, Tennessee 37203. Copies of the practice standards will be made available upon written request.

**SUPPLEMENTARY INFORMATION:** Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 states that revisions made after enactment of the law to NRCS State Technical Guides used to carry out highly erodible land and wetland provisions of the law shall be made available for public review and comment. For the next 30 days, the NRCS in Tennessee will receive comments relative to the proposed changes. Following that period, a

determination will be made by the NRCS in Tennessee regarding disposition of those comments and a final determination of change will be made.

Dated: March 4, 1998.

**James W. Ford,**  
State Conservationist, Natural Resources Conservation Service, Nashville, Tennessee.  
[FR Doc. 98-6435 Filed 3-12-98; 8:45 am]  
BILLING CODE 3410-16-M

## ASSASSINATION RECORDS REVIEW BOARD

### Formal Determinations and Additional Releases

**AGENCY:** Assassination Records Review Board.

**ACTION:** Notice.

**SUMMARY:** The Assassination Records Review Board (Review Board) met in a closed meeting on February 17, 1998, and made formal determinations on the release of records under the President John F. Kennedy Assassination Records Collection Act of 1992 (JFK Act). By issuing this notice, the Review Board complies with the section of the JFK Act that requires the Review Board to publish the results of its decisions on a document-by-document basis in the **Federal Register** within 14 days of the date of the decision.

**FOR FURTHER INFORMATION CONTACT:** Peter Voth, Assassination Records Review Board, Second Floor, Washington, D.C. 20530, (202) 724-0088, fax (202) 724-0457.

**SUPPLEMENTARY INFORMATION:** This notice complies with the requirements of the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107.9(c)(4)(A) (1992). On February 17, 1998, the Review Board made formal determinations on records it reviewed under the JFK Act. These determinations are listed below. The assassination records are identified by the record identification number assigned in the President John F. Kennedy Assassination Records Collection database maintained by the National Archives.

### Notice of Formal Determinations

For each document, the number of postponements sustained immediately follows the record identification

number, followed, where appropriate, by the date the document is scheduled to be released or re-reviewed.

CIA Documents: Postponed in Part

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 194-10003-10363; 3; 10/2017  
 197-10002-10170; 2; 10/2017  
 198-10004-10053; 4; 10/2017  
 198-10004-10208; 4; 10/2017  
 198-10005-10012; 3; 10/2017  
 198-10005-10013; 4; 10/2017  
 198-10005-10014; 1; 10/2017

**Board Determination on Internal U.S. Army Referral**

At its February 17, 1996 meeting, the Review Board voted to release in full, with the exception of social security numbers (which shall be postponed until the year 2017), Department of the Army Inspector General equities present in a 1,216 page referral received from the Army's Investigative Records Repository (IRR). The referral pages are part of the overall IRR case file on Richard Case Nagell, which consists of approximately 1,517 pages. Once the complete case file is processed by IRR, document numbers will be assigned on

the RIFs created by IRR; but at the present time, the action reported was taken on a subset of a larger file, not yet identified by number, referred internally within the Army.

**Notice of Additional Releases**

After consultation with appropriate Federal agencies, the Review Board announces that the following Federal Bureau of Investigation records are now being opened in full:

124-10104-10257; 124-10104-10258; 124-10104-10259; 124-10104-10260; 124-10104-10261; 124-10104-10262; 124-10104-10263; 124-10104-10264; 124-10104-10265; 124-10104-10266; 124-10104-10267; 124-10104-10268; 124-10104-10269; 124-10104-10270; 124-10104-10271; 124-10104-10272; 124-10104-10273; 124-10104-10274; 124-10104-10275; 124-10104-10276; 124-10104-10277; 124-10104-10278; 124-10104-10279; 124-10104-10280; 124-10104-10281; 124-10104-10282; 124-10104-10283; 124-10104-10284; 124-10104-10285; 124-10104-10286; 124-10104-10287; 124-10104-10288; 124-10104-10289; 124-10104-10290; 124-10104-10291; 124-10104-10292; 124-10104-10293; 124-10104-10294; 124-10104-10295; 124-10104-10296; 124-10104-10297; 124-10104-10298; 124-10104-10299; 124-10104-10300; 124-10104-10301; 124-10104-10302; 124-10104-10303; 124-10104-10304; 124-10104-10305; 124-10104-10306; 124-10104-10309; 124-10104-10310; 124-10104-10311; 124-10104-10312; 124-10104-10313; 124-10104-10315; 124-10104-10316; 124-10104-10317; 124-10104-10318; 124-10104-10319; 124-10104-10320; 124-10104-10321; 124-10104-10322; 124-10104-10323; 124-10104-10324; 124-10104-10326; 124-10104-10327; 124-10104-10328; 124-10104-10329; 124-10104-10330; 124-10104-10331; 124-10104-10332; 124-10104-10333; 124-10104-10334; 124-10104-10335; 124-10104-10336; 124-10104-10337; 124-10104-10339; 124-10104-10340; 124-10104-10341; 124-10104-10342; 124-10104-10344; 124-10104-10345; 124-10104-10346; 124-10104-10347; 124-10104-10348; 124-10104-10349; 124-10104-10350; 124-10104-10351; 124-10104-10352; 124-10104-10353; 124-10104-10354; 124-10104-10355; 124-10104-10356; 124-10104-10357; 124-10104-10358; 124-10104-10359; 124-10104-10360; 124-10104-10361; 124-10104-10362; 124-10104-10363; 124-10104-10364; 124-10104-10365; 124-10104-10366; 124-10104-10367; 124-10104-10368; 124-10104-10369; 124-10104-10370; 124-10104-10371; 124-10104-10372; 124-10104-10373; 124-10104-10374; 124-10104-10375; 124-10104-10376; 124-10104-10377; 124-10104-10378; 124-10104-10379; 124-10104-10380; 124-10104-10381; 124-10104-10382; 124-10104-10383; 124-10104-10384; 124-10104-10385; 124-10104-10386; 124-10104-10387; 124-10104-10388; 124-

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10281-10149; 124-10281-10151; 124-10281-10152; 124-10281-10153; 124-10281-10154; 124-10282-10486; 124-10282-10487; 124-10282-10489; 124-10282-10492; 124-10282-10493; 124-10286-10395; 124-10286-10396; 124-10286-12397; 124-10288-10391; 124-10288-10393; 124-10288-10394; 124-10288-10396; 124-10288-10397; 124-10289-10389; 124-10289-10390; 124-10289-10391; 124-10289-10392; 124-10289-10393; 124-10289-10396; 124-10289-10397; 124-10289-10399; 124-10289-10400; 124-10289-10401; 124-10289-10402; 124-10289-10403; 124-10289-10404; 124-10289-10405; 124-10289-10406; 124-10289-10407; 124-10289-10408; 124-10289-10409; 124-10289-10411; 124-10289-10413; 124-10289-10414; 124-10289-10415; 124-10289-10416; 124-10289-10417; 124-10289-10418; 124-10289-10419; 124-10289-10422; 124-10289-10423; 124-10289-10424; 124-10289-10425; 124-10289-10426; 124-10289-10427; 124-10289-10428; 124-10289-10429; 124-10289-10430; 124-10289-10431; 124-10289-10432; 124-10289-10434; 124-10289-10435; 124-10289-10436; 124-10289-10437; 124-10289-10438; 124-10290-10433; 124-10290-10434; 124-10290-10435; 124-10290-10436; 124-10291-10196; 124-10291-10305; 124-10291-10307; 124-10291-10308; 124-10291-10309; 124-10291-10311; 124-10292-10158; 124-10292-10159; 124-10292-10160; 124-10292-10161; 124-10292-10162; 124-10292-10163; 124-10292-10163; 124-10292-10166; 124-10292-10167; 124-10292-10278; 124-10292-10280; 124-10292-10280; 124-10292-10281; 124-10292-10282; 124-10292-10285; 124-10292-10288; 124-10292-10293; 124-10292-10295; 124-10292-10297; 124-10292-10298; 124-10292-10299; 124-10292-10300; 124-10292-10301; 124-10292-10302; 124-10292-10303; 124-10296-10042; 124-10296-10043; 124-10296-10050; 124-10296-10051; 124-10296-10129; 124-10296-10132; 124-10296-10133; 124-10296-10153; 124-10296-10160; 124-10296-10161; 124-10298-10002; 124-10298-10003; 124-10298-10005; 124-10298-10007; 124-10298-10008; 124-10298-10031; 124-10298-10032; 124-10298-10033; 124-10298-10035; 124-10298-10040; 124-10298-10169; 124-10299-10004; 124-10299-10005; 124-10299-10007; 124-10299-10009; 124-10299-10010; 124-10299-10011; 124-10299-10012; 124-10299-10013; 124-10299-10014; 124-10299-10017; 124-10299-10018; 124-10299-10019; 124-10299-10020; 124-10299-10022; 124-10299-10023; 124-10299-10024; 124-10301-10000; 124-10301-10001; 124-10301-10002; 124-10301-10003; 124-10301-10078; 124-10301-10081; 124-10301-10084; 124-10301-10086; 124-10301-10094; 124-10301-10095; 124-10301-10100; 124-10301-10105; 124-10301-10112; 124-10301-10115; 124-10301-10116; 124-10301-10118; 124-10301-10119; 124-10301-10121; 124-10301-10125; 124-10301-10127; 124-

10301-10129; 124-10301-10130; 124-10301-10132; 124-10301-10134; 124-10301-10135; 124-10301-10137; 124-10301-10138; 124-10301-10140; 124-10301-10141; 124-10301-10231; 124-10301-10263; 124-10301-10265; 124-10301-10269; 124-10301-10270; 124-10302-10280; 124-10302-10285; 124-10302-10286; 124-10302-10289; 124-10302-10290; 124-10302-10291; 124-10302-10292; 124-10302-10294; 124-10302-10295; 124-10302-10296; 124-10302-10297; 124-10302-10329; 124-10303-10105; 124-10303-10108; 124-10303-10109; 124-10303-10110; 124-10303-10111; 124-10303-10112; 124-10303-10114; 124-10303-10115; 124-10303-10116; 124-10303-10118; 124-10303-10119; 124-10303-10151; 124-90021-10079; 124-90021-10082; 124-90021-10091; 124-90021-10092; 124-90021-10097; 124-90021-10099; 124-90021-10101; 124-90023-10003; 124-90023-10005; 124-90023-10006; 124-90023-10007; 124-90023-10008; 124-90023-10009; 124-90023-10010; 124-90023-10011; 124-90023-10013; 124-90023-10016; 124-90023-10017; 124-90023-10018; 124-90023-10019; 124-90023-10020; 124-90023-10021; 124-90023-10022; 124-90023-10023; 124-90025-10004; 124-90025-10005; 124-90025-10006; 124-90025-10010; 124-90025-10011; 124-90025-10017; 124-90025-10022; 124-90025-10024; 124-90025-10025; 124-90025-10026; 124-90025-10027; 124-90025-10028; 124-90025-10029; 124-90025-10030; 124-90025-10031; 124-90025-10032; 124-90025-10033; 124-90025-10034; 124-90025-10035; 124-90025-10036; 124-90025-10037; 124-90025-10038; 124-90025-10039; 124-90025-10040; 124-90025-10041; 124-90025-10042; 124-90025-10043; 124-90025-10044; 124-90025-10045; 124-90025-10046; 124-90025-10048; 124-90025-10049; 124-90025-10052; 124-90025-10058; 124-90025-10077; 124-90025-10079; 124-90025-10080; 124-90025-10090; 124-90025-10091; 124-90025-10093; 124-90025-10094; 124-90025-10100; 124-90025-10101; 124-90025-10102; 124-90025-10103; 124-90025-10104; 124-90025-10105; 124-90025-10106; 124-90025-10107; 124-90025-10108; 124-90025-10109; 124-90027-10001

After consultation with appropriate Federal agencies, the Review Board announces that the following Central Intelligence Agency records are now being opened in full:

104-10115-10030; 104-10132-10010; 104-10132-10011; 104-10132-10031; 104-10132-10068; 104-10132-10078; 104-10132-10079; 104-10132-10080; 104-10132-10081; 104-10132-10082; 104-10132-10098; 104-10132-10099; 104-10132-10103; 104-10132-10110; 104-10132-10124; 104-10132-10125; 104-10132-10153; 104-10132-10154; 104-10132-10160; 104-10132-10170; 104-10132-10177; 104-10132-10184; 104-10132-10227; 104-10132-10240; 104-

10132-10242; 104-10132-10243; 104-10132-10309; 104-10132-10311; 104-10132-10313; 104-10132-10314; 104-10132-10315; 104-10132-10327; 104-10132-10328; 104-10132-10330; 104-10132-10331; 104-10132-10340; 104-10132-10341; 104-10132-10364; 104-10132-10375; 104-10132-10382; 104-10132-10384

After consultation with appropriate Federal agencies, the Review Board announces that the following House Select Committee on Assassinations records are now being opened in full:

180-10046-10292; 180-10067-10480; 180-10070-10422; 180-10070-10486; 180-10070-10489; 180-10072-10261; 180-10073-10136; 180-10074-10268; 180-10075-10054; 180-10075-10427; 180-10077-10265; 180-10077-10270; 180-10077-10462; 180-10077-10463; 180-10077-10483; 180-10077-10491; 180-10078-10367; 180-10078-10448; 180-10078-10472; 180-10084-10452; 180-10089-10316; 180-10089-10478; 180-10091-10407; 180-10091-10475; 180-10092-10308; 180-10093-10060; 180-10095-10262; 180-10095-10289; 180-10095-10332; 180-10095-10418; 180-10096-10048; 180-10096-10079; 180-10096-10099; 180-10096-10462; 180-10097-10224; 180-10097-10486; 180-10098-10327; 180-10099-10444; 180-10100-10127; 180-10101-10019; 180-10101-10160; 180-10101-10307; 180-10101-10419; 180-10102-10076; 180-10102-10096; 180-10103-10174; 180-10103-10175; 180-10103-10176; 180-10103-10177; 180-10103-10178; 180-10103-10179; 180-10103-10180; 180-10103-10181; 180-10103-10182; 180-10103-10183; 180-10103-10184; 180-10103-10185; 180-10103-10186; 180-10103-10187; 180-10103-10188; 180-10103-10189; 180-10103-10190; 180-10103-10191; 180-10103-10192; 180-10103-10193; 180-10103-10194; 180-10103-10195; 180-10103-10196; 180-10103-10197; 180-10103-10198; 180-10103-10199; 180-10103-10200; 180-10103-10201; 180-10103-10202; 180-10103-10203; 180-10103-10204; 180-10103-10205; 180-10103-10207; 180-10103-10208; 180-10103-10209; 180-10103-10210; 180-10103-10211; 180-10103-10213; 180-10103-10214; 180-10103-10215; 180-10103-10216; 180-10103-10217; 180-10103-10218; 180-10104-10290; 180-10104-10293; 180-10104-10411; 180-10105-10158; 180-10105-10160; 180-10105-10251; 180-10105-10253; 180-10105-10258; 180-10105-10259; 180-10105-10260; 180-10105-10261; 180-10105-10262; 180-10105-10265; 180-10105-10266; 180-10105-10267; 180-10105-10269; 180-10105-10289; 180-10105-10311; 180-10105-10312; 180-10105-10313; 180-10105-10316; 180-10106-10020; 180-10106-10460; 180-10107-10483; 180-10107-10485; 180-10107-10491; 180-10107-10494; 180-10107-10497; 180-10108-10063; 180-10108-10068; 180-10108-10074; 180-10108-10075; 180-10108-10080; 180-

10108-10229; 180-10110-10069; 180-10112-10438; 180-10112-10472; 180-10113-10415; 180-10113-10417; 180-10113-10418; 180-10115-10026; 180-10115-10027; 180-10115-10030; 180-10115-10031; 180-10115-10032; 180-10115-10034; 180-10115-10036; 180-10115-10037; 180-10115-10038; 180-10115-10039; 180-10115-10040; 180-10115-10042; 180-10115-10043; 180-10115-10052; 180-10115-10060; 180-10115-10067; 180-10115-10119; 180-10116-10096; 180-10117-10038; 180-10125-10173

After consultation with appropriate Federal agencies, the Review Board announces that the following Johnson Library records are now being opened in full:

177-10001-10038; 177-10001-10066; 177-10001-10084; 177-10001-10085; 177-10001-10090; 177-10001-10092; 177-10001-10095; 177-10001-10103; 177-10001-10112; 177-10001-10123; 177-10001-10124; 177-10001-10125; 177-10001-10131; 177-10001-10133; 177-10001-10136; 177-10001-10140; 177-10001-10299; 177-10001-10300; 177-10001-10311; 177-10001-10312; 177-10001-10313; 177-10001-10314; 177-10001-10316; 177-10001-10317; 177-10001-10318; 177-10001-10319; 177-10001-10325; 177-10001-10327; 177-10001-10343; 177-10001-10351; 177-10001-10386; 177-10001-10392; 177-10001-10442; 177-10001-10443; 177-10001-10446; 177-10001-10452; 177-10001-10457; 177-10001-10461; 177-10001-10463; 177-10001-10467; 177-10001-10477; 177-10001-10479; 177-10001-10480; 177-10001-10490; 177-10001-10497; 177-10002-10007; 177-10002-10013; 177-10002-10018; 177-10002-10024; 177-10002-10028; 177-10002-10029; 177-10002-10030; 177-10002-10031; 177-10002-10041; 177-10002-10059; 177-10002-10060; 177-10002-10065; 177-10002-10066; 177-10002-10082; 177-10002-10091

After consultation with appropriate Federal agencies, the Review Board announces that the following U.S. Army record is now being opened in full:

194-10003-10334

Dated: February 26, 1998.

**T. Jeremy Gunn,**

*Executive Director.*

[FR Doc. 98-6440 Filed 3-12-98; 8:45 am]

BILLING CODE 6118-01-P

## BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

### Agency Information Collection Activities Under OMB Review

**AGENCY:** Barry Goldwater Scholarship and Excellence in Education Foundation.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information and its expected cost and burden.

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

**FOR FURTHER INFORMATION CONTACT:** Gerald J. Smith, (703) 756-6012; FAX: (703) 756-6015; E-mail: [goldh2o@erols.com](mailto:goldh2o@erols.com).

#### SUPPLEMENTARY INFORMATION:

**Title:** Goldwater Scholarship Payment Request form (OMB NO. 3019-0001). This is a request for an extension of a currently approved information collection.

**Abstract:** Public Law 99-166 authorizes The Goldwater Foundation to conduct an annual nationwide undergraduate scholarship competition for students pursuing careers in mathematics, the natural sciences and engineering. This Information Collection Form is used by the Foundation to verify a Goldwater Scholarship recipient's academic standing and to authorize the disbursement of funds to the Scholar each term.

The Foundation uses this form to ensure that only authorized expenses are requested and to avoid the duplication of other scholarship funding, which is prohibited. Less frequent collection of this information would not allow the Foundation to verify a Scholar's academic and financial status as required, each term. Further, less frequent collection would cause the Foundation to expend funds sooner than would be fiscally responsible, since all funds are interest bearing until expended. Data Collected Include: Current School and Home addresses; Current cost of tuition, fees, books, room and board and additional expenses; list of other scholarships and verification signatures of the Scholar, academic and financial aid officers.

An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The Federal Register Notice with a 60-day comment period soliciting comments on this collection of information was published on October 6, 1997 (62 FR 52084).

**Burden Statement:** The estimated public reporting burden for this

collection of information is 45 minutes per respondent semi-annually. This estimate includes the time for reviewing instructions, inserting data and acquiring necessary signatures.

**Respondents/Affected Entities:** Those affected by this action include Goldwater Scholars, their respective Academic and Financial Aid Officers and the Goldwater Staff.

**Estimated Number of Respondents:** 400.

**Responses:** 2 per school year.

**Estimated Total Annual Burden on Respondents:** 600 hours per year.

**Recordkeepers:** 2.

**Total Burden Hours:** 200.

Send comments regarding the burden estimate or any other aspect of the information collection, including suggestions for reducing the burden to the following addresses: Gerald J. Smith, President, Barry Goldwater Scholarship and Excellence in Education Foundation, 6225 Brandon Avenue, Suite 315, Springfield, VA 22150-2519 and Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Education, 725 17th Street, NW., Washington, DC 20503.

Dated: March 2, 1998.

**Gerald J. Smith,**

*President.*

[FR Doc. 98-6439 Filed 3-12-98; 8:45 am]

BILLING CODE 6820-AK-M

## COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

### Procurement List; Proposed Additions and Deletions

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Proposed additions to and deletions from Procurement List.

**SUMMARY:** The Committee has received proposals to add to the Procurement List commodities to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete commodities and services previously furnished by such agencies.

**COMMENTS MUST BE RECEIVED ON OR BEFORE:** April 13, 1998.

**ADDRESS:** Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202-4302.

**FOR FURTHER INFORMATION CONTACT:** Beverly Milkman (703) 603-7740.

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

#### Additions

If the Committee approves the proposed addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities.

3. The action will result in authorizing small entities to furnish the commodities to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodities proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodities have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Office and Miscellaneous Supplies

(Requirements for the GSA Supply Center, Norfolk, Virginia)

NPA: Virginia Industries for the Blind, Richmond, Virginia at its facility in Charlottesville, Virginia

Pen, Push Cap, Black  
M.R. 019

NPA: West Texas Lighthouse for the Blind, San Angelo, Texas

Sling, F/M4 Carbine  
1005-01-368-9852

NPA: Susquehanna Association for the Blind and Visually Impaired, Lancaster, Pennsylvania

#### Deletions

I certify that the following action will not have a significant impact on a

substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action does not appear to have a severe economic impact on future contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodities and services proposed for deletion from the Procurement List.

The following commodities and services have been proposed for deletion from the Procurement List:

#### *Door Knob Conversion Kit*

5340-01-392-6940

5340-01-392-6941

5340-01-392-6944

5340-01-392-6945

5340-01-394-3872

5340-01-392-6943

5340-01-392-6942

5340-01-392-6949

5340-01-395-2928

5340-01-392-6951

5340-01-392-6946

5340-01-392-6950

5340-01-392-6948

5340-01-392-6947

5340-01-392-6954

5340-01-392-6955

5340-01-392-6953

5340-01-392-6958

5340-01-392-6952

5340-01-392-6956

5340-01-392-6959

5340-01-392-6957

5340-01-392-6960

5340-01-392-6962

5340-01-392-6963

5340-01-392-6961

5340-01-394-3873

5340-01-392-6967

5340-01-393-8586

5340-01-393-8585

5340-01-393-8587

5340-01-393-8588

5340-01-393-8589

5340-01-393-8590

5340-01-393-8591

5340-01-394-0238

5340-01-394-0239

5340-01-394-0237

5340-01-394-0240

5340-01-394-3874

5340-01-394-0241

5340-01-394-0242

5340-01-394-0244

5340-01-394-0243

5340-01-391-3805

5340-01-391-8170

5340-01-394-0246

5340-01-394-0247

5340-01-394-7991

5340-01-394-7992

5340-01-394-7994

5340-01-394-7996

5340-01-394-7993

5340-01-394-7995

5340-01-395-1173

5340-01-394-0245

#### Services

Commissary Shelf Stocking & Custodial  
Fort Hamilton, New York

Grounds Maintenance

Naval and Marine Corps Reserve Center,  
Dayton, Ohio

Janitorial/Custodial

Valley Grove AMSA, Valley Grove, West  
Virginia

**Beverly L. Milkman,**

*Executive Director.*

[FR Doc. 98-6518 Filed 3-12-98; 8:45 am]

BILLING CODE 6353-01-P

### COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

#### Procurement List; Additions and Deletions

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Additions to and deletions from the procurement list.

**SUMMARY:** This action adds to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List commodities previously furnished by such agencies.

**EFFECTIVE DATE:** April 13, 1998.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202-4302.

**FOR FURTHER INFORMATION CONTACT:** Beverly Milkman (703) 603-7740.

**SUPPLEMENTARY INFORMATION:** On January 16, 23 and 30, 1998, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (63 FR. 2659, 3535 and 4624) of proposed additions to and deletions from the Procurement List:

#### Additions

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services and impact of the additions on the current or most recent contractors, the Committee has determined that the services listed

below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will not have a severe economic impact on current contractors for the services.

3. The action will result in authorizing small entities to furnish the services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the services proposed for addition to the Procurement List.

Accordingly, the following services are hereby added to the Procurement List:

*Grounds Maintenance*

Credit Union, Building 2680, Edwards Air Force Base, California

*Janitorial/Custodial*

U.S. Coast Guard Air Station, Sitka, Alaska

*Janitorial/Custodial*

C.W. Whittlesey U.S. Army Reserve Center, 200 Barker Road, Pittsfield, Massachusetts

*Janitorial/Custodial*

Buildings 1000, 1001, 1002, 20129, 20130, 20168, 20200, 20201, 20206, 20227, 20228, 20375, 20405, 20410, 20412, 20414, 20420, 20449, 20451, 20600, 20673, 20674, 20675, 20676, 20678-20683, 20687, 20707, 48025, 57001, 57011, 66001, 66006, 66014, 66017, 66029, 66041, 66047, 66049, 66071, 20202D, 20451A-J and 20602AB, Kirtland Air Force Base, New Mexico

*Janitorial/Custodial*

Buildings 201, 381, 460, 467, 482, 585, 605, 617, 618, 619, 702, 760, 760-3, 762, 763, 765, 916, 926, 945, 996, 1010, 1013, 1015, 1025, 1032, 1037, 1048, 1049, 7906, 20216, 20219, 20220, 20226, 20234, 20360-20364, 20369, 20724, 20749, 20752, 20754, 22004, 27494, 30117, 30134 and 30136, Kirtland Air Force Base, New Mexico

*Laundry Service*

Medical Clinics (BMC NS, NAS), San Diego, California

*Library Services*

Travis Air Force Base, California

*Locator Operator*

Department of Housing and Urban Development, Washington, DC

*Switchboard Operation*

Veterans Affairs Medical Center, 5901 East Seventh Street, Long Beach, California  
This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

**Deletions**

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action will not have a severe economic impact on future contractors for the commodities.

3. The action will result in authorizing small entities to furnish the commodities the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodities deleted from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

Accordingly, the following commodities are hereby deleted from the Procurement List:

Cloth, Filter  
8305-LL-N01-7278

(Requirements for the Naval Supply Center, Puget Sound, WA)

Cloth, Wiping 6532-LL-N83-0490  
6532-LL-N83-0491

(Requirements for the Norfolk Naval Shipyard, Portsmouth, VA)

7920-LL-L01-0013  
7920-LL-L01-0014

(Requirements for Portsmouth Naval Shipyard, Portsmouth, NH)

7920-LL-L03-6103  
7920-LL-L03-6134

(Requirements for Pearl Harbor Naval Shipyard, Pearl Harbor, HI)

7930-00-NSH-0003  
7930-00-NSH-0004  
7930-00-NSH-0005

(Requirements for the Naval Supply Center, Charleston, SC)

7930-LL-C00-3782  
7930-LL-C00-2768

(Requirements for the Mare Island Naval Shipyard, Vallejo, CA)

Napkin, Paper

8540-00-149-1601

**Beverly L. Milkman,**

*Executive Director.*

[FR Doc. 98-6519 Filed 3-12-98; 8:45 am]

BILLING CODE 6353-01-P

**DEPARTMENT OF COMMERCE**

**Foreign-Trade Zones Board**

[Docket No. 12-98]

**Foreign-Trade Zone 125—South Bend, Indiana; Application for Foreign-Trade Subzone Status: Bayer Corporation (Aspirin Products), Elkhart, Indiana**

Application has been submitted to the Foreign-Trade Zones Board (the Board) by the St. Joseph County Airport Authority, grantee of FTZ 125, requesting special-purpose subzone status for the pharmaceutical manufacturing facility (aspirin products) of Bayer Corporation (Bayer), located in Elkhart, Indiana. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 4, 1998.

The Bayer facility (1 building/333,194 sq. ft.) is located at 1884 Miles Avenue in Elkhart (St. Joseph County), Indiana. The facility (400 employees) is used for the manufacture of over-the-counter cold medicines and antacid products containing aspirin. The primary material input is bulk aspirin—ortho-acetylsalicylic acid (HTSUS 2918.22.10), which the company currently purchases from a domestic source. Bayer is now planning to purchase bulk aspirin from abroad (up to some 450,000 kg./yr.).

Zone procedures would enable Bayer to choose the lower duty rate that applies to the finished products (duty-free) instead of the duty rate that would otherwise apply to foreign bulk aspirin (duty rate—8.7%). The application indicates that the savings from zone procedures would help improve the plant's competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 12, 1998. Rebuttal comments in response to material

submitted during the foregoing period may be submitted during the subsequent 15-day period to May 27, 1998. A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

Office of the Executive Secretary,  
Foreign-Trade Zones Board, U.S.  
Department of Commerce, Room  
3716, 14th and Pennsylvania Avenue,  
N.W., Washington, D.C. 20230  
U.S. Department of Commerce Export  
Assistance Center 55 West Monroe  
St., Suite 2440, Chicago, Illinois  
60603.

Dated: March 16, 1998.

**Dennis Puccinelli,**

*Acting Executive Secretary.*

[FR Doc. 98-6564 Filed 3-12-98; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Docket 11-98]

#### **Foreign-Trade Zone 147—Reading, Pennsylvania; Application for Foreign-Trade Subzone Status: Bayer Corporation (Aspirin Products), Myerstown, Pennsylvania**

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Foreign Trade Zone Corporation of Southeastern Pennsylvania, grantee of FTZ 147, requesting special-purpose subzone status for the pharmaceutical manufacturing facility (aspirin products) of Bayer Corporation (Bayer), located in Myerstown, Pennsylvania. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 4, 1998.

The Bayer facility (2 buildings/177,000 sq. ft.) is located at 410 West Stoeber Avenue in Myerstown (Lebanon County), Pennsylvania. The facility (175 employees) is used for the manufacture of over-the-counter aspirin products. The primary material input is bulk aspirin—ortho-acetylsalicylic acid (HTSUS 2918.22.10), which the company currently purchases from a domestic source. Bayer is now planning to purchase bulk aspirin from abroad (up to some 950,000 kg./yr.).

Zone procedures would enable Bayer to choose the lower duty rate that applies to the finished products (duty-free) instead of the duty rate that would otherwise apply to foreign bulk aspirin

(duty rate—8.7%). The application indicates that the savings from zone procedures would help improve the plant's competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 21, 1998. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to May 27, 1998. A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

Office of the Executive Secretary,  
Foreign-Trade Zones Board, U.S.  
Department of Commerce, Room  
3716, 14th and Pennsylvania Avenue,  
N.W., Washington, D.C. 20230  
U.S. Department of Commerce Export  
Assistance Center, 615 Chestnut St.,  
Suite 1501, Philadelphia,  
Pennsylvania 19106.

Dated: March 6, 1998.

**Dennis Puccinelli,**

*Acting Executive Secretary.*

[FR Doc. 98-6563 Filed 3-12-98; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-201-805]

#### **Circular Welded Non-Alloy Steel Pipe From Mexico; Notice of Rescission of Antidumping Duty Administrative Review**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of Rescission of Antidumping Duty Administrative Review.

**EFFECTIVE DATE:** March 13, 1998.

**SUMMARY:** On January 26, 1998, the Department of Commerce ("the Department") published in the **Federal Register** (63 FR 3702), a notice announcing the initiation of an administrative review of the antidumping duty order on Circular Welded Non-Alloy Steel Pipe from Mexico. This review covered the period November 1, 1996 through October 31,

1997. This review has now been rescinded as a result of the withdrawal of the request for review of subject merchandise during the period of review.

**FOR FURTHER INFORMATION CONTACT:**

Stephanie Tolson or Helen Kramer, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230; telephone (202) 482-2312 or 482-0405, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On November 28, 1997, Hylsa, S.A. de C.V. (Hylsa) requested a review of its sales that were subject to the antidumping duty order on Circular Welded Non-Alloy Steel Pipe from Mexico during the period November 1, 1996 through October 31, 1997. On February 27, 1998, in accordance with Section 351.213(d)(1) of the Department's regulations, Hylsa withdraw the request for a review of these sales.

Given that the request was received within 90 days of initiation, the Department has determined that it would be reasonable to grant the withdrawal at this time. Therefore, in accordance with 353.213(d) of the Department's regulations, the Department is rescinding this administrative review.

This administrative review is being rescinded in accordance with Section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and Section 351.213(d)(1) of the Department's regulations.

Dated: March 9, 1998.

**Joseph A. Spetrini,**

*Deputy Assistant Secretary, Enforcement Group III.*

[FR Doc. 98-6549 Filed 3-12-98; 8:45 am]

BILLING CODE 3510-DS-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-840]

#### **Manganese Metal From the People's Republic of China; Final Results and Partial Rescission of Antidumping Duty Administrative Review**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of final results of the administrative review of the antidumping duty order on manganese

metal from the People's Republic of China.

**SUMMARY:** On Friday November 7, 1997 the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on manganese metal from the People's Republic of China. The period of review is June 14, 1995 through January 31, 1997.

Based on our analysis of comments received, we have made changes to the margins calculated in the preliminary results, including corrections of certain clerical errors. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margins are listed below in the section entitled "Final Results of Review."

We have determined that sales have been made below normal value during the period of review. Accordingly, we will instruct the US Customs Service to assess antidumping duties based on the difference between export price and normal value.

**EFFECTIVE DATE:** March 13, 1998.

**FOR FURTHER INFORMATION CONTACT:** Greg Campbell or Cynthia Thirumalai, Antidumping/Countervailing Duty Enforcement, Group I, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482-2239 or (202) 482-4087, respectively.

**APPLICABLE STATUTE AND REGULATIONS:** Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the "Act"), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act ("URAA"). In addition, all references to the Department's regulations are to 19 CFR Part 353 (April 1997).

**SUPPLEMENTARY INFORMATION:**

### Background

On November 7, 1997, the Department of Commerce ("the Department") published in the **Federal Register** the preliminary results of the administrative review of the antidumping duty order on manganese metal from the People's Republic of China ("PRC"). See Manganese Metal from the People's Republic of China; Preliminary Results of Antidumping Duty Administrative Review, 62 FR 60226 (November 7, 1997) ("Preliminary Results"). We gave interested parties an opportunity to comment on our preliminary results and held a public hearing on November 19,

1997. The following parties submitted comments: Elkem Metals Company and Kerr-McGee Chemical Corporation (together comprising the "petitioners"), and China Hunan International Economic Development Corporation ("HIED") and China Metallurgical Import & Export Hunan Corporation/Hunan Nonferrous Metals Import & Export Associated Corporation ("CMIECHN/CNIECHN") (together comprising the "respondents"). We have conducted this administrative review in accordance with section 751(a)(1) of the Act and 19 CFR 353.22.

### Scope of Review

The merchandise covered by this review is manganese metal, which is composed principally, by weight, of manganese, but also contains some impurities such as carbon, sulfur, phosphorous, iron and silicon. Manganese metal contains by weight not less than 95 percent manganese. All compositions, forms and sizes of manganese metal are included within the scope of this administrative review, including metal flake, powder, compressed powder, and fines. The subject merchandise is currently classifiable under subheadings 8111.00.45.00 and 8111.00.60.00 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

### Rescission

The Department received responses from Minmetals Precious & Rare Minerals Import & Export Co. ("Minmetals") and China National Electronics Import and Export Hunan Company ("CEIEC") indicating that they had not shipped any subject merchandise during the POR. We confirmed with the US Customs Service that this was correct. Consistent with our administrative practice, therefore, we have rescinded our review of Minmetals and CEIEC. See Certain Cased Pencils from the People's Republic of China; Preliminary Results and Partial Rescission of Antidumping Administrative Review, 62 FR 1734 (January 13, 1997) (rescinded review in part with respect to the respondents which the Department determined had made no shipments of subject merchandise during the POR). See also 19 CFR 351.213(d)(3), 62 FR 27296 (May 19, 1997) (although this review is not governed by these new regulations, they do reflect current Department practice.).

### Separate Rates

It is the Department's standard policy to assign all exporters of the merchandise subject to review in non-market economy ("NME") countries a single rate unless an exporter can demonstrate an absence of government control, both in law and in fact, with respect to exports. To establish whether an exporter is sufficiently independent of government control to be entitled to a separate rate, the Department analyzes the exporter in light of the criteria established in the Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China, 56 FR 20588, (May 6, 1991) ("Sparklers"), as amplified in the Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China, 59 FR 22585 (May 2, 1994) ("Silicon Carbide"). Evidence supporting, though not requiring, a finding of de jure absence of government control over export activities includes: (1) an absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; and (3) any other formal measures by the government decentralizing control of companies. See Sparklers at 20589. A de facto analysis of absence of government control over exports is based on four factors—whether the respondent: (1) sets its own export prices independent from the government and other exporters; (2) can retain the proceeds from its export sales; (3) has the authority to negotiate and sign contracts; and (4) has autonomy from the government regarding the selection of management. See Silicon Carbide at 22587, and Sparklers at 20589.

In our final determination in the investigation of sales at less than fair value ("LTFV"), the Department determined that there was de jure and de facto absence of government control of each company's export activities and determined that each company warranted a company-specific dumping margin. See Final Determination of Sales at Less Than Fair Value: Manganese Metal from the People's Republic of China, 60 FR 56045 (February 6, 1996) ("LTFV investigation"). For this period of review, HIED and CMIECHN/CNIECHN have responded to the Department's request for information regarding separate rates. We have found that the evidence on the record is consistent with the final determination in the LTFV investigation and continues to demonstrate an absence of government

control, both in law and in fact, with respect to their exports, in accordance with the criteria identified in Sparklers and Silicon Carbide.

### Export Price

For sales made by HIED and CMIECHN/CNIECHN to the United States, we calculated an export price, in accordance with section 772(a) of the Act, because the subject merchandise was sold to unrelated purchasers in the United States prior to importation into the United States and a constructed export price ("CEP") methodology was not warranted.

We calculated the export price based on the price to unrelated purchasers in the United States. Where appropriate we deducted an amount for foreign inland freight, ocean freight, and marine insurance. Generally, these costs were valued in the surrogate country. However, where transportation services were purchased from market economy carriers and paid for in market economy currency, we used the cost actually incurred by the exporter.

### Normal Value

#### 1. Non-Market Economy Status

For companies located in NME countries, section 773(c) (1) of the Act provides that the Department shall determine normal value ("NV") using a factors of production methodology if (1) the merchandise is exported from an NME country, and (2) the information does not permit the calculation of NV using home-market prices, third-country prices, or constructed value under section 773(a) of the Act.

The Department has treated the PRC as an NME country in all previous antidumping cases. In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is a NME country shall remain in effect until revoked by the administering authority. None of the parties to this proceeding has contested such treatment in this review. Furthermore, available information does not permit the calculation of NV using home market prices, third country prices or constructed value ("CV") under section 773(a) of the Act. Therefore, we treated the PRC as an NME country for purposes of this review, and calculated NV by valuing the factors of production in a market economy country at a comparable level of economic development and which is a significant producer of comparable merchandise. Factors of production include, but are not limited to: (1) hours of labor required; (2) quantities of raw materials employed; (3) amounts of energy and

other utilities consumed; and (4) representative capital cost, including depreciation. See Section 773(c)(3) of the Act.

#### 2. Surrogate Country

In accordance with section 773(c)(4) of the Act and 19 CFR 353.52(c), we determined that India is comparable to the PRC in terms of (1) per capita gross national product ("GNP"), (2) the growth rate in per capita GNP, and (3) the national distribution of labor. In addition, India is a significant producer of ferromanganese, which for this proceeding the Department has determined to be comparable merchandise. Therefore, for this review we have selected India as the surrogate country on the basis of the above criteria, and have used publicly available information relating to India, unless otherwise noted, to value the various factors of production. See Memorandum to Susan Kuhbach, Nonmarket Economy Status and Surrogate Country Selection, May 28, 1997 (attached to June 25, 1997 letters to interested parties), and Memorandum to Richard W. Moreland, From the Team, October 24, 1997. (A public version of all documents on the record cited in this notice can be obtained from the Central Records Unit (room B099 of the main Department of Commerce building).)

#### 3. Factors of Production

For purposes of calculating NV, we valued PRC factors of production, in accordance with section 773(c)(1) of the Act. In examining surrogate values, where possible we selected the publicly available value which was: (1) An average non-export value; (2) representative of a range of prices within the period of review ("POR") or most contemporaneous with the POR; (3) product-specific; and (4) tax-exclusive. Where we could not obtain a POR-representative price for an appropriate surrogate value, we selected a value in accordance with the remaining criteria mentioned above and which was the closest in time to the POR. For a more detailed explanation of the methodology used in calculating the various surrogate values, see Memorandum to the File, From the Case Team, Calculations for the Final Determination, March 9, 1998. In accordance with this methodology, we have valued the factors as described below.

We valued manganese ore using a September 1993 export price quote from a Brazilian manganese mine for manganese carbonate lump ore (see Comment 3). While it is our normal

practice to apply an inflation adjustment to prices predating the period of review, information on the record indicates that prices for world-traded manganese ore have fallen over time. Therefore, we adjusted the price to account for declining manganese ore world prices between September 1993 and the POR.

For the value of process chemicals used in the production process of manganese metal, we used values obtained from the following Indian sources: Indian Chemical Weekly (June 1995–May 1996); the Monthly Trade Statistics of Foreign Trade of India, Volume II—Imports, (February 1996); and the 1995 Indian Minerals Yearbook ("IMY"). Where necessary, we adjusted these values to reflect inflation up to the POR using an Indian wholesale price index ("WPI") published by the International Monetary Fund (IMF). Additionally, we adjusted these values, where appropriate, to account for differences in chemical content and to account for freight costs incurred between the suppliers and manganese metal producers.

To value the labor input, we used data from the 1996 Yearbook of Labor Statistics ("YLS") published by the United Nations. We adjusted these rates to reflect inflation up to the POR using an Indian consumer price index ("CPI") published by the IMF. We used the CPI, rather than the WPI, for calculating the inflation adjustment to labor because the Department views the CPI as more representative of changes in wage rates, while the WPI is more representative of prices for material goods. See Heavy Forged Hand Tools From the People's Republic of China; Final Results of Antidumping Duty Administrative Reviews, 62 FR 11813, 11816 (March 13, 1997).

For selling, general, and administrative expenses (SG&A), factory overhead, and profit values, we used information from the January 1997 Reserve Bank of India Bulletin for the Indian industrial grouping "Processing and Manufacturing: Metals, Chemicals, and Products Thereof." To value factory overhead, we calculated the ratio of factory overhead expenses to the cost of materials, labor, and energy. From the same source, we were able to calculate the selling, general & administrative (SG&A) expense as a percentage of the cost of manufacturing, and profit as a percentage of the cost of production (*i.e.*, the cost of manufacturing plus SG&A).

For most packing materials values, we used the per kilogram values obtained from the Indian Import Statistics. For one particular packing material, we

used a price quote from an Indian manufacturer and adjusted the value to reflect inflation up to the POR using the WPI published by the IMF. We used this price quote rather than the Indian Import Statistics because the quoted price was for the appropriate type of container used, whereas the Indian Import Statistics were aggregated over various types of containers. We made further adjustments to account for freight costs incurred between the PRC supplier and manganese metal producers.

To value electricity, we used the average rate applicable to large industrial users throughout India as reported in the 1995 Confederation of Indian Industries Handbook of Statistics. We adjusted the March 1, 1995 value to reflect inflation up to the POR using the WPI published by the IMF.

To value rail freight, we relied upon rates quoted by a manganese mine in India. We adjusted the rate to reflect inflation up to the POR using WPI published by the IMF. To value truck freight, we used a rate derived from a newspaper article in the April 20, 1994 issue of *The Times of India*. We adjusted the rate to reflect inflation up to the POR using WPI published by the IMF.

#### Changes Subsequent to Preliminary Results

The Department has made the changes indicated below to its margin calculations pursuant to comments received from interested parties. We note that because business proprietary treatment was requested by the respondents for certain factor inputs, these inputs will be referred to in the discussion below only as "Factor A," "Factor B," "Factor C," etc. A key to this naming convention is provided in an attachment to the Memorandum to the File, From the Case Team, Calculations for the Final Determination (March 9, 1998).

Rather than using the 82–84% MnO<sub>2</sub> ore series listed in the 1995 Indian Minerals Yearbook, we are now using an ore price submitted by the respondents from an Indian ore producer to value "Factor B."

In the Preliminary Results, we considered the expense items "provident fund" and "employee welfare expense," as taken from the Reserve Bank of India Bulletin, to be part of factory overhead. Following previous Department decisions, however, in these Final Results we have determined that these expenses are included in the direct labor costs. Consequently, these expenses have been

excluded from the components of factory overhead.

We have changed the conversion factor used in converting liters to cubic centimeters in the calculation of the per unit cost of packing material "Factor L." The conversion factor used in the preliminary results was incorrect.

#### Analysis of Comments Received

We received comments from interested parties regarding the following topics:

1. Valuation of Factors of Production
  - (a) Ore
  - (b) Electricity
  - (c) Labor
  - (d) Chemicals
  - (e) Overhead, SG&A and Profit
  - (f) Packing
2. Valuation of By-product Credit
3. Combined Rates

Summaries of the comments and rebuttals, as well as the Department's responses to the comments, are included below. For a more in-depth analysis of the various surrogate options see Memorandum to Richard W. Moreland, From the Manganese Metal Team, (October 24, 1997).

#### 1. Valuation of Factors of Production

##### (a) Ore Valuation

*Comment 1:* The petitioners argue that a price provided by Sandur Manganese & Iron Ores Ltd. ("Sandur") for a manganese ore with 46–48% contained manganese is the best ore surrogate because this ore can be used to make manganese metal, its manganese-to-iron ratio is very close to that of the ore actually used by the respondents ("PRC ore"), and it represents a domestic Indian transaction price.

The respondents contend that the Sandur ore is not chemically comparable to that ore actually used by the PRC producers because of the very significant difference in the manganese contents between the two. The respondents cite information on the record indicating that manganese content is a more important determinant of ore price than the manganese-to-iron ratio.

*Department's Position:* The Department disagrees with the petitioners' contention that the Sandur price is the best ore surrogate option available. Information provided by the manganese industry expert at the US Geological Survey (the "Department's expert") indicates that manganese content is generally a more important determinant of ore prices than the manganese-to-iron ratio. See Memorandum to the File, From the Team, (October 14, 1997). Furthermore,

according to the Department's expert, adjustments to ore prices to account for differences in the manganese contents of the PRC and surrogate ores would be reasonable only if the differences were small. The magnitude of difference in manganese contents between the PRC and Sandur ores suggests that the price of the latter is not representative of the value of the PRC ore. Moreover, the record is not explicit as to whether the Sandur price quote is an export price quote or a domestic price. For these reasons, the Department does not consider the Sandur ore price to be the best available surrogate in this review.

*Comment 2:* The respondents argue in favor of using a domestic Indian price for an ore produced by a certain Indian manganese ore producer ("Producer X"). This price is the most suitable ore surrogate value, the respondents maintain, because the ore from Producer X has a manganese content very similar to that of the PRC ore. The respondents cite expert testimony on the record that this particular ore could theoretically be used to produce manganese metal. The petitioners counter, citing other expert testimony on record, that Producer X's ore is an unsuitable surrogate because its low manganese-to-iron ratio as well as certain other chemical features would prevent it from being used in manganese metal manufacture.

*Department's Position:* We disagree with the respondents' contention that the ore from the Indian Producer X is the best possible surrogate for the primary ore input in this review. Information on the record from the Department's expert indicates that ore in India with a similar manganese content as that of Producer X's ore is generally not used as the primary ore input in manganese metal production for reasons pertaining to the ore's chemistry. See Memorandum to the File, From Daniel Lessard, May 3, 1995 (included in the record of this review as an attachment to the October 10, 1997 Memorandum to the File, From the Team). The expert's opinion is further confirmed by information contained in the 1995 Indian Minerals Yearbook ("IMY"), which indicates that both the manganese content and the manganese-to-iron ratio of Producer X's ore fall below those of a range of standardized specifications for ore used in Indian ferromanganese manufacture. Moreover, the manganese content of the Brazilian surrogate used by the Department is closer to that of the PRC ore than the content of Producer X's ore. The Department also notes that the manganese-to-iron ratio of ore from Producer X is significantly below the minimum threshold argued by the

petitioners as necessary for producing manganese metal.

*Comment 3:* The petitioners argue that the surrogate ore must be similar to the PRC ore, most importantly with regard to its manganese-to-iron ratio, so that adjustments would not have to be made to other quantitative inputs. The petitioners continue, however, that though chemically similar to the PRC ore, the Brazilian ore value used by the Department is not the best surrogate choice because (1) Brazil is not among the Department's list of eligible surrogate countries for the PRC, (2) the Brazilian value represents an export price, which in the past the Department has considered less preferable to a domestic price because the exported ore may benefit from subsidies, (3) the value is a single price observation rather than an average value over a period of time, and (4) the price does not reflect a mine-mouth ore price and is therefore not representative of the PRC producers' ore costs.

The respondents argue that the Brazilian ore price is an unsuitable surrogate value because it exceeds the value of high-grade Indian peroxide ore listed in the *IMY* which the Department's expert argued would itself overstate the value of the PRC ore. Moreover, the manganese-to-iron ratio of the Brazilian ore price is almost double the minimum argued by the petitioners. The petitioners counter that the respondents are wrong, as a point of fact, and that the record clearly indicates that both the Brazilian ore value used by the Department in its preliminary results and the Sandur ore price recommended by the petitioners are significantly lower on an MTU basis (*i.e.*, per percent of contained manganese) than the high grade Indian peroxide ore.

*Department's Position:* The Department disagrees with both the petitioners and the respondents. In considering the totality of evidence on record and in weighing the relative merits of all the surrogate options, the Department maintains that the Brazilian ore best reflects the physical and chemical characteristics of the PRC ore and, thus, best reflects the value of the PRC ore.

With regard to the petitioners' first specific objection to the Brazilian ore as enumerated above, while it is true the Department's preference is to use surrogate values from a country it has deemed to be at a level of economic development comparable to that of the non-market economy involved, the Act states that the Department must only do so "to the extent possible." See section 773(c)(4) of the Act. Section 773(c)(1) of

the Act further states that, "the valuation of the factors of production shall be based on the best available information regarding values of such factors in a market economy country or countries considered appropriate by the administering authority." In the past, in proceedings where the facts on record indicate that the Department's usual practice would not permit the accurate valuation of a factor input, the Department has chosen surrogates from countries not included among the Department's list of potential surrogate countries. See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cased Pencils from the People's Republic of China, 59 FR 55625 (November 8, 1994) ("Pencils").

After careful consideration of the information submitted in this review by both the petitioners and the respondents, as well as information resulting from the Department's own research, we have determined that none of the proposed Indian ore prices represents the best surrogate for the PRC ore available in this review. In making this decision we have taken into account *inter alia* the fact that there is no consensus among the petitioners and the respondents regarding the suitability of any of the Indian ore surrogate choices. Each party has submitted a considerable amount of evidence and expert opinion detailing why every one of the other party's proposed Indian surrogate is inappropriate on grounds of either price or chemical comparability.

The proposed Brazilian ore surrogate, however, falls within the criteria for comparability advocated by both sides. The manganese content of the Brazilian ore is even closer to that used by the PRC producers than the Indian surrogate advocated by the respondents, while the manganese-to-iron ratio is above the minimum necessary, as the petitioners argue it should be, for the ore to be useable in manganese metal manufacture. Moreover, with regard to a certain unique chemical feature, the Brazilian ore is of the same type as the PRC ore, whereas none of the potential Indian surrogates is of this type. Information on the record indicates that certain unique aspects of the respondents' manufacturing process and, consequently, the respondents' costs of production are contingent on the use of ore with this particular chemical feature.

Regarding the petitioners' second objection, it is correct that the Department has generally not chosen to use for a surrogate value an export price from a country which maintains non-specific export subsidies, or subsidies specific to the factor in question. We

note however, that the Department has the discretion to use such a factor where appropriate.

The petitioners have cited the 1997 National Trade Estimate on Foreign Trade Barriers (USTR), which indicates that the government of Brazil offers a variety of tax and tariff incentives to encourage production of exports. The one export subsidy program identified explicitly in that report is Brazil's export credit program known as PROEX.

The Department first notes that the Brazilian price quote was for exports of manganese ore to the United States. In the course of its investigations into subsidies in other cases of Brazilian exports to the United States, the Department has identified certain export subsidies schemes in Brazil. However, in all the cases reviewed these programs have been deemed by the Department either to have been not in use at the time, terminated altogether, or of such a small magnitude as to confer only a *de minimis* or minimal benefit. See, e.g., Final Results of Countervailing Duty Administrative Review: Certain Castor Oil Products from Brazil, 60 FR 20478 (April 26, 1995); Cotton Yarn from Brazil; Preliminary Results of Countervailing Duty Administrative Review 59 FR 68 (January 3, 1994); Certain Agricultural Tillage Tools from Brazil; Final Results of Countervailing Duty Administrative Review, 60 FR 48692 (September 20, 1995); Final Affirmative Countervailing Duty Determination: Certain Hot Rolled Lead and Bismuth Carbon Steel Products from Brazil, 58 FR 6213 (January 27, 1993). PROEX, in particular, is among the programs the Department determined were not in use. In the two Brazilian countervailing cases involving iron ore and iron ore pellets, the Department determined that iron ore, a mineral extraction industry like manganese ore, was not eligible to participate in the PROEX (or its predecessor FINEX) program, which is available only to producers of "manufactured" products. See Pig Iron from Brazil; Preliminary Results of Countervailing Duty Administrative Review, 58 FR 6246 (January 27, 1993) and Final Affirmative Countervailing Duty Determination: Iron Ore Pellets from Brazil, 51 FR 21961, 21964 (June 17, 1986). For these reasons, the Department has determined that the merits of using the Brazilian ore price outweigh concerns over Brazilian export subsidies and, consequently, that an exception to the Department's more general practice of not using export prices as surrogate values is appropriate in this case.

Addressing the petitioners' point that the Brazilian price is for an individual transaction, information on the record indicates that prices for globally-traded manganese ore are usually set on an annual contract basis. It is therefore reasonable to assume that the September 1993 Brazilian price quote represents a price which was in effect at least over several months rather than a stand-alone spot price.

Finally, in their fourth objection to the Brazilian ore, the petitioners imply that there is significant variation in the price of a given ore, on an MTU, ex-mine basis, arising from differences in the distance over which the ore must be transported. However, information on the record provided by the Department's expert indicates that prices for relatively high-quality ore—which, the petitioners have argued, any ore useable in manganese metal production (including the Brazilian ore series) must be—are largely uniform worldwide. There is no significant bifurcation of the market for higher-grade ores. Consequently, the Brazilian export price, adjusted for inland transportation, is a reasonable surrogate value for the PRC ore at the mine-mouth.

Turning to the respondents' arguments, the Department disagrees with the respondents' assertion that the Brazilian ore price is higher than the prices of the peroxide ores listed in the IMY. Rather, on an ex-mine, \$/MTU basis the Brazilian value is less than two-thirds that of the lowest-cost Indian peroxide ore (i.e., 82–84% MnO<sub>2</sub>). See Exhibit B of Memorandum to the File, From the Team, Calculations for the Preliminary Determination of the First Administrative Review of the Antidumping Duty Order on Manganese Metal from the People's Republic of China (October 31, 1997). Moreover, the respondents have argued that manganese content is the largest determinant of ore prices and, therefore, surrogate suitability. The Department notes that the manganese content of the Brazilian ore is more comparable to that used by the PRC producers than the respondents' proposed ore surrogate from Producer X.

For all these reasons, the Department has decided that none of the possible Indian ore surrogates would allow for the accurate valuation of the PRC ore. Consequently, we are continuing to use the Brazilian ore price for the purposes of the Final Results.

*Comment 4:* The petitioners argue that the Department's adjustment to the 1993 Brazilian ore price to make it contemporaneous with the POR was incorrect. According to the petitioners, the Brazilian ore is more properly

treated as a domestically traded ore influenced by local conditions. The correct adjustment methodology, the petitioners therefore contend, would be to adjust the 1993 Brazilian price (restated in Reals/MTU) by the change in the Brazilian wholesale price index between September 1993 and the POR, and then convert this adjusted price into US dollars using the POR exchange rate.

*Department's Position:* The Department disagrees with the petitioners' proposed method of adjustment. The petitioners have argued that only relatively higher-quality ore can be used in manganese metal manufacture, and they have also noted that the Brazilian ore appears to be suitable for use in the production of manganese metal. We can reasonably conclude, therefore, that the Brazilian ore is a higher-quality ore. Moreover, exports of such ore from Brazil constitute part of an international market for which there are well-established, quoted prices that are denominated in US dollars. In such circumstances, a price index for this market would be the most appropriate basis for making an intertemporal adjustment to the Brazilian export price. However, to the Department's knowledge no such index exists. As a proxy for such an index, therefore, we have used the annual contract prices for the years 1993–1995 charged by one of the largest producers in the international manganese ore market. According to the Department's expert, this is a reasonable adjustment methodology because inter alia the higher-grade manganese ores traded on world markets are generally priced within a narrow band.

*Comment 5:* The petitioners argue that the Sandur ore, with 46–48% contained manganese, is the best surrogate value for Factor B because the chemical composition of the Sandur ore is comparable to Factor B. Moreover, the Sandur ore, the petitioners claim, represents a domestic Indian transaction price. If, the petitioners argue, the Department persists in using the 82–84% MnO<sub>2</sub> peroxide ore as listed in the IMY to value Factor B, the price should be time-adjusted using the Indian wholesale price index to make it contemporaneous to the POR.

The respondents also argue that the 82–84% MnO<sub>2</sub> peroxide ore used by the Department in its preliminary results was an unsuitable surrogate for Factor B because of a significant difference in the manganese contents between the two. For reasons similar to those cited in the Department's response to Comment 1 above, the Department's chosen surrogate significantly overstates the

cost of the ore actually used by the PRC producers. Thus, the respondents contend that the Department should use the ore price of "Producer X" (discussed in Comment 2 above) or, in lieu of that, the Sandur ore proposed by the petitioners.

*Department's Position:* The Department has chosen the ore price quote from Producer X because its manganese content coincides with the reported range of Factor B, the price is contemporaneous with the POR, and it is clearly a domestic price for India, the surrogate country chosen for this review. Although the Sandur ore also coincides with the reported range of manganese content for Factor B, the price is not contemporaneous with the POR. Moreover, as discussed in the Department's position in Comment 1 above, the record is not explicit as to whether the Sandur value is a domestic market or an export price for India.

Finally, with regard to the petitioners' argument about the time-adjustment methodology, the Department is now using the ore price from Producer X to value Factor B. Because this price is contemporaneous with the POR, no time-adjustment is necessary.

#### (b) Electricity Valuation

*Comment 6:* The petitioners argue that the most suitable surrogate value for electricity is an average rate in effect in 1996 across those Indian states which contain the bulk of the Indian manganese ferroalloy production. The rate used by the Department in the Preliminary Results understates the true cost, the petitioners contend, because it represents an average rate applicable to all Indian states, including those states in which the electricity sector is still state-owned and therefore rate increases are tightly controlled, as well as those states in which no ferroalloy production is located. Moreover, although the record indicates that a few Indian ferroalloy producers in these states have captive electricity generation and are therefore not subject to the grid rate for that energy which is self-generated, these producers represent only a small percentage of the total number of Indian producers. The petitioners further argue that the strategy of the manganese industry in China is to locate manganese metal production facilities close to the manganese mine and, therefore, if India did have manganese metal producers they, like the Indian ferroalloy producers, would also likely be located in those states with large manganese ore deposits.

The respondents counter that there is no evidence on the record to support the petitioners' assertion that there is a

general strategy in China to locate the manganese metal plants at the mine-mouth, noting that three or four manganese metal producers investigated by the Department were not located at the mine mouth.

*Department's Position:* We disagree with the petitioners. There is insufficient evidence on the record from which to conclude that the developments affecting the electricity prices of Indian ferromanganese necessarily reflect conditions in which the PRC manganese metal producers likewise must operate. For example, the generally higher electricity rates in those Indian states which contain the bulk of ferromanganese producers are not necessarily a result of the presence of a ferromanganese industry in those states. To the contrary, the record suggests the rate differences among states are usually due to more general, state-specific circumstances such as uneven progress in the privatization of power generation and distribution, as well as local power shortages. See Metal Bulletin, July 4, 1996. In lieu of concrete evidence that the higher state-specific rates are directly a result of the presence of manufacturers of identical or comparable merchandise, Departmental practice in past cases has been to take a simple average of electricity rates for the surrogate country as a whole. See Notice of Final Determination of Sales at Less Than Fair Value; Polyvinyl Alcohol from the People's Republic of China, 61 FR 14057, 14062 (March 29, 1996).

Moreover, information on the record provided by the petitioners in fact indicates that some manganese ferroalloy producers in those Indian states with some of the highest electricity rates will likely be forced to close precisely because of their high energy costs. Other producers in these states, the information suggests, will either be forced to move production to other states with lower rates or build self-generating electricity capacity. See Metal Bulletin, June 27, 1996.

The petitioners also maintain that the record only identifies four ferroalloy producers in these states who have captive electrical generation capacity out of a total of roughly 70 Indian ferroalloy producers. In response, the Department notes that according to information in the 1993 Ferroalloy Directory & Databook, the four producers named together represent a disproportionately large percentage of overall Indian ferroalloy production.

Furthermore, we agree with the respondents' contention that there is insufficient information on the record to conclude that the general strategy of the PRC manganese metal industry is to

locate its plants at the mine mouth. To the contrary, information on the record states that imports of manganese ore into China grew to more than 1.5 million tons annually during the POR, making China one of the world's largest importers of manganese ore. Among the reasons cited for an increasing preference among the PRC for imported manganese ore is that the high grade imported ore is more economical than domestically-mined low-grade ore. In the absence of explicit factual information supporting the petitioners' contention of a general PRC strategy, one would expect that the general strategy would be to locate plants close to ports of importation in order to minimize the costs of transportation which, as the petitioners' have argued, can be considerable.

#### (c) Labor Valuation

*Comment 7:* In its preliminary results, the Department used a 1991 labor cost for India as reported in the 1996 Yearbook of Labor Statistics ("YLS"). The respondents argue that this is an inappropriate surrogate because it does not differentiate between skilled and unskilled workers. This is a crucial distinction, the respondents contend, because a very high percentage of lower cost, unskilled labor is used by the respondents. If the unskilled to skilled ratio is lower in India than in China, the average Indian labor cost would overstate the respondents' actual costs of labor. The respondents recommend using instead the labor cost information contained in Investing, Licensing & Trading Conditions Abroad: India 1996 ("IL&T") as published by the Economist Intelligence Unit or, in lieu of the IL&T data, using the cost data in Foreign Labor Trends. Both of these sources, the respondents note, report a separate value for skilled and unskilled workers, and the information in both more closely coincides with the POR. Furthermore, the Department has used information from Foreign Labor Trends to value labor costs in other cases.

The petitioners first argue that the respondents' reported percentage of unskilled to overall workers is unrealistically high. Moreover, the petitioners continue, the data in the Foreign Labor Trends represents minimum wages for factory workers in Delhi only, an area in which no producers of comparable material are located. The petitioners further contend the IL&T is also not a suitable surrogate because its rates are only "indicative" and therefore may be distorted by significant variation in wages by state and industry. Rather, the petitioners argue, the YLS information provides the

best surrogate value because it is specific to the Indian basic metals industry, and it was used in the underlying investigation.

*Department's Position:* We disagree with the respondents' contention that either the IL&T or the Foreign Labor Trends data represent surrogate labor values preferable to the YLS. The data in Foreign Labor Trends represent only minimum wage rates for workers in Delhi factories. Given the information on record indicating that wages in India vary considerably by industry, company size and region, there is no basis on which to conclude that minimum factory wages in Delhi factories reflect average wage rates across the Indian economy. The YLS, on the other hand, provides labor rates for the basic metals industry for India as a whole. The Department notes that in the final determination of the furfuryl alcohol investigation cited by the respondents, the Department changed its methodology and abandoned use of the Foreign Labor Trends data on the grounds that that data were found to be "not appropriate for valuing labor factors." See Notice of Final Determination of Sales at Less Than Fair Value: Furfuryl Alcohol from the People's Republic of China, 60 FR 22544, 22545 (May 8, 1995).

With regard to the IL&T data, in corresponding with the Economist Intelligence Unit regarding the methodology used to compile labor information, the Department learned that the reported average monthly wages are based solely on wages stipulated by Indian law rather than on any survey of average wages actually paid. Moreover, it appears from the text in the IL&T data that the wage rates do not include additional mandatory and voluntary benefits which normally add an additional 40-50% to the base pay. See IL&T at 52 and 53. The Department, in choosing a surrogate labor value, seeks to reflect the average fully-loaded cost (i.e., including all costs and benefits in addition to basic wage) of employing labor on as industry-specific a basis as possible. See, e.g., Certain Helical Spring Lock Washers from the People's Republic of China; Final Results of Antidumping Administrative Review, 61 FR 66255, 66259 (December 17, 1996) and Notice of Final Determination of Sales at Less Than Fair Value; Polyvinyl Alcohol from the People's Republic of China, 61 FR 14057, 14061 (March 29, 1996).

Finally, it has been a longstanding practice of the Department to apply the single average labor rate reported for India in the YLS to all reported skill levels. See e.g., Notice of Final

Determination of Sales at Less Than Fair Value: Persulfates from the People's Republic of China, 62 FR 27222, 27229 (May 19, 1997); Heavy Forged Hand Tools from the People's Republic of China: Final Results of Antidumping Duty Administrative Reviews, 62 FR 11814, 11815 (March 13, 1997); Certain Helical Spring Lock Washers from the People's Republic of China; Final Results of Antidumping Duty Administrative Review, 62 FR 61794, 61780 (November 19, 1997).

(d) Chemical Valuation

*Comment 8:* The petitioners argue that the Department's use in the preliminary results of a domestic Indian price for sodium sulphide as a surrogate for a certain process chemical ("Factor C") is incorrect. Instead, the petitioners contend, a U.S. price quote on record for the actual chemical is a preferable surrogate to sodium sulphide which, the petitioners further allege, is not even a true substitute for Factor C. The respondents counter by pointing to expert testimony on the record stating that sodium sulphide is a reasonable substitute for Factor C in the manganese metal production process. The respondents further argue that using the petitioners' U.S. price for a surrogate value for Factor C would be contrary to the Act because the United States is not at a level of economic development comparable to that of China.

*Department's Position:* We agree with the respondents in part. There is sufficient factual information on the record to conclude that sodium sulphide is comparable to Factor C. Generally, the Department's practice is to use values taken from the chosen surrogate country wherever possible. In this review, therefore, the Department has chosen the domestic Indian market price available for sodium sulphide over the surrogate value from the US market.

*Comment 9:* The petitioners contend that the Department erroneously classified four process chemicals (i.e., Factor D, Factor E, Factor F, and Factor G) as part of factory overhead rather than as direct material costs. The petitioners provide an excerpt from Plant Design and Economics for Chemical Engineers (1991) ("Plant Design") which they claim demonstrates that under ordinary cost accounting principles these process chemicals are treated as direct factors of production. Moreover, the petitioners contend, any distinction drawn in the use of these chemicals and other chemicals which have been treated as direct material inputs in this review is arbitrary. They note, for instance, that certain chemicals which were treated as direct material

inputs in the preliminary results are not entirely consumed in the manufacturing process but, rather, are recycled back through the production circuit.

The respondents counter that it has been the Department's established policy to treat indirect materials as part of factory overhead. Indirect materials, according to the respondents, have been defined as materials which are not physically incorporated into the final product. The respondents note that during the Department's verification of the PRC production facility, these chemicals were observed to be used for cleaning and pacification purposes only. Therefore, the respondents argue, these chemicals are indirect costs subsumed within the general overhead cost category.

*Department's Position:* We agree with the respondents. In the Final Determination of Sales at Less than Fair Value: Manganese Metal from the PRC, 60 FR 56045, 56051 (November 6, 1995), the petitioners also relied on Plant Design to support their claim that the same process chemicals should be treated as direct factors of production. However, in that segment the Department determined that, because the process chemicals were used either after the metal had been produced or for cleaning purposes unrelated to the actual production process, the chemicals in question are properly classified as part of factory overhead. This distinction is consistent with the methodology used by the Department in prior cases. See e.g., Heavy Forged Hand Tools from the People's Republic of China, 60 FR 49251, 49254 (September 22, 1995). Furthermore, in the Preliminary Determination of Sales at Less Than Fair Value; Certain Cut-to-Length Carbon Steel Plate from the People's Republic of China, 62 FR 31972, 31977 (June 11, 1997), the Department determined that the treatment of indirect materials as overhead is consistent with the Compendium of Statements and Standards: Accounting (India). Therefore, we have continued to classify the process chemicals in question as part of factory overhead.

(e) SG&A/Profit Valuation

*Comment 10:* The petitioners argue that the Department's use in its preliminary results of data reported in the Reserve Bank of India Bulletin ("RBI Bulletin") to value overhead, SG&A, and profit is incorrect. The reported average for the RBI Bulletin industrial grouping "Processing and Manufacture—metals, chemicals and products thereof," the petitioners contend, understates the actual profit and SG&A expenses

incurred in manganese metal manufacture because the composite includes several low-value-added (fabrication) industries which generally experience low SG&A expenses and profits compared with high-value-added (processing) industries such as manganese metal. The petitioners argue that the understated nature of the RBI Bulletin data is clearly illustrated by comparing the RBI Bulletin profit with the significantly higher certificate of deposit, commercial paper and Treasury Bill yields in effect in India during the same period. No new private investors would invest in the Indian manganese metal or ferroalloy industry, the petitioners contend, if they expected a rate of return on their investment comparable to the RBI Bulletin profit level, especially given the much higher rates of return in the relatively less risky alternative investments noted above. The petitioners argue that a more suitable surrogate for SG&A and profit would be actual data taken from the financial statements of two Indian companies (i.e., Hindalco and TISCO), both operating in high-value-added industries. In the case of profits, the petitioners argue that if the Department chooses not to use the company-specific data it should, at a minimum, use a figure which reflects a low risk alternative investment strategy such as an Indian CD, commercial paper, or Treasury Bill rate.

The respondents counter that neither Hindalco or TISCO, the two Indian companies for which the petitioners have provided financial statements, is dedicated solely to the production of manganese metal or a comparable product and, therefore, their specific financial performance does not necessarily reflect that of the manganese industry. On the other hand, because India is a large producer of comparable merchandise, it is reasonable to assume that the financial performance of the domestic manganese industry is reflected in the RBI Bulletin average data. Therefore, the RBI Bulletin data provides the best surrogate value for SG&A and profit.

*Department's Position:* The Department agrees with the respondents that the RBI Bulletin data represent the best available surrogate value for SG&A and profit in this review. While the Department would generally prefer to base SG&A and profit on financial information specific to the production of identical or comparable merchandise in India, this information is not available in this administrative review.

The petitioners argue that the RBI Bulletin should not be used because it contains a broad variety of industries.

However, according to its 1995–96 Annual Report, TISCO also produces a broad variety of products including, *inter alia*, cement, welded steel tubes, cold rolled strips, ammonium sulphate, bearing rings, and metallurgical machinery in addition to a small amount of comparable merchandise (i.e., ferromanganese). The aggregate TISCO data therefore do not resolve the problems raised by the petitioners.

With respect to Hindalco, this company produces aluminum—a product which has not been found to be comparable to manganese metal by either party or the Department. See e.g., the petitioners' submission dated March 17, 1995 at page 4. Additionally, Hindalco's 1996–97 Annual Report at pages 14 and 37 seems to indicate that the company also produces a number of other products wholly unrelated to the production of manganese metal, including fabricated products (e.g., rolled and extruded products). Moreover, the Hindalco data include energy which cannot be separated from factory overhead.

The Department likewise disagrees with the petitioners' contention that at the very least profit should reflect the return on a low risk investment strategy in India. Whether or not the RBI Bulletin rate would have been sufficient to induce new investment into the industry, what is relevant in this case to the valuation of the PRC profit rate is the actual financial experience of existing Indian ferromanganese producers during the POR. Although the RBI Bulletin data are not specific to producers of comparable merchandise, they do reflect the actual experience of producers of comparable merchandise and a reasonably close group of like industries. Thus, this information is the best surrogate available.

*Comment 11:* The respondents argue that "provident fund" and "employee's welfare expense" should not be included among the overhead expenses as taken from the RBI Bulletin. These expenses, the respondents argue, are labor related and therefore already included in the direct labor cost component of the cost of manufacture ("COM"). The respondents note that in certain recent proceedings the Department included such expenses in the direct labor component rather than in overhead. The petitioners argue that in the underlying investigation, the Department determined that the provident fund should be included in factory overhead based on the nature of how the expense was incurred. There is no information on the record of this review which supports a different determination from that in the

investigation and, therefore, the Department should continue using the methodology used in the preliminary results.

*Department's Position:* We agree with the respondents. The Department has reconsidered the methodology used in its final determination of the LTFV investigation for classifying the expense items "provident fund" and "employee welfare expense." The Department considers the YLS data to be fully loaded with respect to all labor expenses, incorporating such costs as contributions to the provident fund and employee welfare expenses. See Notice of Final Determination of Sales at Less Than Fair Value; Polyvinyl Alcohol from the People's Republic of China, 61 FR 14057, 140614 (March 29, 1996). Therefore, in order to be consistent with Department practice in other cases (e.g., Sulfanilic Acid from the People's Republic of China; Final Results and Partial Rescission of Antidumping Duty Administrative Review, 61 FR 53702, 53710 (October 15, 1996)), we have removed these two expense items from the factory overhead and reclassified them as part of the direct labor inputs component of the COM.

#### (f) Packing Material Valuation

*Comment 12:* The respondents and the petitioners both contend that the Department erred in its conversion from liters to cubic centimeters in calculating the per unit cost of Factor L in the preliminary results.

*Department's Position:* We agree with both the petitioners and the respondents that an error was made in the conversion from liters to cubic centimeters in calculating the cost of Factor L. We have made the appropriate changes to the packing calculations for these Final Results.

#### (2) Valuation of By-Product Credit

*Comment 13:* The petitioners argue that the by-product generated during the respondents' manufacturing process is a low-quality and, therefore, low-value product. Electrolytic manganese dioxide ("EMD"), which the respondents argue is a product comparable to the by-product, is a very high-value product. The petitioners contend that because there are such fundamental differences in the chemical composition of EMD and the by-product, EMD would not be a suitable surrogate for the by-product.

The respondents counter that the by-product resulting from manganese metal manufacture has value, as illustrated by the fact that the PRC producers sell it to nearby unaffiliated industrial operations. It cannot be valued as an ore, the respondents continue, because

it is a product resulting from the electrolysis of an ore. Thus, the respondents conclude, a more suitable surrogate would be the value of EMD. The Department, the respondents argue, acknowledged the intrinsic value of this by-product in the original investigation when it used for a surrogate the Indian import value of "Manganese Dioxide, excluding ores."

*Department's Position:* The Department disagrees with the respondents' argument for the use of EMD as a surrogate value. First, the respondents are incorrect in stating that the Department used for a by-product surrogate in the LTFV investigation an Indian import value for manganese dioxide excluding ores. In the LTFV Final Determination, the Department used an 82–84%MnO<sub>2</sub> peroxide ore, as listed in the 1993 Indian Minerals Yearbook, to value the respondents' by-product credit. EMD is a very high-valued product used mainly in the production of dry-cell batteries. See Attachment III to Memorandum to Richard W. Moreland, From the Manganese Metal Team, October 24, 1997. The respondents have not sufficiently demonstrated that the PRC by-product is of the same rigorous specifications as EMD.

The respondents have demonstrated, however, that their by-product does have some resale value. See Memorandum For: The File, From: Daniel Lessard, Subject: Verification of XTMM, October 12, 1997. In lieu of any information on the Indian value of the actual by-product in question, the Department is maintaining the methodology used in the LTFV Final Determination of using for a surrogate the price of high-valued Indian manganese dioxide ore.

#### 3. Combined Rates

*Comment 14:* The petitioners argue, citing the Department's new regulations adopted in May 1997, that combination duty deposit rates should be established separately for XTMM/HIED and XTMM/CMIECHN/CNIECHN. The current company-specific rates are far lower than the China-wide rate, the petitioners argue, leading to the potential for PRC producers not reviewed in this proceeding to export through one of the companies with the lower company-specific rate.

The respondents counter that the new regulations do not change the Department's past policy regarding the assignment of rates in non-market economy cases. Moreover, the current review is not subject to the Department's new regulations.

Therefore combination rates should not be established.

*Department's Position:* We agree with the respondents. It has been the Department's practice in cases involving non-market economies to assign rates to exporters rather than producers because it is the exporter who actually determines the price at which the subject merchandise is sold in the United States. See Persulfates from the People's Republic of China, 62 FR 27222, 27227 (May 19, 1997). Moreover, in the preamble to the final regulations (see, Antidumping Duties; Countervailing Duties, 62 FR 27296, 27305 (May 19, 1997)), the Department states that it intends to continue calculating antidumping rates for NME export trading companies, and not the manufacturers supplying the trading companies. Therefore, combination rates in this case are not appropriate.

**Final Results of Review**

As a result of our analysis of the comments we received, we have made changes to those margins presented in our preliminary results. We determine the following weighted-average margins existed for the period June 1, 1995 through January 31, 1997:

Manufacturer/exporter	Margin (percent)
HIED .....	2.80
CMIECHN/CNIECHN .....	1.56
CEIEC * .....	11.77
Minmetals * .....	5.88
PRC-wide .....	143.32

\*CEIEC and Minmetals both reported that they had no sales to the United States during the POR. The specific rate for each of these companies will therefore remain unchanged from that determined in the Final Determination of LTFV investigation.

**Assessment Rates**

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between export price ("EP") and normal value ("NV") may vary from the percentages stated above. We have calculated exporter/importer-specific duty assessment rates based on the ratio of the total amount of duties calculated for the examined sales made during the POR to the total value of subject merchandise entered during the POR. In order to estimate entered value, we subtracted international movement expenses (e.g., international freight and marine insurance) from the gross sales value. This rate will be assessed uniformly on all entries of that particular importer made during the POR. The Department will issue

appraisal instructions directly to the Customs Service.

The following cash deposit requirements will be effective upon publication of this notice of Final Results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) for the companies named above that have separate rates and were reviewed (i.e., China Hunan International Economic Development Corporation (HIED) and China Metallurgical Import & Export Hunan Corporation/Hunan Nonferrous Metals Import & Export Associated Corporation (CMIECHN/CNIECHN)), the cash deposit rates will be the rates listed above specifically for those firms; (2) for companies which established their eligibility for a separate rate in the LTFV investigation but were found not to have exported subject merchandise to the United States during the POR (i.e., China National Electronics Import & Export Hunan Company ("CEIEC") and Minmetals Precious & Rare Minerals Import & Export Co. ("Minmetals")), the cash deposit rates continue to be the currently applicable rates of 11.77% and 5.88%, respectively; (3) for all other PRC exporters, all of which were found not to be entitled to a separate rate, the cash deposit rate will continue to be 143.32%; and (4) for non-PRC exporters of subject merchandise from the PRC, the cash deposit rate will be the rate applicable to the PRC supplier of that exporter. These deposit requirements will remain in effect until publication of the Final Results of the next administrative review.

This notice serves as a reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of double antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective orders ("APOs") of their responsibility concerning disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply

with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: March 9, 1998.

**Robert S. LaRussa,**  
Assistant Secretary for Import Administration.

[FR Doc. 98-6551 Filed 3-12-98; 8:45 am]

BILLING CODE 3510-DS-P

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-570-501]

**Natural Bristle Paintbrushes and Brush Heads From the People's Republic of China; Final Results of Antidumping Duty Administrative Review**

**AGENCY:** Import Administration, International Trade Administration, U.S. Department of Commerce.

**ACTION:** Notice of final results of the antidumping duty administrative review of natural bristle paintbrushes and brush heads from the People's Republic of China.

**SUMMARY:** On November 7, 1997, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping order on natural bristle paint brushes and brush heads (paint brushes) from the People's Republic of China (PRC). The review covers two exporters of the subject merchandise and the period February 1, 1996 through January 31, 1997.

We gave interested parties an opportunity to comment on our preliminary results. We received comments from Hunan Provincial Native Produce and Animal By-Product Import and Export Corporation (Hunan). We did not receive rebuttal comments. After considering these comments, we have not changed the final results from those presented in the preliminary results of review and have determined that sales have not been made below normal value (NV), as explained below.

**EFFECTIVE DATE:** March 13, 1998.

**FOR FURTHER INFORMATION CONTACT:** Eric Scheier or Maureen Flannery, Antidumping/Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482-4733.

### Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the provisions codified at 19 CFR part 353, as of April 1, 1996.

### Background

On November 7, 1997, the Department published the preliminary results of review (62 FR 60228). The Department has now completed this administrative review in accordance with section 751 of the Act.

### Scope of Review

Imports covered by this review are shipments of natural bristle paint brushes and brush heads from the PRC. Excluded from the order are paint brushes with a blend of 40 percent natural bristles and 60 percent synthetic filaments. The merchandise under review is currently classifiable under item 9603.40.40.40 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and Customs purposes, the written description of the merchandise is dispositive.

This review covers the period February 1, 1996 through January 31, 1997.

### Interested Party Comments

We gave interested parties an opportunity to comment on the preliminary results of review. We received comments from Hunan. We did not receive rebuttal comments from any party.

#### Comment 1

Hunan argues that the Department should correct the calculation of the surrogate overhead rate to avoid double-counting certain overhead expenses. While Hunan notes that all parties agree on the use of Indonesia's *Large and Medium Manufacturing Statistics: 1995, Volume II* as the source of information to be used in calculating a surrogate factory overhead rate, Hunan disagrees with the Department's methodology using these data to calculate the surrogate overhead rate. Hunan states that it was inappropriate for the Department to add "new purchases," "second-hand purchases," and "constructions major repairs and improvements" to the expenses included for total factory overhead.

Hunan claims that "new purchases," "second-hand purchases" and "constructions major repairs and improvements" are incorrectly classified as fixed overhead items, and maintains that these items are properly classified as capital expenditures, which are charged to asset accounts and are included only as a balance sheet item.

Secondly, Hunan states that its own proposed methodology for valuing factory overhead already includes fixed overhead expenses of "repairs and industrial services received" and "rent of building, machinery and equipment." Hunan alleges that the classification of "repairs and industrial services received" and "rent of building, machinery and equipment" as variable overhead expenses is incorrect because neither expense varies in proportion to the number of units produced.

Furthermore, Hunan disagrees with the use of new and second-hand purchases as a proxy for depreciation, which had not been accounted for in Indonesia's *Large and Medium Manufacturing Statistics: 1995, Volume II*. Hunan states that new and second-hand purchases and construction, major repairs and improvements are capital expenses partially expensed through depreciation, and are booked as assets on the balance sheet. The value of fixed assets, Hunan states, is depreciated over time.

Hunan submits that, while the exclusion of depreciation from overhead may artificially depress the surrogate overhead rate, it will artificially inflate the surrogate profit rate calculated as the total value for gross value added output less the amount for total expenditures. Hunan states that, should the Department continue to use the methodology it used in the preliminary results for the final results, an adjustment must be made to the profit calculation to compensate for the exclusion of depreciation from total expenditures.

Lastly, Hunan notes that the methodology proposed by Hunan for the calculation of factory overhead, the SG&A rate, and the profit rate was used previously by the Department in *Notice of Final Determination of Sales at Less than Fair Value: Collated Roofing Nails from the People's Republic of China* 62 FR 51410 (Oct. 1, 1997) (*Roofing Nails*). Hunan further notes that in the initiation of the antidumping investigation on *Bicycles from the People's Republic of China* 60 FR 21065 (May 1, 1995) (*Bicycles*), the Department accepted this same data source and acknowledged that new purchases, second-hand purchases and constructions, major repairs and

improvements were capital expenditures that should not be included in factory overhead.

### Department's Position

While we agree with Hunan that new and second-hand purchases and construction, major repairs and improvements are generally considered capital assets rather than overhead items, the fact that, in the data used, they are not recognized as assets and depreciated indicates that they are being recognized in the year in which the expense was incurred, and therefore are appropriately considered overhead expenses. Therefore, we have continued to include these items as overhead expenses. Hunan's assertion that certain items characterized as variable overhead items in our preliminary results are actually fixed overhead items is moot, because for these final results we have not differentiated fixed and variable overhead.

We disagree with Hunan's assertion that the Department must make an adjustment to the profit calculation to compensate for the exclusion of depreciation from total expenditures. As noted above, depreciation was not one of the expense items reported on the income statement, however, the income statement did include a line item for capital assets expensed. These capital assets were expensed during the period rather than capitalized and depreciated. Therefore, it is not appropriate to include an additional amount for depreciation in total expenditures. Furthermore, while we note that the absence of depreciation from factory overhead would cause the factory overhead percentage to be less and profit to be greater than if depreciation existed on the income statement in question, we disagree that we should arbitrarily assign an amount of depreciation to be deducted from profit when depreciation is not recognized on the income statement, nor identified elsewhere.

Finally, we disagree with Hunan that because we used or accepted a certain methodology in *Roofing Nails* and *Bicycles*, we should continue to do so in this review. We have reviewed the methodology used in *Roofing Nails* and *Bicycles*, and have more closely examined the components from which factory overhead was constructed for the current preliminary results. As discussed above, we have determined that "new purchases," "second-hand purchases" and "constructions major repairs and improvements" are overhead items in that they were recognized in the year in which the expenses were incurred and, as stated in

the preliminary results, represent part of the costs incurred to produce the subject merchandise. Therefore, we have determined that the methodology used for the preliminary results, which

includes these items in factory overhead, is the most appropriate for the surrogate data in question. Based on the foregoing we have not changed the calculations for these final results.

**Final Results of Review**

We determine that the following dumping margins exist:

Manufacturer/exporter	Time period	Margin (per cent)
Hunan Provincial Native Produce & Animal By-Products I/E Corp .....	2/1/96-1/31/97	0.01
PRC-Wide rate .....	2/1/96-1/31/97	351.92

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between export price and NV may vary from the percentage stated above for Hunan. The Department will issue appraisal instructions on each exporter directly to the Customs Service.

Furthermore, the following deposit rates will be effective upon publication of this notice of final results of review for all shipments of paint brushes from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(c) of the Act: (1) for Hunan, which was found to merit a separate rate for the final results of this review, the cash deposit rate will be zero, because the company-specific rate established in the final results of this administrative review is, in accordance with 19 CFR 353.6, de minimis, i.e., less than 0.5 percent; (2) for all other PRC exporters, the cash deposit rate will be the PRC-wide rate, which is 351.92 percent; (3) for previously reviewed non-PRC exporters, the cash deposit rate will be the rate established in the most recent segment of the proceeding; and (4) for all other non-PRC exporters of subject merchandise from the PRC, the cash deposit rate will be the rate applicable to the PRC supplier of that exporter.

These deposit rates, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and subsequent assessment of double antidumping duties.

**Notification to Interested Parties**

This notice also serves as a reminder to parties subject to administrative

protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: March 9, 1998.

**Robert S. LaRussa,**  
Assistant Secretary for Import Administration.

[FR Doc. 98-6550 Filed 3-12-98; 8:45 am]

BILLING CODE 3510-DS-P

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**Applications for Duty-Free Entry of Scientific Instruments**

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

*Docket Number: 98-010. Applicant: Montana State University—Bozeman, Physics Department, EPS Building, Bozeman, MT 59717. Instrument: Optical Helium Cryostat. Manufacturer:*

*Institute of Physics, National Academy of Sciences of Ukraine, C.I.S. Intended Use: The instrument will be used to perform both spectroscopic and holographic experiments and various combinations thereof. These experiments will involve the study of (1) crystalline and polymeric dye-doped materials which show complicated photochemical transformation behavior at low temperatures and (2) the dependence of these processes on temperature and on the illumination conditions. Application accepted by Commissioner of Customs: February 13, 1998.*

*Docket Number: 98-011. Applicant: University of Wisconsin-Madison, Kegonsa Research Campus, 3725 Schneider Drive, Stoughton, WI 53589. Instrument: Hydrostatic Leveling System. Manufacturer: Fogale-Nanotech, France. Intended Use: The instrument will be used for studies of the vertical positional stability of very sensitive monitors and magnetic elements in an electron storage ring. The objective of the investigations is to produce a circulating electron beam in a storage ring which will be stable to micron level in position. In turn, this produces a radiation source for optical beamlines and user instrumentation that is stable to the same level. Concurrent with improved positional stability, is also an improvement in angular stability of the radiation. Application accepted by Commissioner of Customs: February 13, 1998.*

*Docket Number: 98-012. Applicant: University of New Orleans, Lakefront, Science Building, Room 2007, New Orleans, LA 70148. Instrument: Electron Microscope, Model JEM-2010. Manufacturer: JEOL, Ltd., Japan. Intended Use: The instrument will be used to study the physio-chemical properties of inorganic particulates in the environment and thin film. These particles will include naturally occurring mineral fibers, synthetic vitreous fibers, clays, talc, zeolites, crystalline silica polymorphs, titania polymorphs, ceramics or other particulates. The thin films will include*

semiconductors and magnetic composites. In addition, the instrument will be used on a one-on-one basis for training staff, graduate students and faculty from both the Earth and Environmental Sciences, and Chemistry Doctoral Departments. *Application accepted by Commissioner of Customs:* February 19, 1998.

*Docket Number:* 98-013. *Applicant:* North Carolina State University, Purchasing Department, Campus Box 7212, Raleigh, NC 27695-7212. *Instrument:* Automatic Pure Bending Tester, Model NESFB2-A. *Manufacturer:* Kato Tech Co., Ltd., Japan. *Intended Use:* The instrument will be used during studies of "melt-blown fiber" and "melt-blown fabrics" for evaluation of pure bending properties thus allowing for proper and adequate evaluation of different fabrics manufactured under different conditions. *Application accepted by Commissioner of Customs:* February 19, 1998.

*Docket Number:* 98-014. *Applicant:* University of Wisconsin-Eau Claire, Department of Geology, Eau Claire, WI 54702-4004. *Instrument:* Electron Microscope, Model JEM-2010. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* The instrument will be used for detailed examination of spores (called cryptospores because of the lack of associated non-microscopic remains). The objectives of the collaborative research projects are: (1) to further characterize the cryptospores assemblage from near the boundary between the Ordovician and Silurian periods of geologic time, (2) to expand the spatial and temporal coverage of ultrastructural information on Ordovician and Silurian cryptospores and (3) to engage an undergraduate student in cutting edge botanical research involving electron microscopy. *Application accepted by Commissioner of Customs:* February 25, 1998.

**Frank W. Creel,**

*Director, Statutory Import Programs Staff.*  
[FR Doc. 98-6552 Filed 3-12-98; 8:45 am]  
BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 030698C]

#### Pacific Fishery Management Council; Public Meeting

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The Pacific Fishery Management Council's (Council) Coastal Pelagic Species Plan Development Team (CPSPDT) and Coastal Pelagic Species Advisory Subpanel (CPSAS) will hold public meetings.

**DATES:** The CPSPDT meeting will be held in La Jolla, CA on Friday, March 27, 1998, at 10:00 a.m. and may go into the evening until business for the day is completed. The CPSAS meeting will be held in Monterey, CA on Wednesday, April 1, 1998, at 10:00 a.m. and may go into the evening until business for the day is completed. Persons wishing to attend these meetings should check to make sure that the meetings will be held by calling Dr. Doyle Hanan; telephone: (619) 546-7170 or Dr. Larry Jacobson; telephone: (619) 546-7117.

**ADDRESSES:** The meeting in La Jolla will be held at NMFS Southwest Fisheries Science Center, 8604 La Jolla Shores Drive, Room C-127, La Jolla, CA. The meeting in Monterey will be held at the California Department of Fish and Game office, 20 Lower Ragsdale Drive, Suite 100, Monterey, CA.

*Council address:* Pacific Fishery Management Council, 2120 SW Fifth Avenue, Suite 224, Portland, OR 97201. **FOR FURTHER INFORMATION CONTACT:** Dr. Doyle Hanan, telephone: (619) 546-7170; or Dr. Larry Jacobson, telephone: (619) 546-7117.

**SUPPLEMENTARY INFORMATION:** The primary purpose of the CPSPDT meeting is to continue revisions to the draft fishery management plan for coastal pelagic species for presentation to the Council at its April meeting, including analysis of options for limited entry, maximum sustainable yield control rules, essential fish habitat, and other matters related to the fishery management plan. The primary purpose of the CPSAS meeting is to review documents developed by the CPSPDT.

Although other issues not contained in this agenda may come before these groups for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in the agenda listed in this notice.

#### Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Eric Greene at (503) 326-6352 at least 5 days prior to the meeting date.

Dated: March 6, 1998.

**Richard W. Surdi,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 98-6567 Filed 3-10-98; 3:04 pm]

BILLING CODE 3510-22-F

## COMMODITY FUTURES TRADING COMMISSION

### Public Information Collection Requirement

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of intent to renew information collection #3038-0025—practice by former members and employees of the commission.

**SUMMARY:** The Commodity Futures Trading Commission is planning to renew Information Collection 3038-0025, Practice by Former Members and Employees of the Commission, which is due to expire on May 31, 1998. The information collected pursuant to this regulation, which generally governs the practice by former members and employees of the Commission before the Commission, is intended to ensure that the Commission is aware of any conflict of interest that may exist. In compliance with the Paperwork Reduction Act of 1995, the Commission solicits comments to:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including the validity of the methodology and assumptions used; (2) evaluate the accuracy of the agency's estimate of the burden of the collection of information including the validity of the methodology and assumptions used (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of the information on those who are to respond, including through the use of appropriate automated, electronic, mechanical or other technological collection techniques or other forms of information technology, e.g., permitting electric submission of responses.

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

**ADDRESSES:** Persons wishing to comment on this information collection should contact the CFTC Clearance Officer, 1155 21st Street NW, Washington, DC 20581, (202) 418-5160.

*Title:* Practice by Former Members and Employees of the Commission.

*Control Number:* 3038-0025.

*Action:* Extension.

*Respondents:* Former Members and Employees of the Commission.

*Estimated Annual Burden:* 0.60.

Respondents	Regulation (17 CFR)	Estimated number of re- spondents	Annual responses	Est. Avg. hours per re- sponse
Former Employees & Members .....	140.735-10	6	6	0.10

Issued in Washington, D.C. on March 5, 1998.

**Jean A. Webb,**

*Secretary to the Commission.*

[FR Doc. 98-6492 Filed 3-12-98; 8:45 am]

BILLING CODE 6351-01-M

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0123]

#### Submission for OMB Review; Comment Request Entitled Change in Rates or Terms and Conditions of Service for Regulated Services

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for an extension to an existing OMB clearance (9000-0123).

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Change in Rates or Terms and Conditions of Service for Regulated Services. A request for public comments was published at 63 FR 1093, January 8, 1998. No comments were received.

**DATES:** Comments may be submitted on or before April 13, 1998.

**FOR FURTHER INFORMATION CONTACT:** Paul Linfield, Federal Acquisition Policy Division, GSA (202) 501-1757.

**ADDRESSES:** Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat, 1800 F Street, NW, Room 4037, Washington, DC 20405. Please cite OMB Control No. 9000-0123, Change in Rates or Terms and

Conditions of Service for Regulated Services, in all correspondence.

#### SUPPLEMENTARY INFORMATION:

##### A. Purpose

The FAR clause at 52.241-7 requires the utility to furnish the Government with a complete set of rates, terms and conditions, and any subsequently approved or proposed revisions when proposed.

##### B. Annual Reporting Burden

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows: Respondents, 1,000; responses per respondent, 5; total annual responses, 5,000; preparation hours per response, 15 minutes; and total response burden hours, 1,250.

##### C. Annual Recordkeeping Burden

The annual recordkeeping burden is estimated as follows: Recordkeepers, 1,000; hours per recordkeeper, 1; and total recordkeeping burden hours, 1,000.

**Obtaining Copies of Proposals:** Requester may obtain a copy of the justification from the General Services Administration, FAR Secretariat (MVRs), Room 4037, 1800 F Street, NW, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0123, Change in Rates or Terms and Conditions of Service for Regulated Services, in all correspondence.

Dated: March 10, 1998.

**Sharon A. Kiser,**

*FAR Secretariat.*

[FR Doc. 98-6544 Filed 3-12-98; 8:45 am]

BILLING CODE 6820-34-P

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0122]

#### Submission for OMB Review; Comment Request Entitled Scope and Duration of Contract

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for an extension to an existing OMB clearance (9000-0122).

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Scope and Duration of Contract. A request for public comments was published at 63 FR 1093, January 8, 1998. No comments were received.

**DATES:** Comments may be submitted on or before April 13, 1998.

**FOR FURTHER INFORMATION CONTACT:** Paul Linfield, Federal Acquisition Policy Division, GSA (202) 501-1757.

**ADDRESSES:** Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat, 1800 F Street, NW, Room 4037, Washington, DC 20405. Please cite OMB Control No. 9000-0122, Scope and Duration of Contract, in all correspondence.

#### SUPPLEMENTARY INFORMATION:

##### A. Purpose

The FAR clause at 52.241-3 requires the utility to furnish the Government with a complete set of rates, terms and conditions, and any subsequently approved rates.

**B. Annual Reporting Burden**

Public reporting burden for this collection of information is estimated to average .25 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows: Respondents, 1,000; responses per respondent, 5; total annual responses, 5,000; preparation hours per response, .25; and total response burden hours, 1,250.

**C. Annual Recordkeeping Burden**

The annual recordkeeping burden is estimated as follows: Recordkeepers, 1,000; hours per recordkeeper, 1; and total recordkeeping burden hours, 1,000.

**Obtaining Copies of Proposals:**

Requester may obtain a copy of the justification from the General Services Administration, FAR Secretariat (MVRS), 1800 F Street, NW, Room 4037, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0122, Scope and Duration of Contract, in all correspondence.

Dated: March 10, 1998.

**Sharon A. Kiser,**

*FAR Secretariat.*

[FR Doc. 98-6545 Filed 3-12-98; 8:45 am]

BILLING CODE 6820-34-P

**DEPARTMENT OF DEFENSE****GENERAL SERVICES ADMINISTRATION****NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[OMB Control No. 9000-0124]

**Submission for OMB Review; Comment Request Entitled Capital Credits**

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for an extension to an existing OMB clearance (9000-0124).

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Capital Credits. A request

for public comments was published at 63 FR 1094, January 8, 1998. No comments were received.

**DATES:** Comments may be submitted on or before April 13, 1998.

**FOR FURTHER INFORMATION CONTACT:** Paul Linfield, Federal Acquisition Policy Division, GSA (202) 501-1757.

**ADDRESSES:** Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat, 1800 F Street, NW, Room 4037, Washington, DC 20405. Please cite OMB Control No. 9000-0123, Change in Rates or Terms and Conditions of Service for Regulated Services, in all correspondence.

**SUPPLEMENTARY INFORMATION:****A. Purpose**

The FAR clause 52.241-13, Capital Credits, is designed to obtain an accounting of Capital Credits due the Government when the Government is a member of a cooperative.

**B. Annual Reporting Burden**

Public reporting burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows: Respondents, 450; responses per respondent, 1; total annual responses, 450; preparation hours per response, 2; and total response burden hours, 900.

**C. Annual Recordkeeping Burden**

The annual recordkeeping burden is estimated as follows: Recordkeepers, 450; hours per recordkeeper, 1; and total recordkeeping burden hours, 450.

**Obtaining Copies of Proposals**

Requester may obtain a copy of the justification from the General Services Administration, FAR Secretariat (MVRS), Room 4037, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0124, Capital Credits, in all correspondence.

Dated: March 10, 1998.

**Sharon A. Kiser,**

*FAR Secretariat.*

[FR Doc. 98-6546 Filed 3-12-98; 8:45 am]

BILLING CODE 6820-34-U

**DEPARTMENT OF DEFENSE****GENERAL SERVICES ADMINISTRATION****NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[OMB Control No. 9000-0125]

**Submission for OMB Review; Comment Request Entitled Written Refusal of a Utility Supplier to Execute a Utility Contract**

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for an extension to an existing OMB clearance (9000-0125).

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Written Refusal of a Utility Supplier to Execute a Utility Contract. A request for public comments was published at 63 FR 1093, January 8, 1998. No comments were received.

**DATES:** Comments may be submitted on or before April 13, 1998.

**FOR FURTHER INFORMATION CONTACT:** Paul Linfield, Federal Acquisition Policy Division, GSA (202) 501-1757.

**ADDRESSES:** Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat, 1800 F Street, NW, Room 4037, Washington, DC 20405. Please cite OMB Control No. 9000-0125, Written Refusal of a Utility Supplier to Execute a Utility Contract, in all correspondence.

**SUPPLEMENTARY INFORMATION:****A. Purpose**

The Federal Acquisition Regulation requires that contracts comply with the applicable Federal laws and the relevant parts of the FAR. The written and definite refusal by a utility supplier to execute a tendered contract (41.202(c)) is intended to identify those suppliers who refuse to do so and the rationale of the supplier for refusing.

**B. Annual Reporting Burden**

Public reporting burden for this collection of information is estimated to average .5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows: Respondents, 50; responses per respondent, 1; total annual responses, 50; preparation hours per response, .30; and total response burden hours, 25.

*Obtaining Copies of Proposals:* Requester may obtain copies of the justification from the General Services Administration, FAR Secretariat (MVRs), Room 4037, 1800 F Street, NW, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0125, Written Refusal of a Utility Supplier to Execute a Utility Contract, in all correspondence.

Dated: March 10, 1998.

**Sharon A. Kiser,**  
FAR Secretariat.

[FR Doc. 98-6547 Filed 3-12-98; 8:45 am]

BILLING CODE 6820-34-P

**DEPARTMENT OF DEFENSE****GENERAL SERVICES  
ADMINISTRATION****NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION**

[OMB Control No. 9000-0014]

**Submission for OMB Review;  
Comment Request Entitled Statement  
and Acknowledgment (Standard Form  
1413)**

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for an extension of an existing OMB clearance (9000-0014).

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Statement and Acknowledgment (Standard Form 1413). A request for public comments was published at 63 FR 473, January 6, 1998. No comments were received.

**DATES:** Comments may be submitted on or before April 13, 1998.

**FOR FURTHER INFORMATION CONTACT:** Jack O'Neill, Federal Acquisition Policy Division, GSA (202) 501-3856.

**ADDRESSES:** Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat, 1800 F Street, NW, Room 4037, Washington, DC 20405. Please cite OMB Control No. 9000-0014, Statement and Acknowledgment (Standard Form 1413), in all correspondence.

**SUPPLEMENTARY INFORMATION:****A. Purpose**

Standard Form 1413, Statement and Acknowledgment, is used by all Executive Agencies, including the Department of Defense, to obtain a statement from contractors that the proper clauses have been included in subcontracts. The form includes a signed contractor acknowledgment of the inclusion of those clauses in the subcontract.

**B. Annual Reporting Burden**

Public reporting burden for this collection of information is estimated to average .15 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows: Respondents, 14,000; responses per respondent, 1.5; total annual responses, 21,000; preparation hours per response, .15; and total response burden hours, 3150.

*Obtaining Copies of Proposals:* Requester may obtain a copy of the justification from the General Services Administration, FAR Secretariat (MVRs), 1800 F Street, NW, Room 4037, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0014, Statement and Acknowledgment, Standard Form 1413, in all correspondence.

Dated: March 10, 1998.

**Sharon A. Kiser,**  
FAR Secretariat.

[FR Doc. 98-6548 Filed 3-12-98; 8:45 am]

BILLING CODE 6820-34-P

**DEPARTMENT OF DEFENSE****Office of the Secretary of Defense****Meeting of the DOD Advisory Group on  
Electron Devices**

**AGENCY:** Advisory Group on Electron Devices, Department of Defense.

**ACTION:** Notice.

**SUMMARY:** Working Group C (Electro-Optics) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

**DATES:** The meeting will be held at 0900, Wednesday and Wednesday, April 1, 1998.

**ADDRESSES:** The meeting will be held at Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

**FOR FURTHER INFORMATION CONTACT:** Elise Rabin, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

**SUPPLEMENTARY INFORMATION:** The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E, to the Director, Defense Advanced Research Projects Agency and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the Military Departments proposed to initiate with industry, universities or in their laboratories. This opt-electronic device area includes such programs as imaging device, infrared detectors and lasers. The review will include details of classified defense program throughout.

In accordance with Section 10(d) of Pub. L. No. 92-463, as amended, (5 U.S.C. App. section 10(d) (1994)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1994), and that accordingly, this meeting will be closed to the public.

Dated: March 9, 1998.

**L.N. Bynun,**

Alternate OSD Federal Register Liaison  
Officer, Department of Defense.

[FR Doc. 98-6426 Filed 3-12-98; 8:45 am]

BILLING CODE 5000-04-M

**DEPARTMENT OF DEFENSE****Office of the Secretary of Defense****Meeting of the DOD Advisory Group on Electron Devices**

**AGENCY:** Advisory Group on Electron Devices, Department of Defense.

**ACTION:** Notice.

**SUMMARY:** Working Group A (Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

**DATES:** The meeting will be held at 1600-1900, Thursday, May 14, 1998.

**ADDRESSES:** The meeting will be held at the Hyatt Regency, Old Golf Course Rd., Monterey CA 93940.

**FOR FURTHER INFORMATION CONTACT:** David Cox, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

**SUPPLEMENTARY INFORMATION:** The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Defense Advanced Research Projects Agency (ARPA) and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave devices, electronic warfare devices, millimeter wave devices, and passive devices. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Pub. L. No. 92-463, as amended, (5 U.S.C. App. 10(d) (1994)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1994), and that accordingly, this meeting will be closed to the public.

Dated: March 9, 1998.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 98-6428 Filed 3-12-98; 8:45 am]

BILLING CODE 5000-04-M

**DEPARTMENT OF DEFENSE****Office of the Secretary of Defense****Meeting of the DOD Advisory Group on Electron Devices**

**AGENCY:** Advisory Group on Electron Devices, Department of Defense.

**ACTION:** Notice.

**SUMMARY:** Working Group B (Microelectronics) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

**DATES:** The meeting will be held at 0900, Tuesday, April 28, 1998.

**ADDRESSES:** The meeting will be held Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

**FOR FURTHER INFORMATION CONTACT:**

Timothy Doyle, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

**SUPPLEMENTARY INFORMATION:** The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Direct Defense Research and Engineering (DDR&E), and through the DDR&E, to the Director Defense Advanced Research Projects Agency and the Military Departments in planning and managing an effective research and development program in the field of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military proposes to initiate with industry, universities or in their laboratories. The microelectronics area includes such programs on semiconductor materials, integrated circuits, charge coupled devices and memories. The review will include classified program details throughout

In accordance with Section 10(d) of Pub. L. No. 92-463, as amended, (5 U.S.C. App. 10(d) (1994)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1994), and that accordingly, this meeting will be closed to the public.

Dated: March 9, 1998.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 98-6429 Filed 3-12-98; 8:45 am]

BILLING CODE 5000-04-M

**DEPARTMENT OF DEFENSE****Office of the Secretary of Defense****Department of Defense Wage Committee; Closed Meetings**

Pursuant to the provisions of section 10 of Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that closed meetings of the Department of Defense Wage Committee will be held on April 7, 1998; April 14, 1998; April 21, 1998; and April 28, 1998, at 10:00 a.m. in Room A105, the Nash Building, 1400 Key Boulevard, Rosslyn, Virginia.

Under the provisions of section 10(d) of Public Law 92-463, the Department of Defense has determined that the meetings meet the criteria to close meetings to the public because the matters to be considered are related to internal rules and practices of the Department of Defense and the detailed wage data to be considered were obtained from officials of private establishments with a guarantee that the data will be held in confidence.

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning the meetings may be obtained by writing to the Chairman, Department of Defense Wage Committee, 4000 Defense Pentagon, Washington, DC 20301-4000.

Dated: March 9, 1998.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 98-6427 Filed 3-12-98; 8:45 am]

BILLING CODE 5000-04-M

**DEPARTMENT OF DEFENSE****Department of the Air Force****HQ USAF Scientific Advisory Board Meeting**

The Going to Space Panel Chairs Meeting in support of the HQ USAF Scientific Advisory Board 1998 Summer Study will meet at ANSER in Arlington, VA on May 19, 1998 from 8:00 a.m. to 5:00 p.m.

The purpose of the meeting is to gather information and receive briefings for 1998 Summer Study.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the HQ USAF Scientific Advisory Board Secretariat at (703) 697-8404.

**Barbara A. Carmichael,**

*Alternate Air Force Federal Register Liaison Officer.*

[FR Doc. 98-6436 Filed 3-12-98; 8:45 am]

BILLING CODE 3910-01-P

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### Privacy Act of 1974; System of Records

**AGENCY:** Department of the Air Force, DoD.

**ACTION:** Record system notice amendment.

**SUMMARY:** The Department of the Air Force proposes to amend a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

**DATES:** The amendment will be effective on April 13, 1998, unless comments are received that would result in a contrary determination.

**ADDRESSES:** Send comments to the Air Force Access Programs Manager, Headquarters, Air Force Communications and Information Center/ITC, 1250 Air Force Pentagon, Washington, DC 20330-1250.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Anne Rollins at (703) 614-7819.

**SUPPLEMENTARY INFORMATION:** The Department of the Air Force's record system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed amendments are not within the purview of subsection (r) of the Privacy Act (5 U.S.C. 552a), as amended, which would require the submission of a new or altered system report for each system. The specific changes to the record system being amended are set forth below followed by the notice as amended, published in its entirety.

Dated: March March 9, 1998.

**L. M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

#### F034 AF SVA C

##### SYSTEM NAME:

Child Development/Youth Activities Records (*June 11, 1997, 62 FR 31793*).

##### CHANGES:

\* \* \* \* \*

##### SYSTEM NAME:

Delete entry and replace with 'Child Development/Youth Programs Records'.

##### SYSTEM LOCATION:

Delete entry and replace with 'Child Development Branch, Headquarters Air Force Services Agency, 10100 Reunion Place, Ste 402, San Antonio, TX 78216-4138; Major Command Headquarters, and each Air Force installation with Child Development/Youth Programs. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices'.

##### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with 'Eligible children and youths enrolled in Air Force Child Development or Youth Programs, their parents/guardians, and Family Child Care (FCC) Providers.'

##### CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with 'Enrollment/registration records; record of injuries; medication permission records; permanent register; staff and child record; weekly activity plans; accident reports; annual and semiannual program reports; parents/guardians and program surveys; parents'/guardians authorization for field trips; children's assessments/observations; daily reservation logs; daily attendance records, and volunteers applications.

The system will also contain FCC providers' license application; license, and home approval records.'

\* \* \* \* \*

#### F034 AF SVA C

##### SYSTEM NAME:

Child Development/Youth Programs Records.

##### SYSTEM LOCATION:

Headquarters Air Force Military Personnel Center, Directorate of Morale and Welfare Operations, Randolph Air Force Base, Texas 78150-6001, Major Command Headquarters, and each Air Force installation with Child Development/Youth Activities programs. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

##### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Eligible children and youths enrolled in Air Force Child Development or Youth Activities programs, their parents/guardians, and Family Child Care (FCC) Providers.

##### CATEGORIES OF RECORDS IN THE SYSTEM:

Enrollment/registration records; record of injuries; medication permission records; permanent register; staff and child record; weekly activity plans; incident reports; annual and semiannual program reports; parents/guardians and program surveys; parents'/guardians authorization for testing/field trips; student progress reports; test results; forwarding of school records; daily reservation logs; daily attendance records, and volunteers applications.

The system will also contain FCC Providers' license application; license, and home approval records.

##### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force; implemented by Air Force Instruction 34-701, Child Development Programs; and Air Force Instruction 34-801, Youth Programs.

##### PURPOSE(S):

Used by child development and youth program personnel to enroll children/youths in the child development/youth programs; locate parents/guardians in case of emergency; monitor and properly report injuries and accidents; receive documentation and permission to dispense medications; record and monitor staff-to-child ratio; report program participation and activities; report financial data; assess program needs; enroll and license FCC Providers; record, reserve, and monitor daily attendance; and maintain information for waiting lists.

##### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Records from this system may be disclosed to civilian physicians or hospitals in the course of obtaining emergency medical attention for children.

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

##### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Paper and card stock records maintained in file folders. Data will also be maintained in computer files.

**RETRIEVABILITY:**

Retrieved by family name or FCC Providers' name.

**SAFEGUARDS:**

Records are maintained in locked file cabinets, locked desk drawers or locked offices. Computers and disks will be stored in locked cabinets or locked rooms. Records are accessed by the program directors, assistant directors, family day care coordinators/out-reach workers and clerks/administrative personnel responsible for servicing the records in performance of their official duties who are properly screened and cleared for need-to-know.

**RETENTION AND DISPOSAL:**

Retained in office files for one year after child/youth leaves program or until parent/FCC provider requests transfer of records to another base, whichever comes first. In the event the records are not transferred, they will be destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Computer records are destroyed by erasing, deleting or overwriting.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Child Development Branch, Headquarters Air Force Services Agency, 10100 Reunion Place, Suite 402, San Antonio, TX 78216-4138.

Child Development/Youth Directors at Air Force installations with Child Development/Youth programs. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the Chief, Child Development Branch, Headquarters Air Force Services Agency, 10100 Reunion Place, Suite 402, San Antonio, TX 78216-4138, or Child Development/Youth Directors at Air Force installations with Child Development/Youth programs. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

The full name of the person/provider will be required to determine if the system contains a record about him or her. A military identification card or drivers license will be required as proof of identity.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to records about themselves contained in this system should address written requests to the Chief, Child Development Branch,

Headquarters Air Force Services Agency, 10100 Reunion Place, Suite 402, San Antonio, TX 78216-4138, or Child Development/Youth Directors at Air Force installations with Child Development/Youth programs. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

A military identification card or drivers license will be required as proof of identity.

**CONTESTING RECORD PROCEDURES:**

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37-132; 32 CFR part 806b; or may be obtained from the system manager.

**RECORD SOURCE CATEGORIES:**

Information obtained from parents, volunteers, FCC applicants, and documentation by authorized child development and/or youth activities personnel.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

[FR Doc. 98-6421 Filed 3-12-98; 8:45 am]

BILLING CODE 5000-04-F

**DEPARTMENT OF DEFENSE****Department of the Navy****Meeting of the Chief of Naval Operations (CNO); Executive Panel**

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Notice of meeting.

**SUMMARY:** The Chief of Naval Operations Executive Panel will meet to conduct the midterm briefing of the Revolution in Business Affairs Task Force to the Chief of Naval Operations. This meeting will be closed to the public.

**DATES:** The meeting will be held on Tuesday, March 31, 1998, from 1:30 p.m. to 2:30 p.m.

**ADDRESSES:** The meeting will be held at the office of the Chief of Naval Operations, 2000 Navy Pentagon, Washington, DC 20350-2000.

**FOR FURTHER INFORMATION CONTACT:** Janice Graham, Assistant for CNO Executive Panel Management, 4401 Ford Avenue, Suite 601, Alexandria, Virginia 22302-0268, telephone number (703) 681-6205.

**SUPPLEMENTARY INFORMATION:** This notice of meeting is provided in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2). The purpose of this meeting is to conduct the midterm

briefing of the Revolution in Business Affairs Task Force to the Chief of Naval Operations. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and are, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that the meeting be closed to the public because it will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

Dated: March 5, 1998.

**Lou Rae Langevin,**

*Lieutenant, Judge Advocate General's Corps, U.S. Navy, Alternate Federal Register Liaison Officer.*

[FR Doc. 98-6458 Filed 3-12-98; 8:45 am]

BILLING CODE 3810-FF-U

**DEPARTMENT OF ENERGY****Energy Information Administration****Agency Information Collection Under Review by the Office of Management and Budget**

**AGENCY:** Energy Information Administration, Department of Energy.  
**ACTION:** Submission for OMB review; comment request.

**SUMMARY:** The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13). The listing does not include collections of information contained in new or revised regulations which are to be submitted under section 3507(d)(1)(A) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) Collection number and title; (2) summary of the collection of information (includes sponsor (the DOE component)), current OMB document number (if applicable), type of request (new, revision, extension, or reinstatement); response obligation (mandatory, voluntary, or required to obtain or retain benefits); (3) a description of the need and proposed use of the information; (4) description of the likely respondents; and (5) estimate of total annual reporting burden (average hours per response × proposed frequency of response per year ×

estimated number of likely respondents.)

**DATES:** Comments must be filed within 30 days of publication of this notice. If you anticipate that you will be submitting comments but find it difficult to do so within the time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so as soon as possible. The Desk Officer may be telephoned at (202) 395-3084. (Also, please notify the EIA contact listed below.)

**ADDRESSES:** Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place N.W., Washington, D.C. 20503. (Comments should also be addressed to the Statistics and Methods Group at the address below.)

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Grace Sutherland, Statistics and Methods Group, (EI-70), Forrestal Building, U.S. Department of Energy, Washington, D.C. 20585. Mrs. Sutherland may be telephoned at (202) 426-1068, FAX (202) 426-1081, or e-mail at gsutherland@eia.doe.gov.

**SUPPLEMENTARY INFORMATION:** The energy information collection submitted to OMB for review was:

1. EIA-1605 and EIA-1605EZ, "Voluntary Reporting of Greenhouse Gases".
2. Energy Information Administration, OMB No. 1905-0194, Extension of Currently Approved Collection; Voluntary.
3. EIA-1605 and EIA-1605EZ forms are designed to collect voluntarily reported data on greenhouse gas emissions, achieved reductions of these emissions, and carbon fixation. Data are used to establish a publicly available database. Respondents are participants in a domestic or foreign activity that either reduces greenhouse gas emissions or increases sequestration.
4. Individuals or households; Business or other for-profit; Not-for-profit institutions; Farms; Federal Government; State, Local or Tribal Government.
5. 6,240 hours (29.7 hours per response × 1 response per year × 210 respondents).

**Statutory Authority:** Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104-13).

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

**Jay H. Casselberry,**

*Agency Clearance Officer, Statistics and Methods Group, Energy Information Administration.*

[FR Doc. 98-6531 Filed 3-12-98; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. CP98-150-000 and CP98-151-000]

#### Millennium Pipeline Company, L.P. Columbia Gas Transmission Corporation; Notice of Change of Location for Scoping Meeting

March 9, 1998.

The location for the environmental scoping meeting in Binghamton, New York, on March 18, 1998, has been changed from the Binghamton High School to the following facility: East Middle School, 167 Frederick Street, Auditorium, Binghamton, New York.

For further information, call Paul McKee, Office of External Affairs, at (202) 208-1088.

**David P. Boergers,**  
*Acting Secretary.*

[FR Doc. 98-6491 Filed 3-12-98; 8:45 am]

**BILLING CODE 6717-01-M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. DR98-50-000]

#### PacificCorp; Notice of Filing

March 9, 1998.

Take Notice that PacificCorp on January 14, 1998, tendered for filing a petition for approval of a change in depreciation rates for accounting purposes only. Copies of the filing have been served on the Utah Public Service Commission, Washington Public Service Commission, Idaho Public Service Commission, Montana Public Service Commission, and the Wyoming Public Service Commission.

Any persons desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before

April 7, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**David P. Boergers,**

*Acting Secretary.*

[FR Doc. 98-6486 Filed 3-12-98; 8:45 am]

**BILLING CODE 6717-01-M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project Nos. 10822-000 and 10823-000]

#### Summit Hydropower; Notice of Site Visit to Project Area

March 9, 1998.

On March 27, 1998, the Federal Energy Regulatory Commission staff will visit the Upper and Lower Collinsville Projects, FERC Project Nos. 10822 and 10823, respectively. The projects are located on the Farmington River in the Village of Collinsville, Town of Canton, Hartford County, Connecticut.

The site visit is scheduled to begin at 10:00 a.m. at the Main Street entrance of the Canton Town Hall in Collinsville, Connecticut.

If you have any questions concerning this matter, please contact Mr. James T. Griffin at (202) 219-2799.

**David P. Boergers,**  
*Acting Secretary.*

[FR Doc. 98-6489 Filed 3-12-98; 8:45 am]

**BILLING CODE 6717-01-M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP97-315-001, CP97-319-000, CP98-200-000]

#### Independence Pipeline Company, ANR Pipeline Company, National Fuel Gas Supply Corporation; Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Independence Pipeline Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings and Site Visit

March 9, 1998.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an

Environmental Impact Statement (EIS) that will discuss the environmental impacts of the construction and operation of approximately 473 miles of natural gas transmission pipeline, three new and three modified compressor stations, metering and delivering facilities, other appurtenant facilities, and abandonment of approximately 39 miles of pipeline proposed in the Independence Pipeline Project.<sup>1</sup> This EIS will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

If you are a landowner whose property will be crossed by the proposed project, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company may seek to negotiate a mutually acceptable agreement relative to land use and access. However, if the project is approved by the Commission, the pipeline has the right to us eminent domain. Therefore, if negotiations fail to produce an agreement between the pipeline company and landowner, the pipeline company could initiate condemnation proceedings in accordance with state law. A fact sheet addressing a number of typically asked questions, including the use of eminent domain, is attached to this notice as appendix 1.

### Summary of the Proposed Project

Independence Pipeline Company (Independence) wants to build new natural gas pipeline transmission facilities in Ohio and Pennsylvania. The facilities would provide transportation services to shippers seeking to transport natural gas principally from expansion projects destined for the Chicago, Illinois area to the Leidy, Pennsylvania Hub, thereby facilitating access to gas markets in Ohio, Pennsylvania, and throughout the Eastern United States. The proposed facilities would have a summer design delivery capacity of 916.3 thousand cubic feet per day (Mcf/d) and a winter design delivery capacity of 1.0 million cubic feet per day (MMcf/d). Independence requests Commission authorization, in Docket Nos. CP97-315-000, CP97-315-001, CP97-320-000, and CP97-321-000 to construct and operate the following facilities:

- 400.4 miles of 36-inch-diameter pipeline in Defiance, Henry, Wood, Seneca, Huron, Ashland, Wayne, Stark, Summit, and Columbiana Counties, Ohio, and Lawrence, Butler, Armstrong, Clarion, Jefferson, Elk, Forest, McLean, Cameron, Potter, and Clinton Counties, Pennsylvania. Of the 400.4 miles of pipeline, about 220.9 miles would be in Ohio and 179.5 miles would be in Pennsylvania.

- Three new compressor stations with a total of 60,000 horsepower (hp) of compression:

- East Defiance Compression Station (30,000 hp) in Defiance County, Ohio.

- Cannan Compression Station (15,000 hp) in Wayne County, Ohio.

- Porter Compression Station (15,000 hp) in Clarion County, Pennsylvania.

- One pig launcher and receiver located at the proposed Canaan and Porter Compressor Stations.

- Three new meter stations located in Defiance County, Ohio, and Elk and Clinton Counties, Pennsylvania.

- Other associated aboveground facilities, including six taps in Wood (1), Ashland (1), Wayne (2), and Columbiana (1) Counties, Ohio and Lawrence County, Pennsylvania (1).

- A total of 28 mainline block valves, 16 located in the following counties in Ohio: Defiance (1), Henry (1), Wood (2), Seneca (2), Huron (2), Ashland (1), Wayne (2), Summit (1), Stark (2), and Columbiana (2); and 12 located in the following counties in Pennsylvania: Lawrence (2), Butler (1), Armstrong (1), Clarion (1), Jefferson (2), Elk (1), McKean (1), Cameron (1), Potter (1) and Clinton (1).

ANR Pipeline Company (ANR) wants to expand its existing Michigan Leg South and Tieline facilities to provide incremental transportation between Joliet, Illinois and Defiance, Ohio. This would allow ANR's existing Northern Zone to become an economical link between the Chicago Hub and Independence's proposed pipeline facilities. ANR's proposed facilities would have a design delivery capacity of 750 MMcf/d. ANR requests Commission authorization, in Docket No. CP97-319-000, to construct and operate the following facilities:

- 72.4 miles of 42- and 30-inch-diameter pipeline loop extending from Joliet, Illinois to Defiance, Ohio:

- Joliet Loop—15.9 miles of 42-inch-diameter pipeline in Kendall and Will Counties, Illinois.

- St. John West Loop—5.5 miles of 42-inch-diameter pipeline in Will County Illinois and Lake County, Indiana.

- St. John East Loop—20.9 miles of 42-inch-diameter pipeline in Lake and Porter Counties, Indiana.

- Bridgman Loop—16.0 miles of 30-inch-diameter pipeline in Berrien County, Michigan.

- Defiance Loop—14.1 miles of 30-inch-diameter pipeline in Defiance County, Ohio.

- 15,000 hp additional compression at the existing Bridgman Compressor Station in Berrien County, Michigan, and Modifications not involving compression change at the existing Lagrange Compressor Station in Lagrange County, Indiana and Defiance Compressor Station in Defiance County, Ohio.

- Associated aboveground facilities, including the installation of pig receivers at the St. John and Defiance Compressor Stations, and at the end of the Bridgman Loop facilities in Berrien County, Michigan. Also, new pig launchers would be installed at the St. John and Bridgman Compressor Stations, at the beginning of the Joliet Loop in Kendall County, Illinois, and on the Defiance Loop in Defiance County, Ohio.

National Fuel Gas Supply Corporation (National Fuel) wants to abandon, primarily by removal, three contiguous sections of its existing natural gas pipeline facilities in Pennsylvania to facilitate construction of Independence's proposed pipeline in that area. National Fuel would also make minor changes to its remaining facilities in that area to maintain service to existing customers. National Fuel requests Commission authorization, in Docket No. CP98-200-000, to:

- Abandon by removal 13.3 miles of its 12-inch-diameter Line K, from Eshbaugh to Eldred in Clarion and Jefferson Counties, Pennsylvania.

- Abandon by removal 8.6 miles of its 12-inch-diameter Line C and 22-inch-diameter Line K-197, from Eldred to Overbeck in Jefferson County, Pennsylvania.

- Abandon by removal 17.4 miles of its 12-inch-diameter Line C and 22-inch-diameter Line K-197, from Overbeck to Lamont in Jefferson, Elk and Forest, Counties, Pennsylvania.

- Relocate taps, regulator stations, and inlet piping from Line C to Line K, and install gas heaters and pipeline jumpers, in Jefferson and Elk Counties, Pennsylvania.

- Perform an automation upgrade at its existing Knox Compressor Station in Jefferson County, Pennsylvania.

A general location map of the project facilities is shown in appendix 2.

### Land Requirements for Construction

Construction of Independence's proposed facilities would affect a total of about 3,702 acres. Of this total, about

<sup>1</sup> Independence Pipeline Company, ANR Pipeline Company, and National Fuel Gas Supply Corporation's applications were filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

3,640 acres would be disturbed by construction of the pipeline. The remaining 62 acres would be disturbed by construction and operation of the three compressor stations and two meter stations. Mainline valves would be built within or adjacent to Independence's permanent right-of-way. Extra work areas would be needed for pipe installation at roads, railroads, waterbody and wetland crossings, additional topsoil storage, pipe and equipment yards, and access roads. Approximately 209.7 miles (52 percent) of the new pipeline would be installed adjacent to or within existing rights-of-way. Independence would generally use a 75- to 100-foot-wide construction right-of-way. Following construction and restoration of the right-of-way and temporary work spaces, Independence would retain a 50-foot-wide permanent pipeline right-of-way. Existing land uses on the remainder of the disturbed areas, as well as most land uses on the permanent right-of-way, would be allowed to continue following construction. Total land requirements for the permanent right-of-way would be about 2,426 acres.

Construction of ANR's proposed facilities would affect a total of about 1,222 acres. Of this total, about 1,124 acres would be disturbed by construction of the pipeline loops. The remaining 98 acres would be disturbed by extra work areas, contractor yards, and access roads. Approximately 63.7 miles (88 percent) of the new pipeline loops would be installed adjacent and parallel to the existing mainline. ANR would deviate from existing mainline in several locations to avoid environmental or engineering constraints. Construction of the pipeline loops would require a 75- to 145-foot-wide construction right-of-way. ANR would retain a 35- to 50-foot-wide permanent pipeline right-of-way. Existing land uses on the remainder of the disturbed areas, as well as most land uses on the permanent right-of-way, would be allowed to continue following construction. Total land requirements for the permanent right-of-way would be about 291 acres.

Removal of National Fuel's Lines K, C, and K-197, and modifications to its existing taps and regulator stations would be entirely within National Fuel's existing rights-of-way, and entirely within the construction work areas that would be affected by construction of the Independence Pipeline. National Fuel's proposed facilities would affect a total of about 319 acres.

### The EIS Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. The EIS we are preparing will give the Commission the information to do that. NEPA also requires us to discover and address concerns the public may have about the proposals. We call this "scoping". The main goal of the scoping process is to focus the analysis in the EIS on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EIS. All comments received are considered during the preparation of the EIS. We encourage state and local government representatives to notify their constituents of this proposed action and encourage them to comment on their areas of concern. Local agencies are requested to provide information on other projects, either ongoing or planned, which might conflict with, or have cumulative effects when considered in combination with, the Independence Pipeline Project.

To ensure your comments are considered, please carefully follow the instructions in the public participation section on pages 8 and 9 of this Notice.

### Currently Identified Environmental Issues

We have identified a number of issues based upon our preliminary review of the proposed facilities, the environmental information provided by Independence, ANR, National Fuel, and interested parties. Some of these issues are listed below. Keep in mind that this is a preliminary list, and is *not* a complete list of site-specific issues. We may add to, subtract from, or change the list of issues based on your comments and our analysis.

- Geology and Soils:
  - Temporary and permanent impact on prime farmland soils.
  - Mixing of topsoil and subsoil during construction.
  - Crossing of agricultural drainage systems.
  - Compaction of soil by heavy equipment.
  - Crossing of reclaimed and operating strip mines and abandoned deep coal mines.
  - Crossing of East Ohio Gas Company Storage Fields.
  - Effect of blasting during trench excavation.
  - Erosion control and restoration of the right-of-way.

- Water Resources:
  - Crossing of 786 perennial and intermittent waterbodies.
  - Crossing of 7 perennial waterbodies over 100 feet wide, including Des Plain, St. Joseph, Dowagiac, Allegheny, and Clarion Rivers, and Slippery Rock and Kettle Creeks.
  - Effect on water supplies, including 57 private wells within 150 feet of the construction work area.
  - Potentially contaminated sediments at waterbody crossings, including Middle Fork of Little Beaver Creek in Columbiana County, Ohio.
- Vegetation and Wildlife:
  - Crossing of 135 acres of wetlands (totaling 13.7 miles).
  - Clearing of about 1,290 acres of forest (totaling 169.6 miles) and removal of stumps, timber, and slash.
  - Effect of construction on wildlife and fisheries habitat.
  - Effect on federally listed endangered and threatened species, including bald eagle, Indiana bat, copper-belly watersnake, clubshell mussel, northern riffleshell mussel, northern monkshood, purple cats paw, and eastern prairie fringed orchid.
- Cultural Resources:
  - Impact on historic and prehistoric sites.
  - Native American and tribal concerns.
- Land Use:
  - Use of eminent domain to acquire rights-of-way.
  - Impact on crop production.
  - Proximity to schools and residential developments.
  - Effect on 45 residences within 50 feet of the construction work area.
  - Crossings of septic fields and drains.
  - Effect on local roads.
  - Crossing of scenic highways, including State Routes 424 and 65 in Ohio.
  - Effect on Canton-Akron regional airport, Summit County, Ohio, and Willard Airport, Huron County, Ohio.
  - Control of unauthorized access to rights-of-way.
- Recreation and Public Interest Areas:
  - Crossing of hiking trails, including the North Country National Trail System in Ohio and Pennsylvania, and the Buckeye Trail in Ohio.
  - Crossing of the Allegheny National Forest in Pennsylvania.
  - Crossing of the Allegheny National Forest in Pennsylvania.
  - Crossing of Illinois and Michigan Canal in Illinois; Independence Dam State Park in Ohio; Clear Creek, McConnell' Mill, and Elk State Parks in Pennsylvania; and Elk, Sproul, and

- Susquehannock State Forests in Pennsylvania.
- Crossing of Channahon Community Park in Illinois, Plum Grove Reserve in Illinois/Indiana, Deep River County Park in Indiana, and F.H. Dutlinger Preserve in Pennsylvania.
- Crossing of one river included on the National Wild and Scenic River System (Little Beaver Creek, in Columbiana County, Ohio).
- Crossing of state designated or proposed wild, scenic, and recreational rivers, including Maumee and Sandusky Rivers in Ohio, and Allegheny and Clarion Rivers and Slippery Rock and Kettle Creeks in Pennsylvania.
- Socioeconomics:
  - Impact on property values.
  - Effect of construction workforce on demands for services in surrounding areas.
  - Air Quality and Noise:
    - Impact on local air quality during construction, and regional air quality during operation, of pipelines and compressor stations.
    - Noise impact on nearby areas from construction and operation of pipelines and compressor stations.
    - Reliability and Safety:
      - Assessment of hazards associated with national gas pipelines, including placement in vicinity of schools and residential developments.

- Cumulative Impact:
  - Assessment of the combined effect of the proposed project with other projects which have been or may be proposed in the same region and similar time frame.

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas. A number of alternatives have been identified to date, both in filings made by the applicants and in comments received. We will evaluate all feasible alternatives identified.

Our independent analysis of the issues will be in a Draft EIS which will be mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for these proceedings. A 45-day comment period will be allotted for review of the Draft EIS. We will consider all comments on the Draft EIS and revise the document, as necessary, before issuing a Final EIS. The Final EIS will treat all comments received on the Draft EIS.

**Public Participation and Scoping Meetings**

You can make a difference by your specific comments or concerns about

the project. By becoming a commentator, your concerns will be addressed in the EIS and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative routes or compressor station sties), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please follow the instructions below to ensure that your comments are received and properly recorded:

- Reference Docket Nos. CP97-315-001, CP97-319-000. and CP98-200-000.
- Send *two* copies of your comments to: David P. Boergers, Acting Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426;
- Label one copy for the attention of the Environmental Review and Compliance Branch, PR-11.1.
- Please mail your comments so that they will be received in Washington, DC on or before April 29, 1998.

In addition to or in lieu of sending written comments, you are invited to attend one or more of the six public scoping meetings being held in the project area. An additional meeting(s) may be held in July or August. Meetings will be held at the following times and locations:

Date	Time	Location
Tuesday, April 7, 1998 .....	7:00 p.m .....	Joliet Central High School, Little Theatre, Corner of Van Buren and Herkimer, (815) 727-6743, Joliet, Illinois 60432.
Wednesday, April 8, 1998 .....	7:00 p.m .....	Buchanan High School Auditorium, 401 W. Chicago, (616) 695-8403, Buchanan, Michigan 49107.
Monday, April 20, 1998 .....	7:00 p.m .....	Tiffin Columbian High School Auditorium, 300 South Monroe Street, (419) 447-6331, Tiffin, Ohio 44883.
Tuesday, April 21, 1998 .....	7:00 p.m .....	Hoover High School, Hoover Hall, 525 Seventh Street, NE, (330) 497-5600, North Canton, Ohio 44720.
Wednesday, April 22, 1998 .....	7:00 p.m .....	Butler Intermediate High School Auditorium, 551 Fairground Hill Road, (724) 287-8721, Butler, Pennsylvania 16001.
Thursday, April 23, 1998 .....	7:00 p.m .....	Royal Inn, US Route 219 Boot Jack Road, (814) 773-3153, Ridgeway, Pennsylvania 15853.

The purpose of the scoping meetings is to obtain input from state and local governments and from the public. Federal agencies have formal channels for input into the Federal process (including separate meeting where appropriate). Federal agencies are expected to file their written comments directly with the FERC and not use the scoping meetings for this purpose. Independence, ANR, and National Fuel will be invited to present a description of their proposals. Interested groups and individuals are encouraged to attend the meetings and present oral comments on the environmental issues

which they believe should be addressed in the Draft EIS. A transcript will be made of the meetings and will be made part of the Commission's record in this proceeding. Written comments and oral comments will be treated equally in our review.

We are asking a number of Federal agencies to indicate whether they wish to cooperate with us in the preparation of the EIS. These agencies may choose to participate once they have evaluated each proposal relative to their agencies'

responsibilities. The list of agencies is provided in appendix 3.<sup>2</sup>

On the above dates we will also be conducting limited site visits to the project area in the vicinity of each scoping meeting location. Anyone interested in participating in the site visit may contact the Commission's Office of External Affairs, identified at

<sup>2</sup>The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE., Washington, DC 20426, Room 2A or call (202) 208-1371. Copies of the appendices were sent to all those receiving this notice in the mail.

the end of this notice, for more details and must provide their own transportation.

### Becoming an Intervenor

In addition to involvement in the EIS scoping process, you may want to become an official party to the proceeding, known as an "intervenor". Intervenor play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy to all other parties on the Commission's service lists for these proceedings. If you want to become an intervenor you must file a Motion to Intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 4). Only intervenors have the right to seek rehearing of the Commission's decision.

The date for filing timely motions to intervene in this proceeding has passed, having ended February 23, 1998. Therefore, parties now seeking to file late interventions must show good cause, as required by section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention. However, you do not need intervenor status to have your comments considered.

### Environmental Mailing List

Anyone offering scoping comments will be automatically kept on our environmental mailing list for the project. If you do not want to offer comments at this time but still want to keep informed and receive copies of the Draft and Final EISs, please return the Environmental Mailing List Information (appendix 5). If you do not return the card you will be taken off the mailing list.

Additional information about the proposed project is available from Paul McKee in the Commission's Office of External Affairs at (202) 208-1088.

**David P. Boergers,**

*Acting Secretary.*

[FR Doc. 98-6524 Filed 3-12-98; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Draft License Application and Preliminary Draft Environmental Assessment (PDEA)

March 9, 1998.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Major New License.

b. *Project No.:* 420-000.

c. *Applicant:* Ketchikan Public Utilities, City of Ketchikan, Alaska.

d. *Name of Project:* Ketchikan Lakes Hydroelectric Project.

e. *Location:* Partially within the Tongass National Forest, on Ketchikan and Granite Creeks, east of the city of Ketchikan, Alaska.

f. *Applicant Contact:* Mr. Ron Settje, Ketchikan Public Utilities, 2930 Tongass Avenue, Ketchikan, Alaska 99901, (907) 225-1000 (ext. 388).

*Send Comments to:* Mr. Larry Keith, Greystone, 5231 South Quebec Street, Greenwood Village, Colorado 80111, (303) 850-0930.

g. *FERC Contact:* Charles Hall (202) 219-2853.

h. Ketchikan Public Utilities mailed a copy of the PDEA and Draft License Application to interested parties on March 3. The Commission received a copy of the PDEA and Draft License Application on March 4.

i. As discussed in the Commission's September 18, 1996 letter to all parties, with this notice we are soliciting preliminary terms, conditions, and recommendations for the PDEA and comments on the draft license application.

j. All comments on the PDEA and draft license application for the Ketchikan Lakes Project should be sent to the address noted above in item (f) with one copy filed with the Commission at the following address: David P. Boergers, Acting Secretary, Federal Energy Regulatory Commission, Dockets—Room 1A, 888 First Street, Washington, DC 20426.

All comments must (1) bear the heading "Preliminary Comments", "Preliminary Recommendations", "Preliminary Terms and Conditions", or "Preliminary Prescriptions"; and (2) set forth in the heading the name of the applicant and the project number of the application. Any party interested in commenting must do so before June 3, 1998.

k. With this notice, we are initiating consultation with the State Historic

Preservation Officer (SHPO), as required by Section 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

**David P. Boergers,**

*Acting Secretary.*

[FR Doc. 98-6487 Filed 3-12-98; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Amendment of License

March 9, 1998.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Amendment of License.

b. *Project No.:* 2232-349.

c. *Date Filed:* September 22, 1997.

d. *Applicant:* Duke Power Company.

e. *Name of Project:* Catawba-Wateree Project.

f. *Location:* Gaston County, Mount Holly, North Carolina.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mr. E. Mark Oakley, Duke Power Company, P.O. Box 1006 (EC12Y), Charlotte, NC 28201-1006, (704) 382-5778.

i. *FERC Contact:* Allyson Lichtenfels, (202) 219-3274.

j. *Comment Date:* April 20, 1998.

k. *Description of the Filing:* The licensee filed a revised exhibit K-7-B drawing to indicate removal of an island from the Catawba-Wateree Project boundary. The island is located within the Catawba River approximately four and one-half miles downstream of the Mountain Island Dam. The revised project boundary is based on an updated survey reflecting the filling of the canal which created the island. The land proposed to be removed lies entirely outside or up-slope of the 570-foot contour pond elevation of Lake Wylie. A 0.41 -acre parcel of land is to be conveyed to Squires Enterprises, Inc., in exchange for a 1.52-acre parcel of land to be conveyed to Duke Power Company.

l. *This notice also consists of the following standard paragraphs:* B, C1, and D2.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214.

In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**David P. Boergers,**

*Acting Secretary.*

[FR Doc. 98-6488 Filed 3-12-98; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Proceeding Pursuant to Reserved Authority To Determine Whether Modifications to License Are Appropriate

March 9, 1998.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Action:* Proceeding pursuant to reserved authority to determine whether modifications to license are appropriate.

b. *Project No.:* 4718-010.

c. *License Issued:* December 8, 1982.

d. *Licensee:* Southern New Hampshire Hydroelectric Development Corporation.

e. *Name of Project:* Cocheco Falls.

f. *Location:* Cocheco River, Dover, New Hampshire.

g. *Authorization:* Article 11 of the project.

h. *Licensee Contact:* Mr. John Webster, Southern New Hampshire Hydroelectric Development Corporation, P.O. Box 178, South Berwick, ME 03908.

i. *FERC Contact:* Robert Grieve, (202) 219-2655.

j. *Comment Date:* April 11, 1998.

k. *Description of Proceeding:* The Commission has initiated a proceeding to determine if reserved authority under article 11 of the project license should be used to require modifications to the project. On September 25, 1995, the New Hampshire Department of Justice filed New Hampshire Fish and Game Department's (FGD) petition to revise the license for the Cocheco Falls Project with respect to upstream and downstream fish passage. In the petition, the FGD requested that a proceeding be initiated to require the licensee to modify the upstream and downstream fish passage facilities and trash boom and to extend the schedule of operation of the passage facilities. On August 30, 1996, Commission staff forwarded its preliminary analysis to the licensee, the New Hampshire Department of Justice and the FGD. Comments were received from each entity and the U.S. Fish and Wildlife Service.

Commission staff concluded in the preliminary analysis that modifications to the fish passage facilities and their operating schedules are warranted, along with a plan to correct trash boom problems.

Copies of the New Hampshire Department of Justice petition and Commission staff's preliminary analysis may be obtained from the Commission's public file in this proceeding.

1. This notice also consists of the following standard paragraphs: B, C1, and D2.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments,

protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", and "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**David P. Boergers,**

*Acting Secretary.*

[FR Doc. 98-6490 Filed 3-12-98; 8:45 am]

BILLING CODE 6717-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5977-2]

### Proposed Settlement Agreement, Clean Air Citizen Suit

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed settlement; request for public comment.

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended ("Act" or "CAA"), 42 U.S.C. 7413(g), notice is hereby given of a proposed partial consent decree, which was lodged with the United States District Court for the District of Columbia by the United States District Court of Columbia by the United States Environmental Protection Agency ("EPA") on February 27, 1998, to address a lawsuit filed by the Sierra Club. This lawsuit, which was filed pursuant to section 304(a) of the Act, 42 U.S.C. 7604(a), addresses EPA's

alleged failure to meet a mandatory deadline under section 202(i)(2)(B) of the Act, 42 U.S.C. 7521(i)(2)(B), which concerns a study and report to Congress regarding whether EPA should require further reductions in emissions from light-duty vehicles and light-duty trucks. The proposed partial consent decree provides, in part, that "[n]o later than July 15, 1998, the Administrator shall sign a letter transmitting a report to Congress containing the results of the study described by CAA section 202(i)(1) and (2), 42 U.S.C. 7521(i)(1) and (2). Within five business days thereafter, EPA shall deliver to Congress such letter and report."

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed consent decree from persons who were not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed partial consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determine, following the comment period, that consent is inappropriate, the final partial consent decree will establish a deadline for specific actions under section 202(i)(2)(B) of the Act.

A copy of the proposed partial consent decree was lodged with the Clerk of the United States District Court for the District of Columbia for February 27, 1998. Copies are also available from Phyllis J. Cochran, Air and Radiation Division (2344), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260-7606. Written comments should be sent to Michael J. Horowitz at the address above and must be submitted on or before April 13, 1998.

Dated: March 6, 1998.

**Scott C. Fulton,**

*Acting General Counsel.*

[FR Doc. 98-6537 Filed 3-12-98; 8:45 am]

BILLING CODE 6560-50-M

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5977-3]

### Proposed Settlement Agreement, Clean Air Act Citizen Suit; Consent Decree Setting Deadlines for Issuance of Regulations or Control Techniques Guidelines Under CAA Section 183(e)

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed settlement; request for public comment.

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended (the "Act"), 42 U.S.C. 7413(g), the United States Environmental Protection Agency (the "EPA") hereby gives notice of a proposed consent decree, which EPA lodged with the United States District Court for the District of Columbia on February 20, 1998, to address a lawsuit filed by the Sierra Club. The Sierra Club filed this lawsuit pursuant to section 304(a) of the Act, 42 U.S.C. 7604(a), to address EPA's alleged failure to meet a mandatory deadline under section 183(e) of the Act, 42 U.S.C. 7511b(e), which concerns issuance of rules or control techniques guidelines to reduce emissions of volatile organic compounds from consumer or commercial products. The proposed consent decree provides, in part, the EPA shall issue either rules or control techniques guidelines for certain categories of consumer or commercial products as follows: (1) August 15, 1998, for consumer products; (2) August 15, 1998, for autobody refinishing coatings; (3) August 15, 1998, for architectural coatings; (4) December 1, 1998, for wood refinishing coatings; (5) December 1, 1998, for aerospace coatings; and (6) December 1, 1998, for shipbuilding and ship repair coatings.

For a period of thirty (30) days following the date of publication of this notice, EPA will accept written comments relating to the proposed consent decree from persons who were not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines, following the comment period, that consent is inappropriate, the final consent decree will establish deadlines for specific actions under section 183(e) of the Act.

EPA lodged a copy of the proposed consent decree with the Clerk of the United States District Court for the District of Columbia on February 20, 1998. Copies are also available from Phyllis J. Cochran, Air and Radiation Law Office (2344), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260-7606. Written comments should be sent to Geoffrey L. Wilcox at the address above and must be submitted on or before April 13, 1998.

Dated: March 6, 1998.

**Scott C. Fulton,**

*Acting General Counsel.*

[FR Doc. 98-6538 Filed 3-12-98; 8:45 am]

BILLING CODE 6560-50-M

## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-5489-7]

### Environmental Impact Statements; Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information (202) 564-7167 OR (202) 564-7153.

Weekly receipt of Environmental Impact Statements  
Filed March 02, 1998 through March 06, 1998

Pursuant to 40 CFR 1506.9.  
EIS No. 980063, DRAFT EIS, FHW, WA, A-104/Edmonds Crossing Project, Connecting Ferries, Bus and Rail, Funding, NPDESs Permit, COE Section 10 and 404 Permit, City of Edmonds, Snohomish County, WA, Due: April 27, 1998, Contact: Gene Fong (360) 753-2120.

EIS No. 980064, FINAL EIS, AFS, UT, Spruce Ecosystem Recovery Project, Implementation, Dixie National Forest, Cedar City Ranger District, Iron County, UT, Due: April 13, 1998, Contact: Ronald S. Wilson (435) 865-3200.

EIS No. 980065, DRAFT EIS, FHW, MO, MO-50/West-Central Corridor Location Study, Transportation Improvements, Sedallia to St. Martins, Pettis, Cooper, Morgan and Moniteau and Cole Counties, MO, Due: April 27, 1998, Contact: Don Newman (573) 636-7104.

EIS No. 980066, DRAFT EIS, COE, WV, Bluestone Lake Dam Safety Assurance Project, Modifications to withstand the Probable Maximum Flood, (PMF) Huntington District, Summer County, WV, Due: April 27, 1998, Contact: A. Benjamin Borda (304) 529-5712.

EIS No. 980067, DRAFT EIS, AFS, VT, Sugarbush Ski Resort Project,

Improvements and Development, Special-Use-Permit, Green Mountain National Forest, Rochester Range District, Fayston and Warren, Washington County, VT, Due: April 27, 1998, Contact: Bob Bayer (802) 362-2307.

EIS No. 980068, FINAL EIS, NPS, AS, National Park of American Samoa, Implementation, General Management Plan, Islands of Tutuila, Ta'u and Ofu, Territory of American Samoa, Due: April 13, 1998, Contact: Alan Schmierer (415) 427-1441.

EIS No. 980069, DRAFT EIS, COE, MD, Ocean City, Maryland and Assateague Island Project, Implementation, Vicinity Water Resources Feasibility Study, Town of Ocean City, Worcester County, MD, Due: April 27, 1998, Contact: Michele A. Bistang (410) 962-4934.

Dated: March 10, 1998.

**William D. Dickerson,**

*Director, NEPA Compliance Division, Office of Federal Activities.*

[FR Doc. 98-6565 Filed 3-12-98; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

[ER-FRL-5489-8]

**Environmental Impact Statements and Regulations; Availability of EPA Comments**

Availability of EPA comments prepared February 23, 1998 Through February 27, 1998 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the OFFICE OF FEDERAL ACTIVITIES AT (202) 564-7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 11, 1997 (62 FR 16154).

**Draft EISs**

ERP No. D-AFS-E65050-MI Rating EC2, Porter Creek Recreational Lake and Complex, Implementation, Homochitto National Forest, Homochitto Ranger District, Franklin County, MI.

*Summary:* EPA expressed environmental concerns about loss of floodplain resources and water quality problems from potential sewage discharge.

ERP No. D-AFS-L65297-AK Rating EC2, Indian River Timber Sales(s) Project, Implementation, Tongass

National Forest, Chatham Area, Sitka and Hoonah Ranger Districts, COE Section 10 and 404 Permit, NPDES and Coast Guard Bridge Permit, Chichagof Island, AK.

*Summary:* EPA expressed environmental concerns with mitigation strategies and made recommendations for improving those strategies. EPA recommended that all log transfer facilities be designed and operated in a manner that allows for direct transfer of logs from land to barge. EPA also recommended that the project area watershed analysis, dive report and wetland delineation be included in the final EIS.

ERP No. D-FHW-C40142-NY Rating EC2, S-20/Broadway (Transit Road to Lancaster East Village Line) Reconstruction, Funding, COE Section 10 and 404 Permit, in the Villages of Depew and Lancaster, Erie County, NY.

*Summary:* EPA requested that the final EIS provide air quality analysis which demonstrates that Phase II will conform to the state implementation plan as well as a commitment to characterize and plan for the disposal of contaminated waste. EPA also requests that the final EIS address mitigation for adverse effects to historic or cultural resources.

ERP No. D-FHW-K40229-HI Rating EO2, Saddle Road (HI-200) Improvements between Mamalahoa Highway HI-190) to Milepost 6 near Hilo, Funding, NPDES and COE Section 404 Permit, Hawaii County, HI.

*Summary:* EPA Region 9 raised environmental objections to the build alternative. EPA suggested that other alternatives be examined and raised concerns with the alternatives analysis, impacts to water resources, and indirect and cumulative effects of the project.

ERP No. D-USA-C11014-NY Rating EC2, Seneca Army Depot Activity Disposal and Reuse, Implementation, Seneca County and the City of Geneva, Ontario County, NY.

*Summary:* EPA expressed environmental concerns about ground water contamination remediation, and impacts to wetlands and cultural resources.

ERP No. D-USA-E11042-AL Rating EC2, Fort McClellan (Main Post) Disposal and Reuse, Implementation, Calhoun, Cleburne, Randolph, Clay, Talledega, St. Clair, Etowah and Cherokee Counties, AL.

*Summary:* EPA has environmental concerns with the preferred alternative based on the unknowns associated with its potential environmental impacts. Additional information will need to be developed to determine the actual long-

term consequences of this more intensive reuse option.

ERP No. D-USN-K11083-CA Rating EC2, Hunters Point (Former) Naval Shipyard Disposal and Reuse, Implementation, City of San Francisco, San Francisco County, CA.

*SUMMARY:* EPA requested additional information on project description, alternatives land use compatibility, air quality cumulative impacts, hazardous wastes and environmental justice analysis. In particular, we are concerned by a general lack of specificity in the draft EIS/EIR.

ERP No. D-USN-K11086-CA Rating EC2, US Pacific Fleet F/A 18 E/F Aircraft for Development of Facilities to Support Basing on the West Coast of the United States, Possible Installations are (1) Lemoore Naval Air Station and (2) El Centro Naval Air Facility, Fresno, King and Imperial Counties, CA.

*SUMMARY:* EPA expressed environmental concerns that the proposed project and DEIS was developed without consideration of Executives Orders that require pollution prevention, energy efficiency, water conservation, hazardous waste minimization, and solid waste reduction and recycling. EPA expressed concerns that air mitigation measures required under EPA's general conformity rule are conceptual in nature and lack definitiveness.

ERP No. DA-FHW-L40049-OR Rating EC2, West 11th Avenue—Garfield Street (West Eugene Parkway) Highway Project, Florence—Eugene Highway (OR-126) New Alignment, Comparison of the Originally Approved Design and a New Modified Design, Funding, Lane County, OR.

*SUMMARY:* EPA expressed environmental concerns regarding alternative analysis and their rejection since it appeared some had reduced environmental impacts especially to rare wet prairie meadows. Also, there is insufficient information to determine whether the design of wildlife crossings proposed for mitigation will accommodate all species frequenting the area.

**Final EISs**

ERP No. F-CGD-C50012-00 Staten Island Bridges Program—Modernization and Capacity Enhancement Project, Construction and Operation, Funding, Right-of-Way Grant, COE Section 404 Permit and NPDES Permit, Staten Island, NY and Elizabeth, NJ.

*SUMMARY:* Based on EPA review of the final EIS, and with the understanding that EPA will continue to provide input to the interagency mitigation group regarding pending

wetland mitigation issues, and that the stages IB cultural resource survey will be completed. EPA's concerns have been adequately addressed. EPA has concluded that the proposed project would not result in significant adverse environmental impacts; therefore, EPA has no objections to its implementation.

ERP No. F-DOE-C06013-NY Disposal of the Defueled S3G and D1G Prototype Reactor Plants, Implementation, Located at the Knolls Atomic Power Laboratory Kesselring Site near West Milton, Saratoga County, NY.

**SUMMARY:** EPA had no objections to the implementation of the proposed project.

ERP No. F-USN-K11077-CA Novato, California Department of Defense Housing Facility Disposal and Reuse, Implementation, City of Novato, Marin County, CA.

**SUMMARY:** EPA express environmental concern about the draft EIS, which include requests for information regarding project description, cumulative impacts water and wetlands, air quality and cultural resources protection, are generally addressed in the Final EIS. EPA asks the Navy to better use the no-action baseline in its impacts analysis.

Dated: March 10, 1998.

**William D. Dickerson,**

*Director, NEPA Compliance Division, Office of Federal Activities.*

[FR Doc. 98-6573 Filed 3-12-98; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-30450; FRL-5779-7]

### Agtrol Chemical Products; Applications to Register a Pesticide Product

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces the receipt of an application to register a pesticide product involving a changed use pattern pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

**DATES:** Written comments must be submitted by April 13, 1998.

**ADDRESSES:** By mail, submit written comments identified by the docket control number [OPP-30450] and the

file symbols to: Public Information and Records Integrity Branch (7502C), Information Resources and Services Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Environmental Protection Agency, Rm. 119, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Comments and data may also be submitted electronically to: opp-docket@epamail.epa.gov. Follow the instructions under "SUPPLEMENTARY INFORMATION." No Confidential Business Information (CBI) should be submitted through e-mail.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI).

Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record.

Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 119 at the address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Luis Suguiyama, Fungicide Branch Chief, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 241, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305-6027; e-mail:

suguiyama.luis@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** EPA received an application to register a pesticide product involving a changed use pattern pursuant to the provision of section 3(c)(4) of FIFRA. Notice of receipt of this application does not imply a decision by the Agency on the application.

### I. Product Involving a Changed Use Pattern

File Symbol: 55146-TG. Applicant: Agtrol Chemical Products, 7322 Southwest Freeway, Houston, TX, 77074. Product name: Flourish Fungicide. Active ingredient: Metalaxyl at 25.1 percent. Proposed classification:

None. Use: To include, controlling diseases on growing food crop plants.

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register**. The procedure for requesting data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

### II. Public Record and Electronic Submissions

The official record for this notice, as well as the public version, has been established for this notice under docket control number [OPP-30450] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official record is located at the address in "ADDRESSES" at the beginning of this document.

Electronic comments can be sent directly to EPA at: opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comment and data will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket control number [OPP-30450]. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

**Authority:** 7 U.S.C. 136.

### List of Subjects

Environmental protection, Pesticides and pest, Product registration.

Dated: March 11, 1998.

**Luis Suguiyama,**

*Chief, Fungicide Branch, Registration Division, Office of Pesticide Programs.*

[FR Doc. 98-6690 Filed 3-12-98; 8:45 am]

BILLING CODE 6560-50-F

**ENVIRONMENTAL PROTECTION  
AGENCY**

[FRL-5977-6]

**Enviropur West Corporation Superfund  
Removal Site; Notice of Proposed First  
Amendment to Administrative  
Settlement Pursuant to the  
Comprehensive Environmental  
Response, Compensation, and Liability  
Act, as Amended by the Superfund  
Amendments and Reauthorization Act**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice; request for public comments.

**SUMMARY:** In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended by the Superfund Amendments and Reauthorization Act ("CERCLA"), 42 U.S.C. 9266(i) notice is hereby given of a First Amendment to Administrative Agreement (Region 9, Docket No. 97-08) pursuant to section 122(h) of CERCLA concerning the Enviropur West Corporation Removal Site located in Signal Hill, California. The proposed amendment adds Advanced Environmental, Inc. as a Settling Party to this Agreement. Under the Amendment, Advanced Environmental, Inc. is to pay \$35,000 to EPA. The payment amount is based on Advanced Environment Inc.'s ability to pay EPA response costs. The proposed Amendment is to resolve the liability of Advanced Environmental, Inc. under section 107 of CERCLA for the EPA's response costs incurred in conducting removal of aboveground waste in containers at the Enviropur West Corporation removal site. For thirty (30) days following the date of publication of this document, the Agency will receive written comments relating to the Amendment. The Agency's response to any comments received will be available for public inspection at EPA's Region IX offices located at 75 Hawthorne Street, San Francisco, California 94105.

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

**ADDRESSES:** The proposed Amendment may be obtained from Danielle Carr, Hearing Clerk, telephone (415) 744-1389. Comments regarding the proposed Amendment settlement should be addressed to Danielle Carr (ORC-3) at 75 Hawthorne Street, San Francisco, California 94105, and should reference the Enviropur West Corporation Superfund Removal Site located at 1835 E 29th Street, Signal Hill, California, EPA Docket No. 97-08.

**FOR FURTHER INFORMATION CONTACT:** Janet Carlson, Office of Regional Counsel, (415) 744-1345, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105.

Dated: February 24, 1998.

**Keith A. Takata,**

*Director, Superfund Division.*

[FR Doc. 98-6539 Filed 3-12-98; 8:45 am]

BILLING CODE 6560-50-M

**ENVIRONMENTAL PROTECTION  
AGENCY**

[FRL-5977-7]

**San Gabriel Valley Superfund Sites;  
Notice of Proposed Administrative  
Settlement**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice; request for public comment.

**SUMMARY:** In accordance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA"), 42 U.S.C. 9600 *et seq.*, notice is hereby given that on February 24, 1998, the United States Environmental Protection Agency ("EPA") and the United States Department of Justice ("DOJ") executed a proposed Prospective Purchaser Agreement pertaining to a property transaction within the San Gabriel Valley Superfund Sites. The proposed Prospective Purchaser Agreement would resolve certain potential claims of the United States under sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, and section 7003 of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6973, against Trammell Crow So. Cal. Properties, Inc. (the "Purchaser"). The Purchaser plans to acquire 8.93 acre parcel located within the Puente Valley Operable Unit of the San Gabriel Valley Superfund Sites near Los Angeles, California for the purposes of developing and operating a light industrial and commercial facility. The proposed settlement would require the Purchaser to make a one-time payment of \$150,000, which would be placed into a special account for response actions in the Puente Valley Operable Unit.

For thirty (30) calendar days following the date of publication of this document, EPA will receive written comments relating to this proposed settlement. If requested prior to the

expiration of this public comment period, EPA will provide an opportunity for a public meeting in the affected area. EPA's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105.

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

**ADDRESSES: Availability:** The proposed Prospective Purchaser Agreement and additional background documentation relating to the settlement are available for public inspection at the U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105. A copy of the proposed settlement may also be obtained from Brett Moffatt, Assistant Regional Counsel (ORC-3), Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105. Comments should reference "Cardinal Industrial Finishes—Puente Valley Operable Unit, San Gabriel Valley Superfund Sites" and "Docket No. 97-12" and should be addressed to Brett Moffatt at the above address.

**FOR FURTHER INFORMATION CONTACT:** Brett Moffatt, Assistant Regional Counsel (ORC-3), Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; E-mail: moffatt.brett@epamail.epa.gov; Phone: (415) 744-1374.

Dated: March 2, 1998.

**Michael Feeley,**

*Deputy Director, Superfund Division, Region IX.*

[FR Doc. 98-6540 Filed 3-12-98; 8:45 am]

BILLING CODE 6560-50-U

**FEDERAL COMMUNICATIONS  
COMMISSION**
**Notice of Public Information  
Collections Being Reviewed by the  
Federal Communications Commission**

March 9, 1998.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the

Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated information techniques or other forms of information technology.

**DATES:** Written comments should be submitted on or before May 12, 1998. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all comments to Judy Boley, Federal Communications Commission, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to jboley@fcc.gov.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collections contact Judy Boley at 202-418-0214 or via internet at jboley@fcc.gov.

**SUPPLEMENTARY INFORMATION:**

*OMB Approval No.:* 3060-0736.  
*Title:* Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended, CC Docket No. 96-149.

*Form No.:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for profit.

*Number of Respondents:* 5.

*Estimated Time Per Response:* 60.6 hours per response (avg.).

*Frequency of Response:* On occasion reporting requirement.

*Total Annual Burden:* 303 hours.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$0.

*Needs and Uses:* Section 272 of the Telecommunications Act of 1996 requires that BOCs make information available to third parties if it makes that information available to its section 272(a) affiliates. In an Order released February 6, 1998, the Commission's Common Carrier Bureau resolved questions regarding the application of sections 10 and 272 of the Communications Act of 1934, as amended, (Act) to the provision of E911 services by the Bell Operating

Companies (BOCs). Bell Operating Companies, Petitions for Forbearance from the Application of Section 272 of the Communications Act of 1934, As Amended, to Certain Activities, CC Docket No. 96-149, DA 98-220, Memorandum Opinion and Order (Com. Car. Bur. Feb. 6, 1998) (February 6 Order). E911 services enable emergency service personnel to identify the location of the party calling 911, and are essential to the safety of many Americans. In the February 6 Order, the Bureau determined that the BOCs' E911 services are interLATA information services. One consequence of this determination was that each BOC had an obligation under section 272(a)(2)(C) of the Act to provide E911 services only through a separate affiliate. In the February 6 Order, the Bureau forbore from the application of this separate affiliate requirement pursuant to the forbearance authority in section 10 of the Act, thus permitting the BOCs to provide E911 services on an integrated basis. The Bureau determined that requiring the BOCs to provide E911 services only through separate affiliates would have increased the cost, but not the quality, of those services. In the February 6 Order, the Bureau maintained the substance of the statutory nondiscrimination requirement by requiring each BOC to provide unaffiliated entities with all listing information, including unlisted and unpublished numbers as well as the numbers of other local exchange carriers' customers, that the BOC uses to provide E911 services, even though that Order was permitting the BOCs to provide those services on an integrated basis. The Bureau required that this listing information be provided at the same rates, terms, and conditions, if any, the BOC charges or imposes on its own E911 services. The BOCs are already required to account for their E911 services on the books of account that they maintain in accordance with Part 32 of the Commissions rules. The Commission requires that the BOCs treat their E911 services as nonregulated activities for federal accounting purposes to the extent they involve storage and retrieval functions included within the statutory definition of information service. The BOCs shall record any charges they impute for their E911 services in their revenue accounts. The BOCs shall account for any imputed charges by debiting their nonregulated operating revenue accounts and crediting their regulated revenue accounts by the amounts of the imputed charges. The BOCs shall make any changes to their cost allocation manuals

necessary to reflect this account. The BOCs' independent auditors shall include this accounting in their review of the BOCs compliance with their cost allocation manuals. The requirements will be used to ensure that BOCs comply with the nondiscrimination requirements under the 1996 Act.

*OMB Approval No.:* 3060-0785.

*Title:* Changes to the Board of Directors of the National Exchange Carrier Association and the Federal-State Joint Board on Universal Service, CC docket Nos. 97-21 and 96-45.

*Form No.:* FCC Form 457.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for profit.

*Number of Respondents:* 5,000.

*Estimated Time Per Response:* 11.13 hours per response (avg.).

*Frequency of Response:* On occasion reporting requirement.

*Total Annual Burden:* 55,650 hours.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$4,903,000.

*Needs and Uses:* The

Telecommunications Act of 1996 directed the Commission to initiate a rulemaking to reform our system of universal service so that universal service is preserved and advanced as markets move toward competition. On May 8, 1997, the Commission released the Report and Order on Universal Service (Universal Service Order) in CC Docket 96-45 that established new federal universal service support mechanisms consistent with the universal service provisions of section 254. In the Fourth Order on Reconsideration in CC Docket No. 96-45, Report and Order in CC Docket Nos. 96-45, 96-262, 94-1, 91-213, 95-72 (adopted December 30, 1997, released December 30, 1997), the Commission reconsidered certain aspects of the Universal Service Order and exempted additional entities from universal service contribution and reporting requirements. Broadcasters and schools, colleges, universities, rural health care providers, and systems integrators that derive de minimis amounts of revenue from the resale of telecommunications will not be required to contribute to universal service. Entities whose annual contribution would be less than \$10,000 will not be required to contribute to universal service or comply with universal service reporting requirements. Contributors exempt from filing and contributing because of de minimis revenues must complete and retain the FCC 457 worksheet and make it available to the Commission or to the Universal Service Administrator upon request. Underlying carriers should

include revenues derived from providing telecommunications to entities qualifying for the de minimis exemption in line 34-47, where appropriate of their Universal Service Worksheet. The Universal Service Worksheet, FCC Form 457 was revised to make it consistent with recent actions taken by the Commission in the universal service proceeding. The information will be used by the Commission and the Administrator or Temporary Administrator to calculate contributions to the universal service support mechanisms.

*OMB Approval No.:* 3060-0536.

*Title:* Rules and Requirements for Telecommunications Relay Services (TRS) Interstate Cost Recovery.

*Form No.:* FCC Form 431.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for profit.

*Number of Respondents:* 5,000.

*Estimated Time Per Response:* 3.11 hours per response (avg.).

*Frequency of Response:* On occasion reporting requirement.

*Total Annual Burden:* 15,593 hours.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$0.

*Needs and Uses:* Title IV of the Americans with Disabilities Act, Public Law 101-336, Section 401, 104 Stat. 327, 366-69 (codified at 47 U.S.C. Section 225) requires the Federal Communications Commission to ensure that telecommunications relay services are available to persons with hearing and speech disabilities in the United States. Among other things, the Commission is required by 47 U.S.C. 225(d)(3) to enact and oversee a shared-funding mechanism (TRS Fund) for recovering the costs of providing interstate TRS. The Commission's regulations concerning the TRS Fund are codified at 47 C.F.R. 64.604(c)(4). Pursuant to these regulations, the National Exchange Carrier Association (NECA) has been appointed Administrator of the TRS Fund. The Commission's rules require all carriers providing interstate telecommunications services to contribute to the TRS Fund on an annual basis. Contributions are the product of the carrier's gross interstate revenues for the previous year and a contribution factor determined annually by the Commission. The collected contributions are used to compensate TRS providers for the costs of providing interstate TRS service. The Commission releases an order each year approving the contribution factor, payment rate and TRS Fund Worksheet for the following year. Accordingly, on December 22, 1997, the Commission's

Common Carrier Bureau, acting under delegated authority, released an order approving the contribution factor for the April 1998 through March 1999 contribution period and the 1998 TRS Fund Worksheet (FCC Form 431) and also making several revisions to the form. The data in the report will be used to ensure that carriers properly fund interstate TRS. All carriers providing interstate telecommunications service must file this worksheet. Other telecommunications carriers may voluntarily file this worksheet. The requested information is used to administer the TRS Fund. Information is used to calculate a national average to recover the total interstate TRS revenue requirements and to determine the appropriate payment due to the TRS providers participating in the shared-funding plan.

*OMB Approval No.:* 3060-0814.

*Title:* Section 54.301 Local Switching Support and Local Switching Support Data Collection Form and Instructions.

*Form No.:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for profit.

*Number of Respondents:* 192.

*Estimated Time Per Response:* 21.55 hours per response (avg.).

*Frequency of Response:* On occasion reporting requirement; annually.

*Total Annual Burden:* 4,138 hours.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$0.

*Needs and Uses:* The Telecommunications Act of 1996 directed the Commission to initiate a rulemaking to reform our system of universal service so that universal service is preserved and advanced as markets move toward competition. On May 8, 1997, the Commission released the Report and Order on Universal Service (Universal Service Order) in CC Docket 96-45 that established new federal universal service support mechanisms consistent with the universal service provisions of section 254. In the Fourth Order on Reconsideration in CC Docket No. 96-45, Report and Order in CC Docket Nos. 96-45, 96-262, 94-1, 91-213, 95-72 (adopted December 30, 1997, released December 30, 1997), the Commission reconsiders certain aspects of the Universal Service Order. Among other things, the Fourth Order on Reconsideration adopts a precise methodology for the universal service administrator to use in calculating the average unseparated local switching revenue requirement. Although this rule generally requires carriers to submit

data on October 1 of each year, the universal service administrator must collect data from carriers that do not participate in the NECA common line pool immediately to prepare for the 1998 year. Each incumbent local exchange carrier that is not a member of the NECA Common Line tariff, that has been designated an eligible telecommunications carrier, and that serves a study area with 50,000 or fewer access lines shall, for each study area, provide the Administrator with the projected total unseparated dollar amount assigned to each account in Section 54.301(b) for 1998. Of the carriers that do not participate in the NECA common line pool, 20 of these carriers are "average schedule" companies as defined in Part 69.605(c) of the Commission's rules. Each incumbent local exchange carrier that is not a member of the NECA Common Line tariff, that is an average schedule company, that has been designated an eligible telecommunications carrier, and that serves a study area with 50,000 or fewer access lines shall, for each study area, provide the Administrator with their total number of access lines, total number of central offices, and projected access minutes for 1998. These companies receive local switching support calculated pursuant to section 54.301(f), whereas the remaining companies receive support calculated pursuant to section 54.301(b). This data request is necessary to calculate the average unseparated local switching revenue requirement. This revenue requirement calculation is necessary to calculate the amount of local switching support that carriers will receive. This data request is necessary to calculate the average unseparated local switching revenue requirement.

*OMB Approval No.:* 3060-0819.

*Title:* Lifeline Assistance (Lifeline), Lifeline Connection Assistance (Link Up) Reporting Worksheet and Instructions (47 CFR 54.400-54.417).

*Form No.:* FCC Form 497.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for profit.

*Number of Respondents:* 1,500 respondents (18,000 responses).

*Estimated Time Per Response:* 3 hours per response (avg.)

*Frequency of Response:* On occasion reporting requirement; monthly; quarterly; semi-annually.

*Total Annual Burden:* 42,000.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$0.

*Needs and Uses:* The Telecommunications Act of 1996 directed the Commission to initiate a

rulemaking to reform our system of universal service so that universal service is preserved and advanced as markets move toward competition. On May 8, 1997, the Commission released a Report and Order on Universal Service (Universal Service Order) in CC Docket 96-45 that established new federal universal service support mechanisms consistent with section 254. In the Universal Service Order, the Commission expanded and made competitively neutral its programs for low-income consumers, Lifeline and Link Up. On December 30, 1997, the Commission released a Fourth Order on Reconsideration that amended some of the Lifeline and Link Up rules. The following describes the universal service support reimbursement available to eligible telecommunications carriers for providing Lifeline and Link Up programs to qualifying low-income customers: Eligible telecommunications carriers are permitted to receive universal service support reimbursement for offering Lifeline service to qualifying low-income customers; eligible telecommunications carriers may receive universal service support reimbursement for the revenue they forego in reducing their customary charge for commencing telecommunications service and for providing a deferred schedule for payment of the charges assessed for commencing service for which the consumer does not pay interest, in conformity with 47 CFR 54.411; eligible telecommunications carriers providing toll-limitation services (TLS) for qualifying low-income subscribers will be compensated from universal service mechanisms for the incremental cost of providing either toll blocking or toll control; and eligible telecommunications carriers that serve qualifying low-income consumers who have toll blocking shall receive universal service support reimbursement for waiving the Presubscribed Interexchange Carriers Charge (PICC) for Lifeline customers. FCC Form 497 implements the Lifeline and Link Up reimbursement programs. This information is necessary in order for eligible telecommunications carriers to receive universal service support reimbursement for providing Lifeline and Link Up.

Federal Communications Commission.

**Magalie Roman Salas,**

Secretary.

[FR Doc. 98-6424 Filed 3-12-98; 8:45 am]

BILLING CODE 6712-10-U

## FEDERAL COMMUNICATIONS COMMISSION

### Public Information Collection(s) Being Reviewed by the Federal Communications Commission

March 6, 1998.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104-13. Any agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Written comments should be submitted on or before May 12, 1998. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all comments to Judy Boley, Federal Communications Commission, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to [jboley@fcc.gov](mailto:jboley@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collection(s), contact Judy Boley at 202-418-0214 or via internet at [jboley@fcc.gov](mailto:jboley@fcc.gov).

#### SUPPLEMENTARY INFORMATION:

*OMB Approval Number:* 3060-XXXX.

*Title:* Application for DTV Broadcast Station License.

*Form Number:* FCC Form 302-DTV.

*Type of Review:* New collection.

*Respondents:* Businesses or other for-profit.

*Number of Respondents:* 50.

*Estimated Time Per Response:* 19 hours (1.5 for applicant; 17.5 for contact engineer).

*Total Annual Burden:* 75 hours.

*Frequency of Response:* On occasion reporting requirement.

*Estimated Cost Per Respondent:* \$172,375.

*Needs and Uses:* Licensees and permittees of DTV broadcast stations are required to file FCC Form 302-DTV to obtain a new or modified station license, and/or to notify the Commission of certain changes in the licensed facilities of these stations.

The data is used by Commission staff to confirm that the station has been built to terms specified in the outstanding construction permit, and to update FCC station files. Data is then extracted from FCC 302-DTV for inclusion in the subsequent license to operate the station.

*OMB Approval Number:* 3060-XXXX.

*Title:* Application for Assignment of a Multipoint Distribution Service Authorization.

*Form Number:* FCC Form 305.

*Type of Review:* New collection.

*Respondents:* Businesses or other for-profit, not-for-profit institutions.

*Number of Respondents:* 160.

*Estimated Time Per Response:* 55 hours (12.7 hours—assignor; 37.3 hours—assignee).

*Total Annual Burden:* 800 hours.

*Frequency of Response:* On occasion reporting requirement.

*Estimated Cost Per Respondent:* \$1,609,660.

*Needs and Uses:* The Commission has developed a new FCC Form 305 application form which streamlines the application process for assignment of a Multipoint Distribution Service (MDS) authorization. This new form will replace the FCC Form 702 (3060-0068) for facilities governed by 47 CFR Part 21. The new FCC Form 305 will collect only the information required to evaluate a proposed assignee's qualifications to become a Commission MDS licensee. This new form has been developed to accommodate electronic filing of an assignment of authorization for MDS applicants. The data is used by FCC staff to determine if the applicant is qualified to become a licensee or permittee and to carry out the statutory provisions of Section 310(d) of the Communications Act of 1934, as amended.

*OMB Approval No.:* 3060-0185.

*Title:* Section 73.3613, Filing of Contracts System Operation.

*Form No.:* N/A.

*Type of Review:* Extension of currently approved collection.

*Respondents:* Businesses or other for-profit, not-for-profit institutions.

*Number of Respondents:* 3,180.

*Estimated Hours Per Response:* 0.75 hours reporting requirement (0.25 hours licensee/0.5 hours contract time); 0.5 hours recordkeeping requirement.

*Frequency of Response:* On occasion reporting requirement and recordkeeping requirement.

*Cost to Respondents:* \$74,000.

*Estimated Total Annual Burden:* 1,405 hours.

*Needs and Uses:* Section 73.3613 requires that licensees of TV and low power TV broadcast stations file with the FCC copies of network affiliation contracts, instruments, and documents together with amendments, supplements and cancellations. In addition, all radio and full service TV broadcast station licensees are required to file contracts, instruments, or documents relating to ownership or control and personnel.

Section 73.3613 also requires licensees to file, within 30 days of execution, a copy of any local time brokerage agreement which would result in the arrangement being counted in determining the brokering licensee's compliance with local and national radio multiple ownership rules.

Certain contracts, agreements or understandings need not be filed with the FCC under Section 73.3613(e), but must be retained at the station and be made available for inspection upon request by the FCC.

The contracts filed with the FCC and filed in the station file are used by FCC staff to assure that a licensee maintains full control over the operation and maintenance of the station.

Federal Communications Commission.

**Magalie Roman Salas,**  
*Secretary.*

[FR Doc. 98-6425 Filed 3-12-98; 8:45 am]

BILLING CODE 6712-01-M

## FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2261]

### Petitions for Reconsideration and Clarification of Action in Rulemaking Proceeding

March 6, 1998.

Petitions for reconsideration and clarification have been filed in the Commission's rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, N.W., Washington, D.C. or may be purchased from the Commission's copy

contractor, ITS, Inc., (202) 857-3800. Oppositions to these petitions must be filed March 30, 1998. See Section 1.4(b)(1) of the Commission's rule (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

*Subject:* Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Tylertown, Mississippi) (CC Docket No. 97-45).

*Number of Petitions Filed:* 1.

Federal Communications Commission.

**Magalie Roman Salas,**  
*Secretary.*

[FR Doc. 98-6459 Filed 3-12-98; 8:45 am]

BILLING CODE 6712-01-M

## FEDERAL ELECTION COMMISSION

### Sunshine Act Meeting

**DATE & TIME:** Friday, April 24 at 8:00 a.m., Saturday, April 25 at 8:30 a.m.

**PLACE:** Doubletree Hotel, Columbia River, 1401 N. Hayden Island Drive, Portland, OR 97217.

**NAME:** Federal Election Commission, Election Administration Advisory Panel.

**STATUS:** The Advisory Panel Meeting is open to the public, dependent on available space.

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. Appl I) and Office of Management and Budget Circular A-63, as revised, the Federal Election Commission announces the 1998 Advisory Panel meeting.

**ITEMS TO BE DISCUSSED:** Using the Internet in Election Offices; Developing a Statewide Voter Registration Database; Year 2000 Compliance in Election Offices; Problems and Solutions; Updating the Voting Systems Standards; A Review of Recent Election Case Law; Confirming Identity Through Biometric Technology; Census 2000; Communicating with the Electronic Media.

**PURPOSE OF THE MEETING:** The Panel will present their views on problems in the administration of Federal elections, and formulate recommendations to the Federal Election Commission Office of Election Administration for its future program development.

Any member of the public may file a written statement with the Panel before, during, or after the meeting. To the extent that time permits, Panel Chair may allow public presentation or oral statements at the meeting.

**PERSON TO CONTACT FOR INFORMATION:** Ms. Penelope Bonsall, Director, Office of

Election Administration, Telephone: (202) 694-1095.

**Marjorie W. Emmons,**

*Secretary of the Commission.*

[FR Doc. 98-6720 Filed 3-11-98; 3:04 p.m.]

BILLING CODE 6715-01-M

## FEDERAL RESERVE SYSTEM

### Sunshine Act Meeting

**AGENCY HOLDING THE MEETING:** Board of Governors of the Federal Reserve System.

**TIME AND DATE:** 10:00 a.m., Wednesday, March 18, 1998.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

#### *Discussion Agenda*

1. Proposed amendments to Regulation D (Reserve Requirements of Depository Institutions) regarding a proposed reserve maintenance system under which reserves are maintained on a lagged basis (proposed earlier for public comment; Docket No. R-0988).

2. Any items carried forward from a previously announced meeting.

**Note:** This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for \$6 per cassette by calling 202-452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

**CONTACT PERSON FOR MORE INFORMATION:** Joseph R. Coyne, Assistant to the Board; 202-452-3204.

**SUPPLEMENTARY INFORMATION:** You may call 202-452-3206 for a recorded announcement of this meeting; or you may contact the Board's Web site at <http://www.bog.frb.fed.us> for an electronic announcement. (The Web site also includes procedural and other information about the open meeting.)

Dated: March 11, 1998.

**Jennifer J. Johnson,**

*Deputy Secretary of the Board.*

[FR Doc. 98-6655 Filed 3-11-98; 11:25 am]

BILLING CODE 6210-01-P

## FEDERAL RESERVE SYSTEM

### Sunshine Act Meeting

**AGENCY HOLDING THE MEETING:** Board of Governors of the Federal Reserve System.

**TIME AND DATE:** Approximately 10:30 a.m., Wednesday, March 18, 1998, following a recess at the conclusion of the open meeting.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any matters carried forward from a previously announced meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Joseph R. Coyne, Assistant to the Board; 202-452-3204.

**SUPPLEMENTARY INFORMATION:** You may call 202-452-3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at <http://www.bog.frb.fed.us> for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: March 11, 1998.

**Jennifer J. Johnson,**

*Deputy Secretary of the Board.*

[FR Doc. 98-6656 Filed 3-11-98; 11:25 am]

BILLING CODE 6210-01-M

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. 98C-0158]

#### Linvatec Corp.; Filing of Color Additive Petition

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that Linvatec Corp. has filed a petition proposing that the color additive regulations be amended to provide for the safe use of D&C Violet No. 2 to color absorbable meniscal tacks made from poly(L-lactic acid).

**FOR FURTHER INFORMATION CONTACT:** Ellen M. Waldron, Center for Food Safety and Applied Nutrition (HFS-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3089.

**SUPPLEMENTARY INFORMATION:** Under the Federal Food, Drug, and Cosmetic Act (sec. 721(d)(1) (21 U.S.C. 379e(d)(1)), notice is given that a color additive petition (CAP 8C0255) has been filed by Linvatec Corp., P.O. Box 2917, Largo, FL 33779-2917. The petition proposes to amend the color additive regulations in § 74.3602 *D&C Violet No. 2* (21 CFR 74.3602) to provide for the safe use of D&C Violet No. 2 to color absorbable meniscal tacks made from poly(L-lactic acid).

The agency has determined under 21 CFR 25.32(l) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Dated: March 2, 1998.

**Alan M. Rulis,**

*Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.*

[FR Doc. 98-6570 Filed 3-12-98; 8:45 am]

BILLING CODE 4160-01-F

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. 98D-0133]

#### FDA Modernization Act of 1997: Guidance for Industry on Implementation of Section 126, Elimination of Certain Labeling Requirements; Availability

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled "Implementation of Section 126, Elimination of Certain Labeling Requirements, of the Food and Drug Administration Modernization Act of 1997." The Food and Drug Administration Modernization Act of 1997 (FDAMA) amends the Federal Food, Drug, and Cosmetic Act (the act) to require, at a minimum, that before dispensing, the labels of prescription products contain the symbol "Rx only" instead of the "Caution: Federal law prohibits dispensing without prescription" statement. In addition, the requirement that the labels of certain habit-forming drugs bear the statement "Warning—May be habit forming" has been repealed. This guidance is intended to clarify FDA policy with respect to implementation of these

amendments that became effective February 19, 1998. The agency requested comments on this guidance.

**DATES:** Written comments may be submitted at any time.

**ADDRESSES:** Copies of this guidance may be obtained on the Internet at <http://www.fda.gov/cder/guidance/index.htm>. Submit written requests for single copies of this guidance to the Drug Information Branch (HFD-210), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send one self-addressed adhesive label to assist that office in processing your requests. Submit written comments on the guidance to the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Jerry Phillips, Center for Drug Evaluation and Research (HFD-610), Food and Drug Administration, Office of Generic Drugs, 7500 Standish Pl., Rockville, MD 20855, 301-827-5846.

**SUPPLEMENTARY INFORMATION:** FDA is announcing the availability of a guidance for industry entitled "Implementation of Section 126, Elimination of Certain Labeling Requirements, of the Food and Drug Administration Modernization Act of 1997." Section 126 of Title I of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105-115), signed into law by President Clinton on November 21, 1997, amends section 503(b)(4) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 353(b)(4)) to require, at a minimum, that prior to dispensing, the label of prescription products contain the symbol "Rx only." In addition, section 502(d) of the act (21 U.S.C. 352(d)) is repealed. This section required the labels of certain habit-forming drugs to bear the statement "Warning—May be habit forming." The amendments to section 503(b)(4) of the act and the repeal of section 502(d) of the act became effective February 19, 1998.

This guidance for industry is intended to: (1) Describe the new prescription drug labeling requirements of the act as amended by FDAMA and (2) advise manufacturers, packers, and distributors of the policy the agency will follow in implementing the requirements of section 126. The guidance advises that, for a limited period of time, FDA does not intend to object if manufacturers, packers, or distributors of already approved products implement section 126 of FDAMA at the time of next printing of its labels, but that such entities should implement the

amendments no later than August 18, 1998, which is 180 days from the effective date of FDAMA. For full or abbreviated applications approved between February 19, 1998, and August 18, 1998, manufacturers, packers, and distributors have until August 18, 1998, to comply with the amendments. The guidance also advises that full or abbreviated applications submitted after February 19, 1998, should provide labels in compliance with the amendments.

This guidance document represents the agency's current thinking on implementation of elimination of certain labeling requirements. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirement of the applicable statute, regulations, or both.

Interested persons may, at any time, submit written comments on the guidance to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The guidance and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 3, 1998.

**William B. Schultz,**

*Deputy Commissioner for Policy.*

[FR Doc. 98-6572 Filed 3-13-98; 8:45 am]

BILLING CODE 4160-01-F

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

[Document Identifier: HCFA-417 and HCFA-724]

#### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this

collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Hospice Request for Certification in the Medicare Program; *Form No.:* HCFA-417 (OMB# 0938-0313); *Use:* The Hospice Request for Certification Form is used for hospice identification, screening, and to initiate the certification process. The information captured on this form is entered into a data base which assists HCFA in determining whether providers have sufficient personnel to participate in the Medicare program. The form summarizes data relative to: type of hospice; types of services provided by the hospice; and number of full time equivalents; *Frequency:* Annually; *Affected Public:* Business or other for-profit institutions, Federal Government, and State, local or tribal government; *Number of Respondents:* 2,286; *Total Annual Responses:* 2,286; *Total Annual Hours:* 572.

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicare/Medicaid Psychiatric Hospital Survey Data and Supporting Regulations Contained in 42 CFR 482.60, 482.61 and 482.62; *Form No.:* HCFA-724 (OMB# 0938-0378); *Use:* The Medicare/Medicaid Psychiatric Hospital Survey Data Form is used for hospital identification, and program planning and evaluation. The information captured on this form is entered into a data base which assists HCFA in maintaining accurate information on all free-standing psychiatric hospitals participating in the Medicare program. The form summarizes data relative to: hospital characteristics; types of services provided by the hospital; and hospital statistics; *Frequency:* Annually; *Affected Public:* Federal government, Business or other for-profit, Not-for-profit institutions, and State, local or tribal government; *Number of Respondents:* 350; *Total Annual Responses:* 350; *Total Annual Hours:* 175.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at <http://www.hcfa.gov/regs/prdact95.htm>, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to [Paperwork@hcfa.gov](mailto:Paperwork@hcfa.gov), or call the Reports Clearance Office on (410) 786-1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards, Attention: Louis Blank, Room C2-26-17, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

Dated: March 5, 1998.

**John P. Burke III,**

*HCFA Reports Clearance Officer, HCFA Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.*

[FR Doc. 98-6453 Filed 3-12-98; 8:45 am]

BILLING CODE 4120-03-U

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

[Document Identifier: HCFA-R-26]

#### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Health Care Financing Administration.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to

minimize the information collection burden.

*Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Clinical Laboratory Improvement Amendment (CLIA) and the Information Collection Requirements (ICRs) contained in the Supporting Regulations 42 CFR 493.1-2001; *Form No.:* HCFA-R-26 (OMB# 0938-0612); *Use:* The ICRs referenced in 42 CFR 493.1-2001 outline the requirements necessary to determine an entities compliance with CLIA. CLIA requires laboratories that perform testing on human specimens to meet performance requirements in order to be certified by HHS. HHS conducts inspections in order to determine a laboratory's compliance with the CLIA requirements. CLIA implements certificate, laboratory standards and inspection requirements; *Frequency:* As needed; *Affected Public:* Individuals or Households, Business or other for profit, Not for profit institutions, Federal Government, State, local or tribal government; *Number of Respondents:* 149,700; *Total Annual Responses:* 631,459; *Total Annual Hours:* 9,133,625.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at <http://www.hcfa.gov/regs/prdact95.htm>, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to [Paperwork@hcfa.gov](mailto:Paperwork@hcfa.gov), or call the Reports Clearance Office on (410) 786-1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: March 2, 1998.

**John P. Burke III,**

*HCFA Reports Clearance Officer, HCFA Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.*  
[FR Doc. 98-6438 Filed 3-12-98; 8:45 am]

BILLING CODE 4120-03-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Health Care Financing Administration**

[Document Identifier: HCFA-906]

**Agency Information Collection Activities: Submission for OMB Review; Comment Request**

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

*Type of Information Collection Request:* Reinstatement, without change, of a previously approved collection for which approval has expired; *Title of Information Collection:* Health Maintenance Organizations & Competitive Medical Plans National Data Reporting Requirements and Supporting Regulations 42 CFR 417.100, .940, .126, .478, .162; *Form No.:* HCFA-906; *Use:* This form captures information which governs qualification of new Health Maintenance Organizations (HMOs) and the eligibility of Competitive Medical Plans (CMPs), employer compliance, recovery of Federal loan and loan guarantees, financial disclosure, and continuing regulation of qualified HMOs and CMPs which provide health care services to beneficiaries for a fixed fee which is paid on a periodic basis. *Frequency:* Annually, Quarterly; *Affected Public:* Federal Government, Business or other for-profit, Not-for-profit institutions, State, local or Tribal Government; *Number of Respondents:* 313; *Total Annual Responses:* 953; *Total Annual Hours:* 3,130.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, E-mail your request, including your address and phone number, to [Paperwork@hcfa.gov](mailto:Paperwork@hcfa.gov), or call the Reports

Clearance Office on (410) 786-1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: March 4, 1998.

**John P. Burke III,**

*HCFA Reports Clearance Officer, HCFA, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.*  
[FR Doc. 98-6448 Filed 3-12-98; 8:45 am]

BILLING CODE 4120-03-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Health Care Financing Administration**

[Document Identifier: HCFA-265]

**Agency Information Collection Activities: Submission for OMB Review; Comment Request**

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

*Type of Information Collection Request:* Reinstatement without change of a previously approved collection for which approval has expired; *Title of Information Collection:* Independent Renal Dialysis Facility Cost Report Form and Supporting Regulations 42 CFR 413.198, 413.20; *Form No.:* HCFA-265; *Use:* The Medicare Independent Renal Dialysis Facility Cost Report provides for determinations and allocation of costs to the components of the Renal Dialysis facility in order to establish a proper basis for Medicare payment.

*Frequency:* Annually; *Affected Public:* Business or other for profit; *Number of Respondents:* 2,472; *Total Annual Responses:* 2,472; *Total Annual Hours:* 484,512.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786-1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: February 26, 1998.

**John P. Burke III,**

*HCFA Reports Clearance Officer, HCFA, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.*

[FR Doc. 98-6454 Filed 3-12-98; 8:45 am]

BILLING CODE 4120-03-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

[Document Identifier: HCFA-R-231 (OMB #0938-New)]

#### Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

**AGENCY:** Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to

minimize the information collection burden.

We are, however, requesting an emergency review of the information collection referenced below. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we have submitted to the Office of Management and Budget (OMB) the following requirements for emergency review. We are requesting an emergency review because the collection of this information is needed before the expiration of the normal time limits under OMB's regulations at 5 CFR Part 1320. In particular, emergency approval is necessary to ensure provider sponsored organizations (PSOs) are given an adequate opportunity to provide the information necessary to receive a Medicare+Choice contract, as provided by Section 1855(a) of the Social Security Act (as amended by the Balanced Budget Act of 1997) by the beginning of the 1999 contract year. We currently estimate that it will take ten months to: (1) Review and approve the waiver request, (2) review and approve the PSO contract application, and (3) prepare HCFA's information systems for individual PSOs prior to the 1999 contract year. Since the collection of waiver information requested in this form is the first step in this process, we need to begin receiving this information by no later than April 1, 1998.

Therefore, HCFA is requesting OMB review and approval of this collection by 03/27/98, with a 180-day approval period. Written comments and recommendations will be accepted from the public if received by the individuals designated below by 03/26/98. During this 180-day period, we will publish a separate **Federal Register** notice announcing the initiation of an extensive 60-day agency review and public comment period on these requirements. We will submit the requirements for OMB review and an extension of this emergency approval.

*Type of Information Request:* New collection.

*Title of Information Collection:* Medicare+Choice (M+C) Provider Sponsored Organization (PSO) Waiver Request Form.

*Form Number:* HCFA-R-231.

*Use:* The PSO waiver request form is for use by PSO's that do not have a state risk-bearing entity licence and that wish to enter into an M+C contract with HCFA to provide prepaid health care services to eligible Medicare beneficiaries. HCFA will use the information requested on this form to determine whether the applicant is eligible for a waiver of the state

licensure requirement for M+C organizations as allowed under section 1855(a)(2) of the Social Security Act.

*Frequency:* One-time.

*Affected Public:* Business or other for-profit, not-for-profit institutions, and Federal Government.

*Annual Number of Respondents:* 30.

*Total Annual Responses:* 30.

*Total Annual Hours Requested:* 300.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at <http://www.hcfa.gov/regs/prdact95.htm>, or E-mail your request, including your address, phone number, and HCFA form number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786-1326.

Interested persons are invited to send comments regarding the burden or any other aspect of these collections of information requirements. However, as noted above, comments on these information collection and recordkeeping requirements must be mailed and/or faxed to the designees referenced below by 03/26/98:

Health Care Financing Administration,  
Office of Information Services,  
Information Technology Investment  
Management Group, Division of  
HCFA Enterprise Standards, Room  
C2-26-17, 7500 Security Boulevard,  
Baltimore, MD 21244-1850. Fax  
Number: (410) 786-1415, Attn: John  
Burke HCFA-R-231

and  
Office of Information and Regulatory  
Affairs, Office of Management and  
Budget, Room 10235, New Executive  
Office Building, Washington, DC  
20503, Fax Number: (202) 395-6974  
or (202) 395-5167, Attn: Allison  
Herron Eydt, HCFA Desk Officer.

Dated: March 4, 1998.

**John P. Burke III,**

*HCFA Reports Clearance Officer, HCFA, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.*

[FR Doc. 98-6455 Filed 3-12-98; 8:45 am]

BILLING CODE 4120-03-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

[Document Identifier: HCFA-667]

#### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

*Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Alternate Quality Assessment Survey; *Form No.:* HCFA-667 (OMB#0938-0650); *Use:* The HCFA-667 is used in lieu of an onsite survey for those Clinical Laboratories Improvement Amendment (CLIA) laboratories with good performance as determined by their last onsite survey. This form is designed to determine current CLIA compliance as well as prepare laboratories for future onsite surveys. This system rewards good performance and facilitates quality assurance. *Frequency:* On occasion; *Affected Public:* Business or other for-profit, Not-for-profit institutions, Federal Government, State, Local or Tribal Government; *Number of Respondents:* 4,000; *Total Annual Responses:* 4,000; *Total Annual Hours:* 10,000.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at <http://www.hcfa.gov/regs/prdact95.htm>, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to [Paperwork@hcfa.gov](mailto:Paperwork@hcfa.gov), or call the Reports Clearance Office on (410) 786-1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC. 20503.

Dated: March 5, 1998.  
**John P. Burke III,**  
*HCFA Reports Clearance Officer, HCFA Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.*  
 [FR Doc. 98-6456 Filed 3-12-98; 8:45 am]  
**BILLING CODE 4120-03-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Office of Inspector General**

**Program Exclusions: February 1998**

**AGENCY:** Office of Inspector General, HHS.

**ACTION:** Notice of program exclusions.

During the month of February 1998, the HHS Office of Inspector General imposed exclusions in the cases set forth below. When an exclusion is imposed, no program payment is made to anyone for any items or services (other than an emergency item or service not provided in a hospital emergency room) furnished, ordered or prescribed by an excluded party under the Medicare, Medicaid, and all Federal Health Care programs. In addition, no program payment is made to any business or facility, e.g., a hospital, that submits bills for payment for items or services provided by an excluded party. Program beneficiaries remain free to decide for themselves whether they will continue to use the services of an excluded party even though no program payments will be made for items and services provided by that excluded party. The exclusions have national effect and also apply to all Executive Branch procurement and non-procurement programs and activities.

Subject, city, state	Effective date
<b>PROGRAM-RELATED CONVICTIONS</b>	
ABEL, ANN LABATUT ..... BATON ROUGE, LA	03/19/1998
ALESSI, THOMAS J ..... W COLUMBIA, SC	03/19/1998
ANDERSEN, DEBRA S ..... ALOHA, OR	03/19/1998
CHEIFETZ, LESLIE ..... NEW YORK, NY	03/19/1998
DBG HOME HEALTH AGEN- CY, INC ..... ALICE, TX	03/19/1998
DOYLE, JAFAYE ELAINE ..... AURORA, CO	03/19/1998
EASTERN LABORATORIES .... PORT WASHINGTON, NY	03/19/1998
GONZALEZ HEALTH CARE SYSTEMS ..... ALICE, TX	03/19/1998
GRESL, BARBARA J .....	03/19/1998

Subject, city, state	Effective date
WAUPUN, WI	
GUY, ROY LEE JR ..... LITTLE ROCK, AR	03/19/1998
HERRLEIN, DAVID ALLEN ..... KIMBALL, SD	03/19/1998
HUMBERGER, DONALD ..... MCDONALD, TN	03/19/1998
INWANG, ENO PATRICK ..... N MIAMI BEACH, FL	03/19/1998
JENKINS, STEVE ..... FAYETTEVILLE, NC	03/19/1998
JONES, VERNON ..... LITTLE ROCK, AR	03/19/1998
KHAN, ASIF ALI ..... ELMHURST, NY	03/19/1998
LASHKEVICH, JOHN P ..... CHERRY HILL, NJ	03/19/1998
MAYFIELD, JENNIFER ..... VICKSBURG, MS	03/19/1998
MCNINCH, DAVID LEON ..... ALICE, TX	03/19/1998
MILLER-DAVIS, MARILYN ..... SAVANNAH, MO	03/19/1998
MIRA, CHRIS MANUEL ..... BRANDON, FL	03/19/1998
MUIGAI, JOSEPH GITHINJI .... WATERTOWN, NY	03/19/1998
NTSHONA, NOKUZOLA ..... BROOKLYN, NY	03/19/1998
PHYSICAL & SPORTS THER- APY, INC ..... WILSON, NC	03/19/1998
RHODES, JEANETTE POW- ELL ..... NEWPORT, NC	03/19/1998
ROFFMAN, SOL ..... PEABODY, MA	03/19/1998
SADRI, MANOUCHEHR ..... POTOMAC, MD	03/19/1998
SCHWARTZ, JOANNE ..... SIOUX FALLS, SD	03/19/1998
SUNRISE ADULT DAY HEALTH CARE ..... PINE BLUFF, AR	03/19/1998
SWEAT, JOHN EDWARD ..... BRADENTON, FL	03/19/1998
VOSSMAN, DANIEL J ..... OSAGE BEACH, MO	03/19/1998

<b>FELONY CONTROL SUBSTANCE CONVICTION</b>	
REYES, SAMSON DYPIANGCO ..... WINTERSVILLE, OH	03/19/1998
<b>PATIENT ABUSE/NEGLECT CONVICTIONS</b>	
BLUMENSCHNEIN, SHEILA KATHLENE ..... DELAWARE, OH	03/19/1998
GONZALEZ, OCTABIA ..... OKLAHOMA CITY, OK	03/19/1998
GUILBERT, RICARDO ..... DELMONT, NJ	03/19/1998
HUTSON, BUFFI ..... CORINTH, MS	03/19/1998
JONES, MICHAEL DONNEL .... ST PETERSBURG, FL	03/19/1998
MARTINEZ-SUASTEGUI, CONSTANCIO ..... CROWLEY, CO	03/1998
MITCHELL, CASSANDRA L ....	03/19/1998

Subject, city, state	Effective date	Subject, city, state	Effective date	Subject, city, state	Effective date
WARREN, AR		EAST BURKE, VT		ASHEVILLE, NC	
SHEPPARD, MARCIA ANN .....	03/19/1998	COX, MICHELLE P .....	03/19/1998	LIZARDO, JENNIFER .....	03/19/1998
BUFFALO, NY		LITTLETON, CO		JOLIET, IL	
SIMON, NELSON G .....	03/19/1998	CROSS, NANCY L .....	03/19/1998	LOFTUS, GORDON T .....	03/19/1998
COHOES, NY		MONTPELIER, VT		FORT DODGE, IA	
STATEN, BARBARA ANN .....	03/19/1998	CURRENT, SHARON .....	03/19/1998	LUCERNO, ERLINDA	
RAYVILLE, LA		NEW BERRY, FL		BERNARDEZ .....	03/19/1998
VIERTEL, RITA FORDYCE .....	03/19/1998	DANCHIMAH, STEPHEN UK ...	03/19/1998	ALAMEDA, CA	
DAVENPORT, IA		CHICAGO, IL		MARTIN, JOHN COLBY .....	03/19/1998
<b>CONVICTION FOR HEALTH CARE FRAUD</b>					
BORDERS, WILLIAM F JR .....	03/19/1998	DEGUZMAN, MARIA .....	03/19/1998	NAPERVILLE, IL	
LAKE OZARK, MO		CHICAGO, IL		MCCARTHY, JOSEPH F .....	03/19/1998
CAMPBELL, GAIL B .....	03/19/1998	DENARDO, MARY ALICE .....	03/19/1998	BRAINTREE, MA	
SHREVEPORT, LA		LOS ALTOS, CA		MCQUEEN, VERNITA R .....	03/19/1998
FIVES, JOSEPH R .....	03/19/1998	DICKERSON, STEPHANIE L ...	03/19/1998	HOUSTON, TX	
ST JOSEPH, MO		LAUREL, MS		MERCHANT, LINDA .....	03/19/1998
GLASS, GILBERT .....	03/19/1998	DLHOPOLSKY, ALOIS J .....	03/19/1998	WESTON, MA	
UNION, NJ		LINDENHURST, NY		MILTON, ROBERT E .....	03/19/1998
LANGSTON, JENNIFER ELIZ-		DOONAN, GREGG .....	03/19/1998	REDDING, CA	
ABETH .....	03/19/1998	PEABODY, MA		MOLNAR, JEAN THOMAS .....	03/19/1998
WEST HELENA, AR		DOVER, JANET K .....	03/19/1998	ARIMO, ID	
ROMAN, KIMBERLY L .....	03/19/1998	W. PEABODY, MA		MORANTE, BERNARDO D	
TOLEDO, OH		ELLIS, SHALIMAR A .....	03/19/1998	JR .....	03/19/1998
<b>LICENSE REVOCATION/SUSPENSION/ SURRENDERED</b>					
ABBAS, SYED R .....	03/19/1998	E. TAUNTON, MA		RIVERBANK, CA	
JAMAICA, NY		EPPERSON, ROGER .....	03/19/1998	MORRONE, ROSALIE .....	03/19/1998
AGIN, CATHY .....	03/19/1998	EDWARDSVILLE, IL		ELMHURST, IL	
HARRISBURG, IL		FAIRLEY, LINDA RUTH .....	03/19/1998	MURPHY, CHRISTOPHER G ..	03/19/1998
ALLEN, SUZANNE B .....	03/19/1998	WIGGINS, MS		PEPPERELL, MA	
SPRINGFIELD, NH		FLAHERTY, CAROL M .....	03/19/1998	NAJARIAN, FRANCIS A .....	03/19/1998
ALLEN, PHYLLIS E .....	03/19/1998	NORTON, MA		WORCESTER, MA	
GODMAN, MS		FLANNERY, ANNETTE M .....	03/19/1998	NASRAWAY, AMY .....	03/19/1998
AMAYA, CARLOS ERNESTO ..	03/19/1998	ROSLINDALE, MA		MEDFIELD, MA	
AVENTURA, FL		FREDETTE, JENNIFER D .....	03/19/1998	NEHRING, RICHARD V .....	03/19/1998
ARNOLD, KIMBERLY RAE .....	03/19/1998	PORTSMOUTH, NH		BATTLE MOUNTAIN, NV	
JACKSON, MS		GAGLIANO, CARY PAUL .....	03/19/1998	NGUYEN, BANG DUY .....	03/19/1998
AUSTIN, SHERRY CHRISTINE		HATTIESBURG, MS		SEATTLE, WA	
COURTLAND, MS		GAMEZ, ROBIN LYNN .....	03/19/1998	ORLOWSKI, JOHN V .....	03/19/1998
BACARDI, BRIAN .....	03/19/1998	CERES, CA		BRUNSWICK, ME	
MCHENRY, IL		GEORGE, GEORGIA GALE ....	03/19/1998	OSBORN, VICKIE LYNN .....	03/19/1998
BALDWIN, MARK .....	03/19/1998	CROWLEY, TX		BILOXI, MS	
COLUMBUS, OH		GOLDBERG, GERALD L .....	03/19/1998	PAQUETTE, LAURIE C .....	03/19/1998
BASECKI, TADEUSZ .....	03/19/1998	BAYSIDE, NY		MANCHESTER, NH	
CLIFFSIDE PARK, NJ		GRAEBNER, ROBERT		PARSHALL, NANJI O FROST	
BEDWELL, RODNEY D .....	03/19/1998	CHARLES .....	03/19/1998	ARCATA, CA	
CHESTER, VA		TYLER, TX		PETERSON, EDWARD JAMES	
BEHESHTI, EMIL .....	03/19/1998	GROSS, MARIE MIDLER .....	03/19/1998	JR .....	03/19/1998
RIVERHEAD, NY		SUNRISE, FL		LEEDS, AL	
BELMONT, MATT .....	03/19/1998	HAUPTMANN, CAROLE .....	03/19/1998	PISNANONT, PETER P .....	03/19/1998
MORTON, IL		WORTH, IL		MT VERNON, NY	
BILLINGSLEY, WALTER .....	03/19/1998	HICKS, HERBERT HOLLIS .....	03/19/1998	PUERTOLLANO, RAUL .....	03/19/1998
CHICAGO, IL		NATCHEZ, MS		NEW YORK, NY	
BUCKLEY, PATRICIA J .....	03/19/1998	HOLTZBERG, ALBERT .....	03/19/1998	RALLO, TIMOTHY O .....	03/19/1998
WINTHROP, MA		ARLINGTON, TX		EDWARDSVILLE, IL	
CALLAHAN, KATHLEEN ANNE		HUNT, DEBBIE KAY .....	03/19/1998	RANDALL, RICHARD R .....	03/19/1998
BOCA RATON, FL		BILOXI, MS		NEWTON, MA	
CASCIO, SHARON		INANC, DOGAN .....	03/19/1998	REISWIG, ORAN K .....	03/19/1998
CLAUDETTE .....	03/19/1998	CLEARWATER, FL		CHICO, CA	
SEMINARY, MS		JACKMAN, RICHARD V .....	03/19/1998	RENSTROM, GRACE A .....	03/19/1998
CHO, LUCY OKHI .....	03/19/1998	WATERBURY, CT		LITTLE CANADA, MN	
ORLANDO, FL		JOHNS, JAMES CHARLES JR		REVETER, KIM M .....	03/19/1998
CHODOCK, TED .....	03/19/1998	TEXAS CITY, TX		DENVER, CO	
SOMERVILLE, MA		JONES, PATRICIA G .....	03/19/1998	RICE, MARC .....	03/19/1998
CHRISTENSON, NAN .....	03/19/1998	CHICAGO, IL		ASTORIA, NY	
WINTHROP, MA		KEMP, RALPH A .....	03/19/1998	RINEHART, BILLY DALE JAY	
CONLIN, THOMAS H .....	03/19/1998	APTOS, CA		JR .....	03/19/1998
LOWELL, MA		KRZYZEWSKI, ROBERT JR ....	03/19/1998	JACKSON, MS	
CONRAD, MAE L .....	03/19/1998	WHEATON, IL		ROSENTHAL, ALAN S .....	03/19/1998
		LANDRY, GAYLE A .....	03/19/1998	BROOKLINE, MA	
		W BRIDGEWATER, MA		RYDZEWSKI, J ANDREW .....	03/19/1998
		LAROSA, JEAN M .....	03/19/1998	LAWRENCE, MA	
		BRAINTREE, MA		SEELYE, CAROLYN .....	03/19/1998
		LENCI, WYNNE .....	03/19/1998	PEORIA, IL	
		OXFORD, MI		SHAW, DEBORAH N .....	03/19/1998
		LIPOWSKI, EDWARD J .....	03/19/1998	CANTON, MA	
				SIAUCIUNAS, CHARLES .....	03/19/1998

Subject, city, state	Effective date	Subject, city, state	Effective date	Subject, city, state	Effective date
PALM HARBOR, FL SILCOX, JANICE M .....	03/19/1998	JERSEY CITY, NJ OLIVERA, JUAN A .....	03/19/1998	MANVEL, TX TAYLOR, EMMA J .....	3/19/1998
QUINCY, MA SIMMONS, TIMOTHY KEITH ...	03/19/1998	BROOKLYN, NY SAM SUNG PHARMACY	03/19/1998	<b>EXCLUSION BASED ON SETTLEMENT AGREEMENT</b>	
BIRMINGHAM, AL SLOANAKER, JOHN L .....	03/19/1998	CORP .....	03/19/1998	<b>ELNESER, RAFAEL .....</b>	
BELMONT, MA SPURR, JOHN .....	03/19/1998	<b>OWNED/CONTROLLED BY CONVICTED EXCLUDED</b>		<b>MIAMI, FL</b>	
SANTA CRUZ, CA STARRING, DORIS DEAN	03/19/1998	A-COMMUNITY HOME HEALTH, INC .....	03/19/1998	<b>HERNANDEZ, CARMEN .....</b>	
INMAN .....	03/19/1998	N MIAMI BEACH, FL FLORIDA CTR FOR THE	03/19/1998	<b>MIAMI, FL</b>	
LAKEWOOD, WA STEELE, PATRICIA CLARE ...	03/19/1998	HANDICAP .....	03/19/1998	<b>MT ZION MEDICAL REHABILITATION .....</b>	
MADISON, MS STEPHENS, JANICE .....	03/19/1998	BRANDON, FL GERIATRIC HEALTH OF S	03/19/1998	<b>MIAMI, FL</b>	
FLORA, IL STEWARD, VINCENT .....	03/19/1998	CAROLINA .....	03/19/1998	Dated: March 5, 1998.	
CHICAGO, IL STOCKING, LANETTE L .....	03/19/1998	CHARLESTON, SC HEALTH ESTEEM INCORPORATED .....	03/19/1998	<b>Joanne Lanahan,</b>	
BETTENDORF, IA STRINGER, CHRISTY LYNN ...	03/19/1998	N MIAMI BEACH, FL	03/19/1998	<i>Director, Health Care Administrative Sanctions, Office of Inspector General.</i>	
BAY SPRINGS, MS STUTTS, BETTY B .....	03/19/1998	<b>DEFAULT ON HEAL LOAN</b>		[FR Doc. 98-6447 Filed 3-12-98; 8:45 am]	
PASCAGOULA, MS SULLIVAN, BARBARA L .....	03/19/1998	ALLEN, DEBRA LYNN .....	03/19/1998	<b>BILLING CODE 4150-04-M</b>	
SALEM, MA SUTHERLAND, CHARLES .....	03/19/1998	SAN DIEGO, CA ANDERSON, PAUL J .....	03/19/1998	<b>DEPARTMENT OF HEALTH AND HUMAN SERVICES</b>	
CARTHAGE, IL SWARTZFAGER, IVY H .....	03/19/1998	LUBBOCK, TX BARKER, ESMOND A .....	3/19/1998	<b>Substance Abuse and Mental Health Services Administration</b>	
JACKSON, MS TAYLOR, BOBBY LEWIS .....	03/19/1998	LAFAYETTE, LA BARR, TIMOTHY G .....	3/19/1998	<b>Agency Information Collection Activities: Submission for OMB Review; Comment Request</b>	
ALTAMONTE SPNGS, FL THORNTON, JANE ETTA .....	03/19/1998	CYPRESS, CA BLOMELEY, ROBERT EU-GENE .....	3/19/1998	Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a list of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (301)443-8005.	
DALLAS, TX TICHENOR, T DAVID JR .....	03/19/1998	CERRITOS, CA BUMGARDNER, THOMAS M ..	3/19/1998	<i>Proposed Project: The 1997 Sample Survey of Mental Health Organizations and General Hospitals with Separate Psychiatric Services—Revision of the Inventory of Mental Health Organizations and General Hospital Mental Health Services (IMHO/GHMHS). The survey will be conducted in two phases. Phase I will be a brief two page inventory consisting of two forms—one for all organizations that provide mental health treatment services and the other for all managed behavioral health care organizations. Phase II will be a sample survey of over 3,000 organizations drawn from the universe of organizations providing mental health treatment services identified in the first phase. The sample survey will use a more comprehensive, but very similar form to the one used in the 1994 IMHO/GHMHS. The organizational data to be collected include ownership and management, client/patient demographics, revenues and expenditures, and staffing. The</i>	
DALLAS, TX TICHENOR'S BROADWAY PHARMACY .....	03/19/1998	HOUSTON, TX CALHOUN, LYNN E .....	3/19/1998	Proposed Project: The 1997 Sample Survey of Mental Health Organizations and General Hospitals with Separate Psychiatric Services—Revision of the Inventory of Mental Health Organizations and General Hospital Mental Health Services (IMHO/GHMHS). The survey will be conducted in two phases. Phase I will be a brief two page inventory consisting of two forms—one for all organizations that provide mental health treatment services and the other for all managed behavioral health care organizations. Phase II will be a sample survey of over 3,000 organizations drawn from the universe of organizations providing mental health treatment services identified in the first phase. The sample survey will use a more comprehensive, but very similar form to the one used in the 1994 IMHO/GHMHS. The organizational data to be collected include ownership and management, client/patient demographics, revenues and expenditures, and staffing. The	
MESQUITE, TX VIGIL, FAITH .....	03/19/1998	AUSTIN, TX DEAN, GREGORY EDWIN .....	3/19/1998	Proposed Project: The 1997 Sample Survey of Mental Health Organizations and General Hospitals with Separate Psychiatric Services—Revision of the Inventory of Mental Health Organizations and General Hospital Mental Health Services (IMHO/GHMHS). The survey will be conducted in two phases. Phase I will be a brief two page inventory consisting of two forms—one for all organizations that provide mental health treatment services and the other for all managed behavioral health care organizations. Phase II will be a sample survey of over 3,000 organizations drawn from the universe of organizations providing mental health treatment services identified in the first phase. The sample survey will use a more comprehensive, but very similar form to the one used in the 1994 IMHO/GHMHS. The organizational data to be collected include ownership and management, client/patient demographics, revenues and expenditures, and staffing. The	
PUEBLO, CO WALKER, ELAINE PHYLLIS ...	03/19/1998	PHILADELPHIA, PA DIAZ, ADOLFO FARIAS JR .....	3/19/1998	Proposed Project: The 1997 Sample Survey of Mental Health Organizations and General Hospitals with Separate Psychiatric Services—Revision of the Inventory of Mental Health Organizations and General Hospital Mental Health Services (IMHO/GHMHS). The survey will be conducted in two phases. Phase I will be a brief two page inventory consisting of two forms—one for all organizations that provide mental health treatment services and the other for all managed behavioral health care organizations. Phase II will be a sample survey of over 3,000 organizations drawn from the universe of organizations providing mental health treatment services identified in the first phase. The sample survey will use a more comprehensive, but very similar form to the one used in the 1994 IMHO/GHMHS. The organizational data to be collected include ownership and management, client/patient demographics, revenues and expenditures, and staffing. The	
SONORA, CA WARREN, VONNIE NELL .....	03/19/1998	EL PASO, TX FINNEY, DEIRDRE L .....	3/19/1998	Proposed Project: The 1997 Sample Survey of Mental Health Organizations and General Hospitals with Separate Psychiatric Services—Revision of the Inventory of Mental Health Organizations and General Hospital Mental Health Services (IMHO/GHMHS). The survey will be conducted in two phases. Phase I will be a brief two page inventory consisting of two forms—one for all organizations that provide mental health treatment services and the other for all managed behavioral health care organizations. Phase II will be a sample survey of over 3,000 organizations drawn from the universe of organizations providing mental health treatment services identified in the first phase. The sample survey will use a more comprehensive, but very similar form to the one used in the 1994 IMHO/GHMHS. The organizational data to be collected include ownership and management, client/patient demographics, revenues and expenditures, and staffing. The	
YAZOO CITY, MS WATSON, ALLEN J .....	03/19/1998	WINTER PARK, FL FOSTER, STEPHEN A .....	3/19/1998	Proposed Project: The 1997 Sample Survey of Mental Health Organizations and General Hospitals with Separate Psychiatric Services—Revision of the Inventory of Mental Health Organizations and General Hospital Mental Health Services (IMHO/GHMHS). The survey will be conducted in two phases. Phase I will be a brief two page inventory consisting of two forms—one for all organizations that provide mental health treatment services and the other for all managed behavioral health care organizations. Phase II will be a sample survey of over 3,000 organizations drawn from the universe of organizations providing mental health treatment services identified in the first phase. The sample survey will use a more comprehensive, but very similar form to the one used in the 1994 IMHO/GHMHS. The organizational data to be collected include ownership and management, client/patient demographics, revenues and expenditures, and staffing. The	
HAVELOCK, NC WEBB, SUSAN K .....	03/19/1998	PASADENA, TX GIBBONS, STACEY L .....	3/19/1998	Proposed Project: The 1997 Sample Survey of Mental Health Organizations and General Hospitals with Separate Psychiatric Services—Revision of the Inventory of Mental Health Organizations and General Hospital Mental Health Services (IMHO/GHMHS). The survey will be conducted in two phases. Phase I will be a brief two page inventory consisting of two forms—one for all organizations that provide mental health treatment services and the other for all managed behavioral health care organizations. Phase II will be a sample survey of over 3,000 organizations drawn from the universe of organizations providing mental health treatment services identified in the first phase. The sample survey will use a more comprehensive, but very similar form to the one used in the 1994 IMHO/GHMHS. The organizational data to be collected include ownership and management, client/patient demographics, revenues and expenditures, and staffing. The	
ORMOND BEACH, FL WEST, ALICIA A .....	03/19/1998	GALVESTON, TX HALLMAN, HELEN R .....	3/19/1998	Proposed Project: The 1997 Sample Survey of Mental Health Organizations and General Hospitals with Separate Psychiatric Services—Revision of the Inventory of Mental Health Organizations and General Hospital Mental Health Services (IMHO/GHMHS). The survey will be conducted in two phases. Phase I will be a brief two page inventory consisting of two forms—one for all organizations that provide mental health treatment services and the other for all managed behavioral health care organizations. Phase II will be a sample survey of over 3,000 organizations drawn from the universe of organizations providing mental health treatment services identified in the first phase. The sample survey will use a more comprehensive, but very similar form to the one used in the 1994 IMHO/GHMHS. The organizational data to be collected include ownership and management, client/patient demographics, revenues and expenditures, and staffing. The	
STONEHAM, MA WHEATLEY, ANITA CORINNE	03/19/1998	WILLIS, TX HETH, DAVID M .....	3/19/1998	Proposed Project: The 1997 Sample Survey of Mental Health Organizations and General Hospitals with Separate Psychiatric Services—Revision of the Inventory of Mental Health Organizations and General Hospital Mental Health Services (IMHO/GHMHS). The survey will be conducted in two phases. Phase I will be a brief two page inventory consisting of two forms—one for all organizations that provide mental health treatment services and the other for all managed behavioral health care organizations. Phase II will be a sample survey of over 3,000 organizations drawn from the universe of organizations providing mental health treatment services identified in the first phase. The sample survey will use a more comprehensive, but very similar form to the one used in the 1994 IMHO/GHMHS. The organizational data to be collected include ownership and management, client/patient demographics, revenues and expenditures, and staffing. The	
MADISON, MS WILLIAMS, MELLONY .....	03/19/1998	LAYTON, UT JOHNSON, RUSSEL K .....	3/19/1998	Proposed Project: The 1997 Sample Survey of Mental Health Organizations and General Hospitals with Separate Psychiatric Services—Revision of the Inventory of Mental Health Organizations and General Hospital Mental Health Services (IMHO/GHMHS). The survey will be conducted in two phases. Phase I will be a brief two page inventory consisting of two forms—one for all organizations that provide mental health treatment services and the other for all managed behavioral health care organizations. Phase II will be a sample survey of over 3,000 organizations drawn from the universe of organizations providing mental health treatment services identified in the first phase. The sample survey will use a more comprehensive, but very similar form to the one used in the 1994 IMHO/GHMHS. The organizational data to be collected include ownership and management, client/patient demographics, revenues and expenditures, and staffing. The	
HOUSTON, TX WILSON, KATHRYN ANN .....	03/19/1998	REXBURG, ID LAHAIE, SHERI L .....	3/19/1998	Proposed Project: The 1997 Sample Survey of Mental Health Organizations and General Hospitals with Separate Psychiatric Services—Revision of the Inventory of Mental Health Organizations and General Hospital Mental Health Services (IMHO/GHMHS). The survey will be conducted in two phases. Phase I will be a brief two page inventory consisting of two forms—one for all organizations that provide mental health treatment services and the other for all managed behavioral health care organizations. Phase II will be a sample survey of over 3,000 organizations drawn from the universe of organizations providing mental health treatment services identified in the first phase. The sample survey will use a more comprehensive, but very similar form to the one used in the 1994 IMHO/GHMHS. The organizational data to be collected include ownership and management, client/patient demographics, revenues and expenditures, and staffing. The	
RENO, NV WISEMAN-SMITH, PAMELA ...	03/19/1998	MENLO PARK, CA LOPERFIDO, DENISE R .....	3/19/1998	Proposed Project: The 1997 Sample Survey of Mental Health Organizations and General Hospitals with Separate Psychiatric Services—Revision of the Inventory of Mental Health Organizations and General Hospital Mental Health Services (IMHO/GHMHS). The survey will be conducted in two phases. Phase I will be a brief two page inventory consisting of two forms—one for all organizations that provide mental health treatment services and the other for all managed behavioral health care organizations. Phase II will be a sample survey of over 3,000 organizations drawn from the universe of organizations providing mental health treatment services identified in the first phase. The sample survey will use a more comprehensive, but very similar form to the one used in the 1994 IMHO/GHMHS. The organizational data to be collected include ownership and management, client/patient demographics, revenues and expenditures, and staffing. The	
ELDORADO, IL WORTHINGTON, DEBORAH	03/19/1998	BALDWIN, NY LYONS, DOROTHY A .....	3/19/1998	Proposed Project: The 1997 Sample Survey of Mental Health Organizations and General Hospitals with Separate Psychiatric Services—Revision of the Inventory of Mental Health Organizations and General Hospital Mental Health Services (IMHO/GHMHS). The survey will be conducted in two phases. Phase I will be a brief two page inventory consisting of two forms—one for all organizations that provide mental health treatment services and the other for all managed behavioral health care organizations. Phase II will be a sample survey of over 3,000 organizations drawn from the universe of organizations providing mental health treatment services identified in the first phase. The sample survey will use a more comprehensive, but very similar form to the one used in the 1994 IMHO/GHMHS. The organizational data to be collected include ownership and management, client/patient demographics, revenues and expenditures, and staffing. The	
TIDWELL .....	03/19/1998	GROVELAND, CA POWERS, CARLOS H .....	3/19/1998	Proposed Project: The 1997 Sample Survey of Mental Health Organizations and General Hospitals with Separate Psychiatric Services—Revision of the Inventory of Mental Health Organizations and General Hospital Mental Health Services (IMHO/GHMHS). The survey will be conducted in two phases. Phase I will be a brief two page inventory consisting of two forms—one for all organizations that provide mental health treatment services and the other for all managed behavioral health care organizations. Phase II will be a sample survey of over 3,000 organizations drawn from the universe of organizations providing mental health treatment services identified in the first phase. The sample survey will use a more comprehensive, but very similar form to the one used in the 1994 IMHO/GHMHS. The organizational data to be collected include ownership and management, client/patient demographics, revenues and expenditures, and staffing. The	
JACKSON, MS YOUNG, JANICE .....	03/19/1998	WASHINGTON, DC QADE, LARREN WADE .....	3/19/1998	Proposed Project: The 1997 Sample Survey of Mental Health Organizations and General Hospitals with Separate Psychiatric Services—Revision of the Inventory of Mental Health Organizations and General Hospital Mental Health Services (IMHO/GHMHS). The survey will be conducted in two phases. Phase I will be a brief two page inventory consisting of two forms—one for all organizations that provide mental health treatment services and the other for all managed behavioral health care organizations. Phase II will be a sample survey of over 3,000 organizations drawn from the universe of organizations providing mental health treatment services identified in the first phase. The sample survey will use a more comprehensive, but very similar form to the one used in the 1994 IMHO/GHMHS. The organizational data to be collected include ownership and management, client/patient demographics, revenues and expenditures, and staffing. The	
DUNLAP, IL	03/19/1998	WASHINGTON, DC RICHARD, MYRLENE R .....	3/19/1998	Proposed Project: The 1997 Sample Survey of Mental Health Organizations and General Hospitals with Separate Psychiatric Services—Revision of the Inventory of Mental Health Organizations and General Hospital Mental Health Services (IMHO/GHMHS). The survey will be conducted in two phases. Phase I will be a brief two page inventory consisting of two forms—one for all organizations that provide mental health treatment services and the other for all managed behavioral health care organizations. Phase II will be a sample survey of over 3,000 organizations drawn from the universe of organizations providing mental health treatment services identified in the first phase. The sample survey will use a more comprehensive, but very similar form to the one used in the 1994 IMHO/GHMHS. The organizational data to be collected include ownership and management, client/patient demographics, revenues and expenditures, and staffing. The	
<b>FEDERAL/STATE EXCLUSION/ SUSPENSION</b>					
CHANG, GUILLERMO .....	03/19/1998	CALUMET CITY, IL RINES (LEBLANC), SUSAN B	3/19/1998	Proposed Project: The 1997 Sample Survey of Mental Health Organizations and General Hospitals with Separate Psychiatric Services—Revision of the Inventory of Mental Health Organizations and General Hospital Mental Health Services (IMHO/GHMHS). The survey will be conducted in two phases. Phase I will be a brief two page inventory consisting of two forms—one for all organizations that provide mental health treatment services and the other for all managed behavioral health care organizations. Phase II will be a sample survey of over 3,000 organizations drawn from the universe of organizations providing mental health treatment services identified in the first phase. The sample survey will use a more comprehensive, but very similar form to the one used in the 1994 IMHO/GHMHS. The organizational data to be collected include ownership and management, client/patient demographics, revenues and expenditures, and staffing. The	
FOREST HILLS, NY GARDNER, BARBARA .....	03/19/1998	TUCSON, AZ ROLLAND, STEVEN BRENT ...	3/19/1998	Proposed Project: The 1997 Sample Survey of Mental Health Organizations and General Hospitals with Separate Psychiatric Services—Revision of the Inventory of Mental Health Organizations and General Hospital Mental Health Services (IMHO/GHMHS). The survey will be conducted in two phases. Phase I will be a brief two page inventory consisting of two forms—one for all organizations that provide mental health treatment services and the other for all managed behavioral health care organizations. Phase II will be a sample survey of over 3,000 organizations drawn from the universe of organizations providing mental health treatment services identified in the first phase. The sample survey will use a more comprehensive, but very similar form to the one used in the 1994 IMHO/GHMHS. The organizational data to be collected include ownership and management, client/patient demographics, revenues and expenditures, and staffing. The	
INWOOD, NY MUGAHID MEDICAL SHUT- TLE, INC .....	03/19/1998	HARLINGEN, TX ROSS, ALEXANDER E .....	3/19/1998	Proposed Project: The 1997 Sample Survey of Mental Health Organizations and General Hospitals with Separate Psychiatric Services—Revision of the Inventory of Mental Health Organizations and General Hospital Mental Health Services (IMHO/GHMHS). The survey will be conducted in two phases. Phase I will be a brief two page inventory consisting of two forms—one for all organizations that provide mental health treatment services and the other for all managed behavioral health care organizations. Phase II will be a sample survey of over 3,000 organizations drawn from the universe of organizations providing mental health treatment services identified in the first phase. The sample survey will use a more comprehensive, but very similar form to the one used in the 1994 IMHO/GHMHS. The organizational data to be collected include ownership and management, client/patient demographics, revenues and expenditures, and staffing. The	

dataset produced will be used to provide national statistical estimates

and will be the basis of the National Directory of Mental Health Services.

The annual burden estimate is as follows:

Respondent category	3 Year total—Number of respondents	3 year total—Responses per respondent	Annual average—Number of respondents	Hours per response	Annual burden—Total annualized response burden (hours)
Phase I (Directory Registry):					
Specialty Mental Health Organizations (Self reporting) .....	3,045	1	1,015	0.25	254
Specialty Mental Health Organizations (State MIS reports) .....	761	1	254	0.09	23
General Hospitals with known Psychiatric Services ...	1,616	1	534	0.25	135
General Hospitals screened for Psychiatric Services	4,800	1	1,600	0.25	400
Community Residential Organizations .....	1,500	1	500	0.25	125
Managed Care Organizations .....	700	1	233	0.25	58
Phase II (Sample Survey):					
Specialty Mental Health Organizations (self reporting)	1,841	1	614	2.5	1,534
Specialty Mental Health Organizations (State MIS reports) .....	533	1	178	1.0	178
General Hospitals with Psychiatric Services (Self reporting) .....	962	1	321	2.5	802
Grand Total .....	15,758	.....	5,249	.....	3,509

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Daniel J. Chenok, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10236, Washington, DC 20503.

Dated: March 9, 1998.

**Richard Kopanda,**

*Executive Officer, SAMHSA.*

[FR Doc. 98-6498 Filed 3-12-98; 8:45 am]

BILLING CODE 4162-20-U

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-4349-N-01]

**Submission for OMB Review: Comment Request**

**AGENCY:** Office of the Assistant Secretary for Administration HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**DATES:** *Comments due date:* April 13, 1998.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should

refer to the proposal by name and/or OMB approval number and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest Washington, DC 20410, telephone (202) 708-1305. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) the title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the names and telephone

numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: March 6, 1998.

**David S. Cristy,**

*Director, IRM Policy and Management Division.*

**Notice of Submission of Proposed Information Collection to OMB**

*Title of Proposal:* Minimum Property Standards for Housing.

*Office:* Housing.

*OMB Approval Number:* 2502-0321.

*Description of the Need for the Information and Its Proposed Use:*

These standards establish the acceptability of properties for mortgage insurance and will further the goal of a decent and a suitable living environment for every American family. These standards will protect the Department's interest by requiring certain features of design and construction not normally required by State and local codes. These requirements will insure the durability of housing for the life of the mortgage.

*Form Number:* None.

*Respondents:* Businesses or Other For-Profit, Federal Government, Individual or Households.

*Frequency of Submission:* On Occasion and Recordkeeping.

*Reporting Burden:*

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Annual Review .....	1,350		1		8		10,800

*Total Estimated Burden Hours:* 10,800.  
*Status:* Reinstatement, with change, of a previously approved collection for which approval has expired.  
*Contact:* Marion F. Connell, HUD, (202) 708-6423; Joseph F. Lackey, Jr., OMB, (202) 395-7316.  
 Dated: March 6, 1998.  
 [FR Doc. 98-6422 Filed 3-12-98; 8:45 am]  
 BILLING CODE 4210-01-M

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-4349-N-02]

**Submission for OMB Review: Comment Request**

**AGENCY:** Office of the Assistant Secretary for Administration HUD.  
**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**DATES:** *Comments due date:* April 13, 1998.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and/or OMB approval number and should be

sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708-1305. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) the title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the names and telephone

numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: March 6, 1998.

**David S. Cristy,**

*Director, IRM Policy and Management Division.*

**Notice of Submission of Proposed Information Collection to OMB**

*Title of Proposal:* Housing Discrimination Complaint Form (English/Spanish Version).

*Office:* Fair Housing and Equal Opportunity.

*OMB Approval Number:* 2529-0011.

*Description of the Need for the Information and Its Proposed Use:* Information collected will be used for purposes of contacting persons who wish to file a complaint of housing discrimination and for making initial assessments regarding HUD's jurisdiction under the Fair Housing Act. The revised form is user-friendly; enhances the quality and clarity of information collected; reduces the time to complete; and makes the public aware of their fair housing rights.

*Form Number:* HUD-903 and HUD-903A.

*Respondents:* Individual or Households, Business or Other For-Profit, Not-For-Profit Institutions, and State, Local, or Tribal Government.

*Frequency of Submission:* Ongoing.

*Reporting Burden:*

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD-903 and 903A .....	10,750		1		20 min		3583

*Total Estimated Burden Hours:* 3583.  
*Status:* Revision of a currently approved collection.

*Contact:* Barbara Steck, HUD, (202) 708-2111 x203; Joseph R. Lackey, Jr., OMB, (202) 395-7316.

Dated: March 6, 1998.

[FR Doc. 98-6423 Filed 3-12-98; 8:45 am]

BILLING CODE 4210-01-M

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-4341-N-01]

**Federal Property Suitable as Facilities To Assist the Homeless**

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** This Notice identifies unutilized, underutilized, excess, and

surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

**FOR FURTHER INFORMATION CONTACT:**

Mark Johnston, room 7256, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708-1226; TTY number for the hearing- and speech-impaired (202) 708-2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1-800-927-7588.

**SUPPLEMENTARY INFORMATION:** In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-0G (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B-41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a

Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1-800-927-7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: ENERGY: Ms. Marsha Penhaker, Department of Energy, Facilities Planning and Acquisition Branch, FM-20, Room 6H-058, Washington, DC 20585; (202) 586-0426; GSA: Mr. Brian K. Polly, Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th and F Streets, NW, Washington, DC 20405; (202) 501-2059; INTERIOR: Ms. Lola Knight, Department of the Interior, 1849 C Street, NW, Mail Stop 5512-MIB, Washington, DC 20240; (202) 208-4080; NAVY: Mr. Charles C. Cocks, Department of the Navy, Director, Real Estate Policy Division, Naval Facilities Engineering Command, Code 241A, 200 Stovall Street, Alexandria, VA 22332-2300; (703) 325-7342; (These are not toll-free numbers).

Dated: March 5, 1998.

**Fred Karnas, Jr.,**

*Deputy Assistant Secretary for Economic Development.*

**TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 03/13/98**

**Suitable/Available Properties**

*Buildings (by State)*

California

112 Bldgs.—Skaggs Island Naval Security Group  
Skaggs Island Co: Sonoma CA  
Landholding Agency: GSA  
Property Number: 549730001  
Status: Excess  
Comment: 32-13,374 sq. ft., temp. quonset huts to perm. wood/concrete most recent

use—housing, admin., support facilities, remote location, below sea level, high maintenance

GSA Number: 9-N-CA-1488

Vallejo Federal Building  
823 Marin Ave.

Vallejo Co: Solano CA  
Landholding Agency: GSA  
Property Number: 549730014  
Status: Excess

Comment: 15,134 sq. ft., most recent use—office, possible asbestos/lead paint, historic significance

GSA Number: 9-G-CA-1502

Visitor Motel—Upper Kaweah  
Sequoia National Park  
Three Rivers CA 93271-

Landholding Agency: Interior  
Property Number: 619720007  
Status: Unutilized

Comment: 39403 sq. ft., wood, 2-story, needs repair, presence of asbestos/lead paint, off-site use only

Hawaii

Bldg 5417

Iroquois Point Housing  
Ewa Beach Co: Honolulu HI 96706-

Landholding Agency: Navy  
Property Number: 779810085  
Status: Excess

Comment: 1700 sq. ft., concrete wood, most recent use—residence, relocation may not be feasible, off-site use only

Bldg. 5419

Iroquois Point Housing  
Ewa Beach Co: Honolulu HI 96706-

Landholding Agency: Navy  
Property Number: 779810086  
Status: Excess

Comment: 300 sq. ft., concrete/wood, most recent use—carport, relocation may not be feasible, off-site use only

Bldg. 1533

Naval Station Pearl Harbor  
Pearl Harbor Co: Honolulu HI 96860-

Landholding Agency: Navy  
Property Number: 779810088  
Status: Excess

Comment: 3200 sq. ft., possible asbestos/lead paint, most recent use—handball courts, off-site use only

Bldg. 472

Naval Station Pearl Harbor  
Pearl Harbor Co: Honolulu HI 96860-

Landholding Agency: Navy  
Property Number: 779810089  
Status: Excess

Comment: 23,660 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—boat repair shop, off-site use only

Bldg. 1202

Naval Station Pearl Harbor  
Pearl Harbor Co: Honolulu HI 96860-

Landholding Agency: Navy  
Property Number: 779810090  
Status: Excess

Comment: 1200 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1204

Naval Station Pearl Harbor  
Pearl Harbor Co: Honolulu HI 96860-

Landholding Agency: Navy  
Property Number: 779810091

- Status: Excess  
Comment: 120 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—storage, off-site use only
- Bldg. 1205  
Naval Station Pearl Harbor  
Pearl Harbor Co: Honolulu HI 96860—  
Landholding Agency: Navy  
Property Number: 779810092  
Status: Excess  
Comment: 64 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—storage, off-site use only
- Michigan  
Parcel 1  
Old Lifeboat Station  
East Tawas Co: Iosco MI  
Landholding Agency: GSA  
Property Number: 549730011  
Status: Excess  
Comment: 2062 sq. ft. station bldg., garage, boathouse, oilhouse, possible asbestos/lead paint, eligible for listing on National Register of Historic Places  
GSA Number: 1-UU-MI-500
- Parcel 2  
Tawas Point Lighthouse  
East Tawas Co: Iosco MI  
Landholding Agency: GSA  
Property Number: 549730012  
Status: Excess  
Comment: lighthouse, duplex dwelling, garage, storage, possible asbestos/lead paint, wetlands, listed on National Register of Historic Places, restricted access  
GSA Number: 1-U-MI-500
- S. Haven Keeper's Dwelling  
91 Michigan Ave.  
South Haven Co: Van Buren MI 49090—  
Landholding Agency: GSA  
Property Number: 549740012  
Status: Excess  
Comment: 3257 sq. ft., 2-story dwelling and 800 sq. ft. garage, presence of asbestos/lead paint  
GSA Number: 1-U-MI-475C
- Eagle Harbor Lighthouse  
Rt. 26  
Eagle Harbor Co: Keweenaw MI 44950—  
Landholding Agency: GSA  
Property Number: 549740018  
Status: Excess  
Comment: 2 bldgs., 3111 sq. ft. combined, presence of asbestos/lead paint, most recent use—museum and storage  
GSA Number: 1-U-MI-420A
- Minnesota  
Duluth Duplex Housing  
725 & 725½ Lake Ave.  
Duluth Co: St. Louis MN 55802—  
Landholding Agency: GSA  
Property Number: 549740013  
Status: Excess  
Comment: 2-story brick dwelling, possible lead paint  
GSA Number: 1-U-MN-571
- Nebraska  
Nat'l Weather Svc Forecast Ofc  
Rt. 2  
Alliance Co: Box Butte NE  
Landholding Agency: GSA  
Property Number: 549740021  
Status: Excess
- Comment: 1500 sq. ft., presence of asbestos, most recent use—office  
GSA Number: 7-C-NE-0524
- New Jersey  
ESMT Manasquan  
124 Ocean Ave.  
Manasquan Co.: Monmouth NJ  
Landholding Agency: GSA  
Property Number: 549730025  
Status: Excess  
Comment: main bldg. (5714 sq. ft.), paint locker (96 sq. ft.), garage (3880 sq. ft.), need repairs, presence of asbestos/lead paint, Coast Guard easement  
GSA Number: 1-U-NJ-0632
- Former Tyberg Residence  
National Park Service  
Wallpack Co: Sussex NJ 07881—  
Landholding Agency: Interior  
Property Number: 619720053  
Status: Unutilized  
Comment: most recent use—housing, off-site use only
- New York  
Fed. Office Building  
35 Ryerson Street  
Brooklyn Co: Kings NY  
Landholding Agency: GSA  
Property Number: 549630011  
Status: Excess  
Comment: nine floors and basement, possible asbestos, needs rehab, most recent use—VA Clinic  
GSA Number: 1-G-NY-637A
- Stockton School/Maint Garage  
Mill Street  
Stockton NY 14784—  
Landholding Agency: GSA  
Property Number: 549730024  
Status: Surplus  
Comment: 13,555 sq. ft., 1-story, most recent use—training center, 4.8 acres of land  
GSA Number: 1-L-NY-0860
- 101 Housing Units  
Mitchel Complex  
82B Mitchel Avenue  
East Meadow Co: Nassau NY 11554—  
Landholding Agency: Navy  
Property Number: 779810093  
Status: Unutilized  
Comment: 422 sq. ft., frame, 2-story, presence of asbestos/lead paint, most recent use—residential, off-site use only
- 36 Garages  
Mitchel Complex  
82B Mitchel Avenue  
East Meadow Co: Nassau NY 11554—  
Landholding Agency: Navy  
Property Number: 779810094  
Status: Unutilized  
Comment: 350 sq. ft., masonry, most recent use—garage, off-site use only
- Ohio  
Keeper's Dwelling & Shed  
110 Wall Street  
Huron OH 55802—  
Landholding Agency: GSA  
Property Number: 549740015  
Status: Excess  
Comment: 5100 sq. ft. single family residence and a 216 sq. ft. storage shed, possible lead based paint  
GSA Number: 1-U-OH-800
- Pennsylvania  
Airport Surv. Radar Site  
Beacon Road  
New Cumberland Co: Cumberland PA 17070—  
Landholding Agency: GSA  
Property Number: 549810010  
Status: Surplus  
Comment: 1512 sq. ft., concrete block bldg. and 340 sq. ft. bldg. in disrepair, water and sewer lines not installed, limited accessibility  
GSA Number: 4-U-PA-783
- Former Florio House  
National Park Service  
Bushkill Co: Monroe PA 18324—  
Landholding Agency: Interior  
Property Number: 619720050  
Status: Unutilized  
Comment: 936 sq. ft. frame, most recent use—housing, off-site use only
- Former Hardtla House  
Raymondskill  
Milford Co: Pike PA  
Landholding Agency: Interior  
Property Number: 619720051  
Status: Unutilized  
Comment: 1527 sq. ft. frame, 2-story, needs repair, most recent use—housing, off-site use only
- Former Hickman House  
National Park Service  
Bushkill Co: Monroe PA 18324—  
Landholding Agency: Interior  
Property Number: 619720052  
Status: Unutilized  
Comment: approx. 1604 sq. ft. frame, 2-story, most recent use—housing, off-site use only
- Texas  
Bryan Federal Building  
216 W 26th Street  
Bryan Co: Brazos TX 77801—  
Landholding Agency: GSA  
Property Number: 549730003  
Status: Underutilized  
Comment: portion of 4000 sq. ft. bldg., most recent use—office, limitations due to potential historic significance  
GSA Number: 7-G-TX-1048
- Bldg. 115  
Fort Crockett/43rd St. Housing  
Galveston Co: Galveston TX 77553  
Landholding Agency: GSA  
Property Number: 879630001  
Status: Surplus  
Comment: 500 sq. ft., most recent use—garage, historic properties  
GSA Number: 7-U-TX-0549G, H, I
- Bldg. 114  
Fort Crockett/43rd St. Housing  
Galveston Co: Galveston TX 77553—  
Landholding Agency: GSA  
Property Number: 879630002  
Status: Surplus  
Comment: 3150 sq. ft. per floor, 2-story, most recent use—residence, historic properties  
GSA Number: 7-U-TX-0549G, H, I
- Bldg. 113  
Fort Crockett/43rd St. Housing  
Galveston Co: Galveston TX 77553—  
Landholding Agency: GSA  
Property Number: 879630003  
Status: Surplus  
Comment: 200 sq. ft., most recent use—garage, historic properties

GSA Number: 7-U-TX-0549G, H, I  
Bldg. 112  
Fort Crockett/43rd St. Housing  
Galveston Co: Galveston TX 77553-  
Landholding Agency: GSA  
Property Number: 879630004  
Status: Surplus  
Comment: 2880 sq. ft. per floor, 2-story, most recent use—residential, historic properties  
GSA Number: 7-U-TX-0549G, H, I  
Bldg. 111  
Fort Crockett/43rd St. Housing  
Galveston Co: Galveston TX 77553-  
Landholding Agency: GSA  
Property Number: 879630005  
Status: Surplus  
Comment: 2880 sq. ft. per floor, 2-story, most recent use—residential, historic properties  
GSA Number: 7-U-TX-0549G, H, I  
Bldg. 110  
Fort Crockett/43rd St. Housing  
Galveston Co: Galveston TX 77553-  
Landholding Agency: GSA  
Property Number: 879630006  
Status: Surplus  
Comment: 500 sq. ft., most recent use—garage, historic properties  
GSA Number: 7-U-TX-0549G, H, I  
Bldg. 109  
Fort Crockett/43rd St. Housing  
Galveston Co: Galveston TX 77553-  
Landholding Agency: GSA  
Property Number: 879630007  
Status: Surplus  
Comment: 2880 sq. ft. per floor, 2-story, most recent use—residential, historic properties  
GSA Number: 7-U-TX-0549G, H, I  
Bldg. 428  
Fort Crockett/53rd St. Housing  
Galveston Co: Galveston TX 77553-  
Landholding Agency: GSA  
Property Number: 879630009  
Status: Surplus  
Comment: 2700 sq. ft., most recent use—warehouse/office, historic properties  
GSA Number: 7-U-TX-0549G, H, I  
Bldg. 433  
Fort Crockett/53rd St. Housing  
Galveston Co: Galveston TX 77553-  
Landholding Agency: GSA  
Property Number: 879630010  
Status: Surplus  
Comment: 1632 sq. ft. per floor, 2-story, most recent use—residential, historic properties  
GSA Number: 7-U-TX-0549G, H, I  
Bldg. 439  
Fort Crockett/53rd St. Housing  
Galveston Co: Galveston TX 77553-  
Landholding Agency: GSA  
Property Number: 879630011  
Status: Surplus  
Comment: 1632 sq. ft. per floor, 2-story, most recent use—residential, historic properties  
GSA Number: 7-U-TX-0549G, H, I  
Bldg. 439  
Fort Crockett/53rd St. Housing  
Galveston Co: Galveston TX 77553-  
Landholding Agency: GSA  
Property Number: 879630011  
Status: Surplus  
Comment: 1632 sq. ft. per floor, 2-story, most recent use—residential, historic properties  
GSA Number: 7-U-TX-0549G, H, I  
Bldg. 440  
Fort Crockett/53rd St. Housing  
Galveston Co: Galveston TX 77553-  
Landholding Agency: GSA  
Property Number: 879630012  
Status: Surplus  
Comment: 1632 sq. ft. per floor, 2-story, most recent use—residential, historic properties  
GSA Number: 7-U-TX-0549G, H, I  
Bldg. 441  
Fort Crockett/53rd St. Housing  
Galveston Co: Galveston TX 77553-  
Landholding Agency: GSA  
Property Number: 879630013  
Status: Surplus  
Comment: 1632 sq. ft. per floor, 2-story, most recent use—residential, historic properties  
GSA Number: 7-U-TX-0549G, H, I  
Bldg. 442  
Fort Crockett/53rd St. Housing  
Galveston Co: Galveston TX 77553-  
Landholding Agency: GSA  
Property Number: 879630014  
Status: Surplus  
Comment: 1632 sq. ft. per floor, 2-story, most recent use—residential, historic properties  
GSA Number: 7-U-TX-0549G, H, I  
Bldg. 106  
Fort Crockett/Seawall Blvd. Housing  
Galveston Co: Galveston TX 77553-  
Landholding Agency: GSA  
Property Number: 879630015  
Status: Surplus  
Comment: 2000 sq. ft., most recent use—Garage, historic properties  
GSA Number: 7-U-TX-0549G, H, I  
Bldg. 105  
Fort Crockett/Seawall Blvd. Housing  
Galveston Co: Galveston TX 77553-  
Landholding Agency: GSA  
Property Number: 879630016  
Status: Surplus  
Comment: 1634 sq. ft. per floor, 2-story, most recent use—residential, historic properties  
GSA Number: 7-U-TX-0549G, H, I  
Bldg. 104  
Fort Crockett/Seawall Blvd. Housing  
Galveston Co: Galveston TX 77553-  
Landholding Agency: GSA  
Property Number: 879630017  
Status: Surplus  
Comment: 1634 sq. ft. per floor, most recent use—residential, historic properties  
GSA Number: 7-U-TX-0549G, H, I  
Bldg. 103  
Fort Crockett/Seawall Blvd. Housing  
Galveston Co: Galveston TX 77553-  
Landholding Agency: GSA  
Property Number: 879630018  
Status: Surplus  
Comment: 1634 sq. ft. per floor, 2-story, most recent use—residential, historic properties  
GSA Number: 7-U-TX-0549G, H, I  
Bldg. 102  
Fort Crockett/Seawall Blvd. Housing  
Galveston Co: Galveston TX 77553-  
Landholding Agency: GSA  
Property Number: 879630019  
Status: Surplus  
Comment: 1634 sq. ft. per floor, 2-story, most recent use—residential, historic properties  
GSA Number: 7-U-TX-0549G, H, I  
Virginia  
Nichols Property  
Rt. 2, Box 554  
Galax Co: Grayson VA 24333-  
Landholding Agency: Interior  
Property Number: 619640009  
Status: Unutilized  
Comment: 1520 sq. ft. residence, off-site use only  
Golding Property  
Rt. 2, Box 555  
Galax Co: Grayson VA 24333-  
Landholding Agency: Interior  
Property Number: 619640010  
Status: Unutilized  
Comment: 2224 sq. ft. residence, needs repair, barn, rental cottage, shed, off-site use only  
Bldg. 35  
Naval Medical Center  
20 Gendreau Road  
Portsmouth VA 23708-  
Landholding Agency: Navy  
Property Number: 779810115  
Status: Unutilized  
Comment: 6513 sq. ft., wood, needs repair, presence of asbestos, most recent use—club, off-site use only  
Bldg. 1  
St. Juliens Creek Annex  
Portsmouth VA 23702-  
Landholding Agency: Navy  
Property Number: 779810116  
Status: Excess  
Comment: 5000 sq. ft., good condition, most recent use—office, off-site use only  
Bldg. 2  
St. Juliens Creek Annex  
Portsmouth VA 23702-  
Landholding Agency: Navy  
Property Number: 779810117  
Status: Excess  
Comment: 3000 sq. ft., good condition, most recent use—office, off-site use only  
Bldg. 3  
St. Juliens Creek Annex  
Portsmouth VA 23702-  
Landholding Agency: Navy  
Property Number: 779810118  
Status: Excess  
Comment: 5126 sq. ft., good condition, most recent use—office, off-site use only  
Bldg. 4  
St. Juliens Creek Annex  
Portsmouth VA 23702-  
Landholding Agency: Navy  
Property Number: 779810119  
Status: Excess  
Comment: 3000 sq. ft., good condition, most recent use—office, off-site use only  
Bldg. 6  
St. Juliens Creek Annex  
Portsmouth VA 23702-  
Landholding Agency: Navy  
Property Number: 779810120  
Status: Excess  
Comment: 5000 sq. ft., good condition, most recent use—office, off-site use only  
Bldg. 7  
St. Juliens Creek Annex  
Portsmouth VA 23702-  
Landholding Agency: Navy  
Property Number: 779810121  
Status: Excess  
Comment: 5000 sq. ft., good condition, most recent use—office, off-site use only  
Bldg. 11

- St Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810122  
Status: Excess  
Comment: 5000 sq. ft., good condition, most recent use—office, off-site use only
- Bldg. 12  
St Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810123  
Status: Excess  
Comment: 10,000 sq. ft., good condition, most recent use—office, off-site use only
- Bldg. 13  
St Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810124  
Status: Excess  
Comment: 13,469 sq. ft., good condition, most recent use—office, off-site use only
- Bldg. 14  
St Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810125  
Status: Excess  
Comment: 10,791 sq. ft., good condition, most recent use—office, off-site use only
- Bldgs. 16, 17  
St Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810126  
Status: Excess  
Comment: 5000 sq. ft., good condition, most recent use—office, off-site use only
- Bldg. 18  
St Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810127  
Status: Excess  
Comment: 5315 sq. ft., good condition, most recent use—office, off-site use only
- Bldg. 26  
St Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810128  
Status: Excess  
Comment: 3072 sq. ft., good condition, most recent use—office, off-site use only
- Bldg. 38  
St Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810129  
Status: Excess  
Comment: 11654 sq. ft., poor condition, most recent use—storage, off-site use only
- Bldg. 39  
St Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810130  
Status: Excess  
Comment: 7300 sq. ft., poor condition, most recent use—storage, off-site use only
- Bldg. 40  
St Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810131  
Status: Excess  
Comment: 8325 sq. ft., poor condition, most recent use—storage, off-site use only
- Bldg. 41  
St Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810132  
Status: Excess  
Comment: 7200 sq. ft., good condition, most recent use—office, off-site use only
- Bldg. 46  
St Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810133  
Status: Excess  
Comment: 15,530 sq. ft., poor condition, most recent use—office, off-site use only
- Bldg. 47  
St Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810134  
Status: Excess  
Comment: 22,680 sq. ft., good condition, most recent use—office, off-site use only
- Bldg. 51  
St Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810135  
Status: Excess  
Comment: 10,120 sq. ft., good condition, most recent use—office, off-site use only
- Bldg. 53  
St Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810136  
Status: Excess  
Comment: 1984 sq. ft., good condition, most recent use—office, off-site use only
- Bldg. 54  
St Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810137  
Status: Excess  
Comment: 1015 sq. ft., good condition, most recent use—office, off-site use only
- Bldg. 63  
St Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810138  
Status: Excess  
Comment: 8745 sq. ft., good condition, most recent use—office, off-site use only
- Bldg. 64  
St Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810139  
Status: Excess  
Comment: 8745 sq. ft., poor condition, most recent use—office, off-site use only
- Bldgs. 65, 66, 67  
St Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810140  
Status: Excess  
Comment: 9128 sq. ft., poor condition, most recent use—office, off-site use only
- Bldg. 70  
St Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810141  
Status: Excess  
Comment: 12,000 sq. ft., poor condition, most recent use—storage, off-site use only
- Bldg. 72  
St Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810142  
Status: Excess  
Comment: 9950 sq. ft., poor condition, most recent use—storage, off-site use only
- Bldg. 81  
St Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810143  
Status: Excess  
Comment: 12,000 sq. ft., good condition, most recent use—office, off-site use only
- Bldg. 82  
St Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810144  
Status: Excess  
Comment: 2120 sq. ft., good condition, most recent use—office, off-site use only
- Bldgs. 84, 86, 87, 88  
St Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810145  
Status: Excess  
Comment: 10,000 sq. ft., good condition, most recent use—office, off-site use only
- Bldg. 134  
St Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810146  
Status: Excess  
Comment: 3112 sq. ft., poor condition, most recent use—office, off-site use only
- Bldg. 146  
St Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810147  
Status: Excess  
Comment: 5635 sq. ft., poor condition, most recent use—storage, off-site use only
- Bldgs. 152–155  
St Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810148  
Status: Excess  
Comment: 800 sq. ft., good condition, most recent use—storage, off-site use only
- Bldgs. 159, 160, 163  
St Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810149  
Status: Excess  
Comment: 1250 sq. ft., good condition, most recent use—storage, off-site use only

- Bldg. 176  
St. Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810150  
Status: Excess  
Comment: 5151 sq. ft., good condition, most recent use—storage, off-site use only
- Bldg. 177  
St. Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810151  
Status: Excess  
Comment: 5151 sq. ft., good condition, most recent use—office, off-site use only
- Bldg. 185  
St. Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810152  
Status: Excess  
Comment: 7700 sq. ft., good condition, most recent use—office, off-site use only
- Bldg. 201  
St. Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810153  
Status: Excess  
Comment: 15,146 sq. ft., good condition, most recent use—office, off-site use only
- Bldg. 202  
St. Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810154  
Status: Excess  
Comment: 3391 sq. ft., poor condition, most recent use—office, off-site use only
- Bldg. 203  
St. Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810155  
Status: Excess  
Comment: 11,340 sq. ft., poor condition, most recent use—office, off-site use only
- Bldgs. 207, 208, 210  
St. Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810156  
Status: Excess  
Comment: 165 sq. ft., good condition, most recent use—office, off-site use only
- Bldg. 216  
St. Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810157  
Status: Excess  
Comment: 3624 sq. ft., poor condition, most recent use—office, off-site use only
- Bldg. 217  
St. Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810158  
Status: Excess  
Comment: 1716 sq. ft., poor condition, most recent use—office, off-site use only
- Bldg. 226  
St. Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810159  
Status: Excess  
Comment: 6780 sq. ft., poor condition, most recent use—office, off-site use only
- Bldg. 233  
St. Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810160  
Status: Excess  
Comment: 1161 sq. ft., good condition, most recent use—office, off-site use only
- Bldg. 247  
St. Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810161  
Status: Excess  
Comment: 4492 sq. ft., good condition, most recent use—office, off-site use only
- Bldg. 269  
St. Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810162  
Status: Excess  
Comment: 468 sq. ft., poor condition, most recent use—disposal/salvage, off-site use only
- Bldg. 272  
St. Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810163  
Status: Excess  
Comment: 1920 sq. ft., poor condition, most recent use—storage, off-site use only
- Bldg. 277  
St. Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810164  
Status: Excess  
Comment: 26,146 sq. ft., good condition, most recent use—office, off-site use only
- Bldg. 278–279  
St. Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810165  
Status: Excess  
Comment: 5820 sq. ft., good condition, most recent use—office, off-site use only
- Bldg. 305  
St. Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810166  
Status: Excess  
Comment: 972 sq. ft., poor condition, most recent use—office, off-site use only
- Bldg. 328  
St. Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810167  
Status: Excess  
Comment: 83 sq. ft., poor condition, off-site use only
- Bldg. 356  
St. Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810168  
Status: Excess  
Comment: 1080 sq. ft., poor condition, most recent use—office, off-site use only
- Bldg. H  
St. Juliens Creek Annex  
Portsmouth VA 23702–  
Landholding Agency: Navy  
Property Number: 779810169  
Status: Excess  
Comment: 5564 sq. ft., good condition, most recent use—office, off-site use only
- Washington  
Vancouver Info Center  
Vancouver Co: Clark WA 98663–  
Landholding Agency: GSA  
Property Number: 549740011  
Status: Excess  
Comment: 1200 sq. ft., most recent use—visitor info center, excellent condition  
GSA Number: 9–GR–WA–514E
- West Virginia  
Emit Jennings House  
New River Gorge National River  
Huffman Drive  
McCreery Co: Raleigh WV 25934–  
Landholding Agency: Interior  
Property Number: 619740002  
Status: Excess  
Comment: 1400 sq. ft., concrete block, needs rehab, off-site use only
- Webb House  
New River Gorge National River  
Rt. 41 North  
McCreery Co: Raleigh WV 25934–  
Landholding Agency: Interior  
Property Number: 619740003  
Status: Excess  
Comment: 288 sq. ft. dwelling, off-site use only
- Gilliam House  
New River Gorge National River  
Rt. 41 North  
McCreery Co: Raleigh WV 25934–  
Landholding Agency: Interior  
Property Number: 619740004  
Status: Excess  
Comment: 448 sq. ft. dwelling, off-site use only
- Land (by State)*
- Arkansas  
Hergett Substation  
305 N. Floyd St.  
Jonesboro Co: Craighead AR  
Landholding Agency: GSA  
Property Number: 549730017  
Status: Excess  
Comment: 1.55 acres, most recent use—electrical substation  
GSA Number: 7–B–AR–553
- Colorado  
Erie Substation  
Hwy 87 Co: Weld CO  
Landholding Agency: GSA  
Property Number: 549740002  
Status: Excess  
Comment: 2.75 acres, most recent use—electrical substation, (transmission lines)
- Maine  
GWEN Site (Patten)  
Loring AFB

Stacyville Co: Herseytown ME 04742-  
Landholding Agency: GSA  
Property Number: 189640018  
Status: Excess  
Comment: 23.55 acres w/226 sq. ft. relay  
station  
GSA Number: 1-D-ME-630

#### Massachusetts

Estate of S. Newburg  
Lois and Ellen Street  
Haverhill Co: Essex MA 01830-  
Landholding Agency: GSA  
Property Number: 549630017  
Status: Excess  
Comment: land—36,425 sq. ft.—two  
noncontiguous parcels, heavily wooded  
GSA Number: 1-G-MA-793

#### Michigan

Parcel 3, Parcel B  
East Tawas Co: Iosco MI  
Landholding Agency: GSA  
Property Number: 549730013  
Status: Excess  
Comment: 2.02 acres of land, wooded and  
primarily wetlands, restricted access  
GSA Number: 1-U-MI-500

#### Nebraska

Radar Site  
Hwy 92  
Gandy Co: Logan NE 69163-  
Landholding Agency: GSA  
Property Number: 549740007  
Status: Surplus  
Comment: .52 acres  
GSA Number: 7-C-NE-0523

#### New Hampshire

Land—7.97  
Army Reserve Center, Industrial Park  
Belmont Co: Belnap NH  
Landholding Agency: GSA  
Property Number: 219710118  
Status: Excess  
Comment: 7.97 acres, severe sloping  
GSA Number: 1-D-NH-0489

#### South Dakota

Old Oahe Lock & Dam  
Lake Oahe Project  
Ft. Pierre Co: Stanley SD 57501-  
Landholding Agency: GSA  
Property Number: 549740004  
Status: Excess  
Comment: 1.91 acres, most recent use—old  
railroad grade, subject to existing  
easements  
GSA Number: 7-D-SD-0520

#### Wyoming

Pavillion Substation  
Wind River Meridian Co: Fremont WY  
Landholding Agency: GSA  
Property Number: 549740003  
Status: Excess  
Comment: 0.11 acre tract, most recent use—  
powerline substation

#### Suitable/Unavailable Properties

##### Buildings (by State)

#### Alaska

10 Office Buildings  
Anchorage Native Medical Center  
255 Gambell St.  
Anchorage Co: Anchorage AK 99501-

Landholding Agency: GSA  
Property Number: 549710002  
Status: Surplus  
Comment: high maintenance costs, does not  
meet Fed. seismic standards, presence of  
asbestos, PCB's, lead paint  
GSA Number: 9-F-AK-750

#### 3 Storage Buildings

Anchorage Native Medical Center  
255 Gambell St.  
Anchorage Co: Anchorage AK 99501-  
Landholding Agency: GSA  
Property Number: 549710003  
Status: Surplus  
Comment: high maintenance costs, does not  
meet Fed. seismic standards, presence of  
asbestos, PCB's, lead paint  
GSA Number: 9-F-AK-750

#### 1 Hospital

Anchorage Native Medical Center  
255 Gambell St.  
Anchorage Co: Anchorage AK 99501-  
Landholding Agency: GSA  
Property Number: 549710004  
Status: Surplus  
Comment: 173,336 sq. ft., high maintenance  
costs, does not meet Fed. seismic  
standards, presence of asbestos, PCB's, lead  
paint  
GSA Number: 9-F-AK-750

#### California

Bakersfield Federal Building  
800 Truxton Avenue  
Bakersfield Co: Kern CA 93302-  
Landholding Agency: GSA  
Property Number: 549710013  
Status: Excess  
Comment: 33,755 sq. ft., 3 floors plus  
basement, most recent use—court/office,  
presence of non-friable asbestos/lead base  
paint  
GSA Number: 9-G-CA-1478

#### 25 Units of Housing

Former Naval Facility, Pt. Sur  
Centerville Beach Detachment Co: Monterey  
CA  
Landholding Agency: GSA  
Property Number: 549710006  
Status: Surplus  
Comment: 1215 sq. ft. each, potential  
utilities, needs repair, most recent use—  
residential, presence of asbestos/lead base  
paint  
GSA Number: 9-N-CA-1480

#### 23 Admin/Misc Buildings

Former Naval Facility, Pt. Sur  
Centerville Beach Detachment Co: Monterey  
CA  
Landholding Agency: GSA  
Property Number: 549730007  
Status: Surplus  
Comment: 1100-1215 sq. ft., potential  
utilities, need repair, most recent use-shop  
bldgs., officers quarters, gym, filling  
station, auditorium, admin., presence of  
asbestos/lead paint  
GSA Number: 9-N-CA-1480

#### Idaho

Bldg. CFA-613  
Central Facilities Area  
Idaho National Engineering Lab  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419630001

Status: Unutilized  
Comment: 1219 sq. ft., most recent use—  
sleeping quarters, presence of asbestos, off-  
site use only

#### Illinois

Parcel 2  
Portion Former Lock & Dam 51  
Golconda Co: Pope IL 62938-  
Landholding Agency: GSA  
Property Number: 549610011  
Status: Excess  
Comment: 1274 sq. ft., bldg. which housed  
the lock control structures 2160 sq. ft.  
warehouse and ofc. bldg., presence of lead  
base paint, periodic flooding, Fed. Reg. of  
Historic Places  
GSA Number: 2-D-IL-703

#### Iowa

Naval Family Housing  
23-Units  
Waverly Co: Bremer IA 50677-  
Landholding Agency: GSA  
Property Number: 549720009  
Status: Excess  
Comment: 23-housing units, sq. ft. varies  
from 864-1760, capehart, wood frame, 1-  
story  
GSA Number: 7-D-LA-0463B

#### Kansas

Federal Office Building  
400 Houston Street  
Manhattan Co: Riley KS 66502-  
Landholding Agency: GSA  
Property Number: 549640014  
Status: Surplus  
Comment: portion of 11398 sq. ft. bldg., 1½  
story w/basement, most recent use—office/  
storage  
GSA Number: 7-G-KS-0519

#### Maine

51 Housing Units w/garages  
Charleston Family Housing Complex  
Maxwell Lane & Randolph Drive  
Bangor Co: Penobscot ME 04401-  
Landholding Agency: GSA  
Property Number: 549640012  
Status: Excess  
Comment: 1300 sq. ft. each, 1-story  
GSA Number: 1-D-ME-526H

#### Massachusetts

17 Single Family Residences  
Navy Family Housing, Westover AFB  
Chicopee Co: Hampden MA 01022-  
Landholding Agency: GSA  
Property Number: 549520002  
Status: Excess  
Comment: various sq. ft., good condition,  
utilities systems modification

#### 20 Fourplex Residences

Navy Family Housing, Westover AFB  
Chicopee Co: Hampden MA 01022-  
Landholding Agency: GSA  
Property Number: 549520004  
Status: Excess  
Comment: various st. ft., good condition,  
utilities systems modification

#### Michigan

Detroit Job Corps Center  
10401 E. Jefferson & 1438 Garland;  
1265 St. Clair  
Detroit Co: Wayne MI 42128-  
Landholding Agency: GSA

Property Number: 549510002  
 Status: Surplus  
 Comment: Main bldg. is 80,590 sq. ft., 5-story, adjacent parking lot, 2nd bldg. on St. Clair Ave. is 5140 sq. ft., presence of asbestos in main bldg., to be vacated 8/97  
 GSA Number: 2-L-MI-757

Seul Choix Point Light  
 Gulliver Co: Schoolcraft MI 49840-  
 Landholding Agency: GSA  
 Property Number: 549640005  
 Status: Excess  
 Comment: 1000 sq. ft. lighthouse, lease with Gulliver Historical Society thru Dec. 2009  
 GSA Number: 1-U-MI-679A

Missouri  
 Meteorological Observatory  
 323 Farm Road  
 Monett Co: Berry MO 65708-9351  
 Landholding Agency: GSA  
 Property Number: 549740006  
 Status: Surplus  
 Comment: 2230 sq. ft., most recent use—weather service office, presence of asbestos  
 GSA Number: 7-C-MO-0639

Montana  
 Bldg.—Conrad Training Site  
 15 miles east of the City of Conrad  
 Co: Pondera MT 59425-  
 Landholding Agency: GSA  
 Property Number: 189420025  
 Status: Excess  
 Comment: 7000 sq. ft., 1-story brick, most recent use—technical training site

Malstrom Communications Annex  
 (Transmitter), 39 78th St., N.  
 Malstrom AFB Co: Cascade MT 59405-  
 Landholding Agency: GSA  
 Property Number: 189510023  
 Status: Excess  
 Comment: 1966 sq. ft., limited utilities, needs roof replacement  
 GSA Number: 7-D-MT-4240

USARC Bozeman Reserve Center  
 32 South Tracy Ave.  
 Bozeman Co: Gallatin MT  
 Landholding Agency: GSA  
 Property Number: 219420391  
 Status: Excess  
 Comment: 7600 sq. ft., 2-story, most recent use—office, sound condition, presence of asbestos, on list of historic buildings  
 GSA Number: 7-D-MT-0605

Nebraska  
 Forecast Office  
 11404 N 72nd Street  
 Omaha Co: Douglas NE 68102-  
 Landholding Agency: GSA  
 Property Number: 549740005  
 Status: Surplus  
 Comment: 4755 sq. ft., most recent use—weather service office, presence of asbestos  
 GSA Number: 7-C-NE-0522

Nevada  
 5 Single Family Residences  
 Tonopah Housing Complex  
 Tonopah Co: Nye NV 89049-  
 Landholding Agency: GSA  
 Property Number: 549430004  
 Status: Excess  
 Comment: 1192 to 1378 sq. ft., 1 story wood residences, 3 bedrooms/1 bathroom  
 GSA Number: 9-U-NV-467-C

13 Single Family Residences  
 Tonopah Housing Complex  
 Tonopah Co: Nye NV 89049-  
 Landholding Agency: GSA  
 Property Number: 549430005  
 Status: Excess  
 Comment: 1192-1898 sq. ft., 1 story wood residences, 4 bedrooms/2 bathrooms  
 GSA Number: 9-U-NV-467-C

New York  
 U.S. Army Reserve Center  
 Elizabethtown Reserve Center  
 Corner of Water and Cross Streets  
 Elizabethtown Co: Essex NY 12932-  
 Landholding Agency: GSA  
 Property Number: 219540016  
 Status: Excess  
 Comment: 4316 sq. ft. reserve center/1315 sq. ft. motor repair shop, 1 story each, concrete block/brick frame  
 GSA Number: 1-D-NY-861

North Carolina  
 Federal Building  
 140 4th Avenue West  
 Hendersonville Co: Henderson NC 28739-  
 Landholding Agency: GSA  
 Property Number: 549730021  
 Status: Excess  
 Comment: 6522 sq. ft., most recent use—office, good condition  
 GSA Number: 4-G-NC-726

Federal Building  
 146 North Main Street  
 Rutherfordton Co: Rutherfordton NC 28139-  
 Landholding Agency: GSA  
 Property Number: 549730022  
 Status: Excess  
 Comment: 4919 sq. ft., most recent use—office, good condition  
 GSA Number: 4-G-NC-727

North Dakota  
 House #1 (OJ1)  
 OMEGA Station  
 213 2nd St. NE  
 LaMoure Co: LaMoure ND 58458-  
 Landholding Agency: GSA  
 Property Number: 549720010  
 Status: Excess  
 Comment: 1500 sq. ft., most recent use—residential, federally endangered and threatened species may be present in area  
 GSA Number: 7-U-ND-0494A & B

House #2 (OJ2)  
 OMEGA Station  
 216 2nd St. NE  
 LaMoure Co: LaMoure ND 58458-  
 Landholding Agency: GSA  
 Property Number: 549720011  
 Status: Excess  
 Comment: 1500 sq. ft., most recent use—residential, federally endangered and threatened species may be present in area  
 GSA Number: 7-U-ND-0494A & B

House #3 (OJ3)  
 OMEGA Station  
 310 2nd St. NE  
 LaMoure Co: LaMoure ND 58458-  
 Landholding Agency: GSA  
 Property Number: 549720012  
 Status: Excess  
 Comment: 1500 sq. ft., most recent use—residential, federally endangered and threatened species may be present in area  
 GSA Number: 7-U-ND-0494A & B

House #4 (OJ4)  
 OMEGA Station  
 316 2nd St. NE  
 LaMoure Co: LaMoure ND 58458-  
 Landholding Agency: GSA  
 Property Number: 549720013  
 Status: Excess  
 Comment: 1500 sq. ft., most recent use—residential, federally endangered and threatened species may be present in area  
 GSA Number: 7-U-ND-0494A & B

House #5 (OJ5)  
 OMEGA Station  
 122 4th Ave. NW  
 LaMoure Co: LaMoure ND 58458-  
 Landholding Agency: GSA  
 Property Number: 549720014  
 Status: Excess  
 Comment: 1500 sq. ft., most recent use—residential, federally endangered and threatened species may be present in area  
 GSA Number: 7-U-ND-0494A & B

House #6 (OJ6)  
 OMEGA Station  
 417 2nd St. NW  
 LaMoure Co: LaMoure ND 58458-  
 Landholding Agency: GSA  
 Property Number: 549720015  
 Status: Excess  
 Comment: 1500 sq. ft., most recent use—residential, federally endangered and threatened species may be present in area  
 GSA Number: 7-U-ND-0494A & B

House #7 (OJ7)  
 OMEGA Station  
 421 2nd St. NW  
 LaMoure Co: LaMoure ND 58458-  
 Landholding Agency: GSA  
 Property Number: 549720016  
 Status: Excess  
 Comment: 1500 sq. ft., most recent use—residential, federally endangered and threatened species may be present in area  
 GSA Number: 7-U-ND-0494A & B

House #8 (OJ8)  
 OMEGA Station  
 123 5th Ave. NW  
 LaMoure Co: LaMoure ND 58458-  
 Landholding Agency: GSA  
 Property Number: 549720017  
 Status: Excess  
 Comment: 1500 sq. ft., most recent use—residential, federally endangered and threatened species may be present in area  
 GSA Number: 7-U-ND-0494A & B

House #9 (OJ9)  
 OMEGA Station  
 517 2nd St. NW  
 LaMoure Co: LaMoure ND 58458-  
 Landholding Agency: GSA  
 Property Number: 549720018  
 Status: Excess  
 Comment: 1700 sq. ft., most recent use—residential, federally endangered and threatened species may be present in area  
 GSA Number: 7-U-ND-0494A & B

House #10 (OJ10)  
 OMEGA Station  
 521 2nd St. NW  
 LaMoure Co: LaMoure ND 58458-  
 Landholding Agency: GSA  
 Property Number: 549720019  
 Status: Excess  
 Comment: 1700 sq. ft., most recent use—residential, federally endangered and threatened species may be present in area

- GSA Number: 7-U-ND-0494A & B  
Ohio  
Zanesville Federal Building  
65 North Fifth Street  
Zanesville Co: Muskingum OH  
Landholding Agency: GSA  
Property Number: 549520018  
Status: Excess  
Comment: 18750 sq. ft., most recent use—office, possible asbestos, eligible for listing on the Natl Register of Historic Places  
GSA Number: 2-G-OH-781A  
Marblehead Light Tower  
East Harbor State Park  
Marblehead Co: Ottawa OH 43440-  
Landholding Agency: GSA  
Property Number: 549710005  
Status: Excess  
Comment: 67 foot tall light tower w/87-step spiral staircase, one room/60 sq. ft., covenants and restrictions must be complied with  
GSA Number: 1-U-OH-655-C  
Oregon  
Gus Solomon U.S. Courthouse  
620 SW Main Street  
Portland Co: Multnomah OR 97205-  
Landholding Agency: GSA  
Property Number: 549730023  
Status: Underutilized  
Comment: 15,775 sq. ft., 7-story, does not meet Federal seismic requirements, National Register of Historic Places, pending lease  
GSA Number: 7-G-OR-724  
Pennsylvania  
Federal Office Building  
1421 Cherry Street  
Philadelphia PA 19107-  
Landholding Agency: GSA  
Property Number: 549730004  
Status: Surplus  
Comment: 12 floors, brick, most recent use—office, portion occupied by Federal tenants  
GSA Number: 4-G-PA-776  
Presque Isle Light Station  
Erie Co: Erie PA 16505-  
Landholding Agency: GSA  
Property Number: 549730009  
Status: Excess  
Comment: 1200 sq. ft., 2-story, lighthouse with attached residence, historic property  
GSA Number: 4-U-PA-775  
Tennessee  
Federal Building  
130 Main Street  
Carthage Co: Smith TN 37030-  
Landholding Agency: GSA  
Property Number: 549730010  
Status: Excess  
Comment: 7295 sq. ft., 3-story, excellent condition, most recent use—office space  
GSA Number: 4-G-TN-643  
Texas  
7 Office Buildings  
Former SW Regional Headquarters  
4400 Blue Mound Road TX 76106-  
Landholding Agency: GSA  
Property Number: 549630007  
Status: Excess  
Comment: 1-3 stories, potential restrictive covenants (historic)
- GSA Number: 7-U-TX-1041  
5 Storage Buildings  
Former SW Regional Headquarters  
4400 Blue Mound Road TX 76106-  
Landholding Agency: GSA  
Property Number: 549630008  
Status: Excess  
Comment: 1-story, potential restrictive covenants (historic)  
GSA Number: 7-U-TX-1041  
6 Misc. Buildings  
Former SW Regional Headquarters  
4400 Blue Mound Road TX 76106-  
Landholding Agency: GSA  
Property Number: 549630009  
Status: Excess  
Comment: including cafeteria, guard shacks, pumphouse, transformer eng. gen. bldg., potential restrictive covenants (historic)  
GSA Number: 7-U-TX-1041  
Harlingen USARC  
1920 East Washington  
Harlingen Co: Cameron TX 78550-  
Landholding Agency: GSA  
Property Number: 549730005  
Status: Surplus  
Comment: 16,540 sq. ft., 1-story, reserve center, most recent use—classroom training and vehicle maintenance  
GSA Number: 7-D-TX-1047  
Virginia  
National Weather Service  
Route 3  
Volens Co: Halifax VA  
Landholding Agency: GSA  
Property Number: 549710001  
Status: Excess  
Comment: 1859 sq. ft. brick veneer, most recent use—office with 1.3 acres/parking lot  
GSA Number: 4-C-VA-713  
Housing  
Rt. 637—Gwynnville Road  
Gwynn Island Co: Mathews VA 23066-  
Landholding Agency: GSA  
Property Number: 879120082  
Status: Excess  
Comment: 929 sq. ft., one story residence  
GSA Number: 4-U-DE-461  
*Land (by State)*  
Arizona  
Part of Old Mesa Substation  
NE corner of University Drive  
Mesa Co: Maricopa AZ 85203-  
Landholding Agency: GSA  
Property Number: 549730008  
Status: Surplus  
Comment: 3.97 acres, portion graveled, water well, abandoned septic system, most recent use—parking and buffer area  
GSA Number: 9-B-AZ-803  
0.23 acre  
Ron Burke II/West of 124th Street  
Scottsdale Co: Maricopa AZ 85259-  
Landholding Agency: Interior  
Property Number: 619740001  
Status: Excess  
Comment: narrow strip  
California  
(P) Camp Elliott  
Rosedale Tract  
San Diego Co: San Diego CA  
Landholding Agency: GSA
- Property Number: 549310008  
Status: Surplus  
Comment: Parcel 1-0.15 acre, Parcel 2-0.17 acre, located in the narrow median strip between Murphy Canyon Rd. and State Highway 15, previously leased by homeless provider  
GSA Number: 9-GR(6)-CA-694A  
Lake Sonoma, Tract 1607  
Geyserville CA  
Landholding Agency: GSA  
Property Number: 549740020  
Status: Excess  
Comment: 139 acres, most recent use—recreation  
GSA Number: 9-D-CA-1504  
Georgia  
NARACS Site  
North side of GA Hwy 36, 5 mi. west of I-75 Co: Lamar Ga  
Landholding Agency: GSA  
Property Number: 549730002  
Status: Excess  
Comment: 76.83 acres with deep well and pump house, most recent use—cattle grazing  
GSA Number: 4-U-GA-0855  
Idaho  
160 acres  
Idaho National Engineering Lab Co: Jefferson ID 83415-  
Landholding Agency: GSA  
Property Number: 549720008  
Status: Surplus  
Comment: 160 acres, most recent use—buffer zone  
GSA Number: 9-B-ID-542  
Indiana  
Portion  
Bureau of Prisons Vigo Farm  
Linden Twp Co: Vigo, IN  
Landholding Agency: GSA  
Property Number: 549620002  
Status: Excess  
Comment: 17.65 acres, most recent use—agriculture  
GSA Number: 2-J-IN-507C  
Maine  
Remote Center Air  
Ground Communication Facility  
Westford Hill Road  
Hodgdon Co: Aroostook ME 04730-  
Landholding Agency: GSA  
Property Number: 549610014  
Status: Excess  
Comment: 0.91 acre with 554 sq. ft. bldg and tower, most recent use—unmanned communications facility  
GSA Number: 1-ME-624  
New York  
Galeville Army Training Site  
Shawangunk Co: Ulster NY 12589-  
Landholding Agency: GSA  
Property Number: 219510128  
Status: Excess  
Comment: 621 acres, improved w/inactive runways, 234 acres is wetlands and habitat for threatened species  
GSA Number: 2-D-NY-807  
Ohio  
Bethany Relay Station  
8070 Tylersville Road

Union Township Co: Butler OH 45040–  
Landholding Agency: GSA  
Property Number: 549610008  
Status: Excess  
Comment: 625 acres, most recent use—radio  
relay station, bldg. and approx. 125 acres  
are unsuitable due to distance from  
flammable explosive material  
GSA Number: 1–Z–OH–726B  
Receiver Site  
Bethany Relay Station  
Wayne Co: Butler OH 45040–  
Landholding Agency: GSA  
Property Number: 549720001  
Status: Surplus  
Comment: 29 acres with concrete bldg. (1560  
sq. ft.)  
GSA Number: 1–GR–OH–0726C  
Oregon  
Portion, Astoria Field Office  
Via Hwy 30  
Astoria Co: Clatsop OR 97103–  
Landholding Agency: GSA  
Property Number: 549640015  
Status: Excess  
Comment: 20.6 acres, includes wetlands &  
tidelands, parking lot under construction,  
portion located within floodplain  
GSA Number: 9–D–OR–447F  
Puerto Rico  
La Hueca—Naval Station  
Roosevelt Roads  
Vieques PR 00765–  
Landholding Agency: GSA  
Property Number: 549420006  
Status: Excess  
Comment: 323 acres, cultural site  
Washington  
Sandpoint Control Tower  
Near 7600 Sandpoint Way, NE  
Seattle Co: King WA 98115–  
Landholding Agency: GSA  
Property Number: 549440003  
Status: Excess  
Comment: 11.3 acres, w/deteriorated bldg.  
and parking lot  
GSA Number: 9–C–WA–1069  
Tract: No. 102812b  
West Sagemoor Road  
Co: Franklin WA 99352–  
Landholding Agency: Interior  
Property Number: 619810003  
Status: Excess  
Comment: 31.05 acres, most recent use—  
recreation  
Tract No. 113206b  
Gertler Rd/Haverland-Koontz Rd  
Co: Franklin WA 99330–  
Landholding Agency: Interior  
Property Number: 61980004  
Status: Excess  
Comment: 24.49 acres, most recent use—  
recreation/vacant  
Tract No. 123134  
Smith Canyon Rd.  
Co: Franklin WA 99330–  
Landholding Agency: Interior  
Property Number: 619810005  
Status: Excess  
Comment: 46.63 acres, most recent use—  
recreation/vacant  
Tract No. 143230  
Highway 395

Co: Franklin WA 99326–  
Landholding Agency: Interior  
Property Number: 619810006  
Status: Excess  
Comment: 217.89 acres  
Tract No. 162315  
Highway 243  
Co: Grant WA 99321–  
Landholding Agency: Interior  
Property Number: 619810007  
Status: Excess  
Comment: 455.49 acres, most recent use—  
recreation, includes roads, powerlines,  
sewer disposal pond, gravel pits  
Tract No. 172328  
Highways 243, 26  
Co: Grant WA 98950–  
Landholding Agency: Interior  
Property Number: 619810008  
Status: Excess  
Comment: 599.38 acres, most recent use—  
recreation, waste water easement  
Tract No. 212616  
Grandview Park  
Co: Grant WA 98823–  
Landholding Agency: Interior  
Property Number: 619810010  
Status: Excess  
Comment: 0.27 acres, part of city park  
Wyoming  
Former Portion/Warren AFB  
Cheyenne Co: Laramie WY 82001–  
Landholding Agency: GSA  
Property Number: 549730016  
Status: Surplus  
Comment: 1.92 acres, most recent use—  
highway purposes  
GSA Number: 7–GR–WR–422V

#### **Suitable/To Be Excessed**

##### *Buildings (by State)*

Washington  
Quarters No. 1204  
604 S. Maple  
Warden Co: Grant WA 98857–  
Landholding Agency: Interior  
Property Number: 619330001  
Status: Excess  
Comment: 850 sq. ft., one story frame  
residence, asbestos siding  
Quarters No. 1208  
608 S. Maple  
Warden Co: Grant WA 98857–  
Landholding Agency: Interior  
Property Number: 619330002  
Status: Excess  
Comment: 709 sq. ft., one story frame  
residence, asbestos siding  
Quarters No. 1301  
3 SE and N Warden Road  
Warden Co: Grant WA 98857–  
Landholding Agency: Interior  
Property Number: 619330003  
Status: Excess  
Comment: 709 sq. ft., one story frame  
residence on 4.9 acres, asbestos siding

#### **Unsuitable Properties**

##### *Buildings (by State)*

Alabama  
Sand Island Light House  
Gulf of Mexico  
Mobile AL

Landholding Agency: GSA  
Property Number: 549610001  
Status: Excess  
Reason: Other  
Comment: Inaccessible  
GSA Number: 4–U–AL–763  
Arizona  
Inn Cabin #9  
North Rim Grand Canyon  
Grand Canyon Co: Coconino AZ 86023–  
Landholding Agency: Interior  
Property Number: 619530013  
Status: Unutilized  
Reason: Extensive deterioration  
California  
Bldg. 918  
Sanida National Laboratories  
Livermore CA 94550–  
Landholding Agency: Energy  
Property Number: 419640001  
Status: Unutilized  
Reason: Within 2000 ft. of flammable or  
explosive material, Extensive deterioration  
Castle Area Shops  
Sequoia National Park  
Three Rivers CA 93271–  
Landholding Agency: Interior  
Property Number: 619720004  
Status: Unutilized  
Reason: Extensive deterioration  
Giant Forest Village  
Sequoia National Park  
Three Rivers CA 93271–  
Landholding Agency: Interior  
Property Number: 619720006  
Status: Unutilized  
Reason: Extensive deterioration  
Cabins 90–92, 100V–146  
Sequoia National Park  
Three Rivers CA 93271–  
Landholding Agency: Interior  
Property Number: 619720008  
Status: Unutilized  
Reason: Extensive deterioration  
Lower Kaweah 514–549, 594  
Sequoia National Park  
Three Rivers CA 93271–  
Landholding Agency: Interior  
Property Number: 619720009  
Status: Unutilized  
Reason: Extensive deterioration  
Lower Kaweah Cabins—various  
Sequoia National Park  
Three Rivers CA 93271–  
Landholding Agency: Interior  
Property Number: 619720010  
Status: Unutilized  
Reason: Extensive deterioration  
Bldg. 331  
Pinnacles National Monument  
Paicines Co: San Benito CA 95043–  
Landholding Agency: Interior  
Property Number: 619720046  
Status: Unutilized  
Reason: Extensive deterioration  
15 Buildings, Davison Ranch  
Orick Co: Humboldt CA 95555–  
Landholding Agency: Interior  
Property Number: 619720047  
Status: Unutilized  
Reason: Extensive deterioration  
Bldg. 5500  
Wolf Creek Outdoor School Lodge  
Orick Co: Humboldt CA 95555–

Landholding Agency: Interior  
Property Number: 619720048  
Status: Unutilized  
Reason: Extensive deterioration

Colorado

Bldg. 34

Grand Junction Projects Office  
Grand Junction Co: Mesa CO 81503-  
Landholding Agency: Energy  
Property Number: 419540001  
Status: Underutilized

Reason: Other, Secured Area  
Comment: Contamination

Bldg. 35

Grand Junction Projects Office  
Grand Junction Co: Mesa CO 81503-  
Landholding Agency: Energy  
Property Number: 419540002  
Status: Underutilized

Reason: Other, Secured Area  
Comment: Contamination

Bldg. 36

Grand Junction Projects Office  
Grand Junction Co: Mesa CO 81503-  
Landholding Agency: Energy  
Property Number: 419540003  
Status: Underutilized

Reason: Other, Secured Area  
Comment: Contamination

Bldg. 2

Grand Junction Projects Office  
Grand Junction Co: Mesa CO 81503-  
Landholding Agency: Energy  
Property Number: 419540039  
Status: Unutilized

Reason: Other, Secured Area  
Comment: Contamination

Bldg. 7

Grand Junction Projects Office  
Grand Junction Co: Mesa CO 81503-  
Landholding Agency: Energy  
Property Number: 419610040  
Status: Unutilized

Reason: Other, Secured Area  
Comment: Contamination

Bldg. 31-A

Grand Junction Projects Office  
Grand Junction Co: Mesa CO 81503-  
Landholding Agency: Energy  
Property Number: 419610041  
Status: Unutilized

Reason: Other, Secured Area  
Comment: Contamination

Bldg. 33

Grand Junction Projects Office  
Grand Junction Co: Mesa CO 81503-  
Landholding Agency: Energy  
Property Number: 419610042  
Status: Unutilized

Reason: Other, Secured Area  
Comment: Contamination

Connecticut

Bldgs. 25 and 26

Prospect Hill Road  
Windsor Co: Hartford CT 06095-  
Landholding Agency: Energy  
Property Number: 419440003  
Status: Excess

Reason: Secured Area

9 Bldgs.

Knolls Atomic Power Lab, Windsor Site  
Windsor Co: Hartford CT 06095-  
Landholding Agency: Energy

Property Number: 419540004  
Status: Excess  
Reason: Secured Area

Dolphin Gardens, DG-8, DG-9  
Naval Submarine Base

Groton CT 06349-  
Landholding Agency: Navy  
Property Number: 779810084  
Status: Underutilized  
Reason: Extensive deterioration

Delaware

Delaware Breakwater Light  
Lewes Co: Sussex DE 19958-  
Landholding Agency: GSA  
Property Number: 549640007  
Status: Excess

Reason: Other

Comment: Inaccessible

GSA Number: 4-U-DE-460

Misphillion River Light  
Milford Co: Sussex DE 19963-

Landholding Agency: GSA  
Property Number: 549740001  
Status: Excess

Reason: Extensive deterioration

GSA Number: 4-U-DE-461

Hawaii

Bldg. 599

Naval Station Pearl Harbor  
Pearl Harbor Co: Honolulu HI 96860-

Landholding Agency: Navy  
Property Number: 779810087  
Status: Excess

Reason: Extensive deterioration

Idaho

Bldg. PBF-621

Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610001  
Status: Unutilized  
Reason: Secured Area

Bldg. CPP-1609

Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610002  
Status: Unutilized  
Reason: Secured Area

Bldg. CPP-691

Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610003  
Status: Unutilized  
Reason: Secured Area

Bldg. CPP-625

Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610004  
Status: Unutilized  
Reason: Secured Area

Bldg. CPP-650

Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610005  
Status: Unutilized  
Reason: Secured Area

Bldg. CPP-608

Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-

Landholding Agency: Energy  
Property Number: 419610006  
Status: Unutilized

Reason: Secured Area

Bldg. TAN-660

Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610007  
Status: Unutilized

Reason: Secured Area

Bldg. TAN-636

Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610008  
Status: Unutilized

Reason: Secured Area

Bldg. TAN-609

Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610009  
Status: Unutilized

Reason: Secured Area

Bldg. TAN-670

Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610010  
Status: Unutilized

Reason: Secured Area

Bldg. TAN-661

Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610011  
Status: Unutilized

Reason: Secured Area

Bldg. TAN-657

Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610012  
Status: Unutilized

Reason: Secured Area

Bldg. TRA-669

Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610013  
Status: Unutilized

Reason: Secured Area

Bldg. TAN-637

Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610014  
Status: Unutilized

Reason: Secured Area

Bldg. TAN-635

Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610015  
Status: Unutilized

Reason: Secured Area

Bldg. TAN-638

Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610016  
Status: Unutilized

Reason: Secured Area

Bldg. TAN-651  
Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610017  
Status: Unutilized  
Reason: Secured Area

Bldg. TRA-673  
Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610018  
Status: Unutilized  
Reason: Secured Area

Bldg. PBF-620  
Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610019  
Status: Unutilized  
Reason: Secured Area

Bldg. PBF-616  
Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610020  
Status: Unutilized  
Reason: Secured Area

Bldg. PBF-617  
Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610021  
Status: Unutilized  
Reason: Secured Area

Bldg. PBF-619  
Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610022  
Status: Unutilized  
Reason: Secured Area

Bldg. PBF-624  
Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610023  
Status: Unutilized  
Reason: Secured Area

Bldg. PBF-625  
Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610024  
Status: Unutilized  
Reason: Secured Area

Bldg. PBF-629  
Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610025  
Status: Unutilized  
Reason: Secured Area

Bldg. PBF-604  
Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610026  
Status: Unutilized  
Reason: Secured Area

Bldg. CF-673  
Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy

Property Number: 419610027  
Status: Unutilized  
Reason: Secured Area  
Bldg. CF-672  
Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610028  
Status: Unutilized  
Reason: Secured Area

Bldg. CF-664  
Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610029  
Status: Unutilized  
Reason: Secured Area

Bldg. CF-643  
Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610030  
Status: Unutilized  
Reason: Secured Area

Bldg. CF-649  
Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610031  
Status: Unutilized  
Reason: Secured Area

Bldg. CF-652  
Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610032  
Status: Unutilized  
Reason: Secured Area

Bldg. CF-656  
Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610033  
Status: Unutilized  
Reason: Secured Area

Bldg. TRA-641  
Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610034  
Status: Unutilized  
Reason: Secured Area

Bldg. CF-665  
Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610035  
Status: Unutilized  
Reason: Secured Area

Bldg. CF-691  
Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610036  
Status: Unutilized  
Reason: Secured Area

Bldg. CF-606  
Idaho National Engineering Laboratory  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610037  
Status: Unutilized  
Reason: Secured Area

Bldg. ARA-626

Idaho National Engineering Lab  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419610003  
Status: Excess  
Reason: Secured Area

CF645  
Idaho National Engineering Lab  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419710004  
Status: Excess  
Reason: Secured Area

CF657/CF716  
Idaho National Engineering Lab  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419710005  
Status: Excess  
Reason: Secured Area

CPP631  
Idaho National Engineering Lab  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419710006  
Status: Excess  
Reason: Secured Area

CPP709  
Idaho National Engineering Lab  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419710007  
Status: Excess  
Reason: Secured Area

CPP734  
Idaho National Engineering Lab  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419710008  
Status: Excess  
Reason: Secured Area

TAN620/TAN656  
Idaho National Engineering Lab  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419710009  
Status: Excess  
Reason: Secured Area, Extensive  
Deterioration

TRA-645  
Idaho National Engineering Lab  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419710010  
Status: Excess  
Reason: Secured Area

STF Area, Natl Eng & Env Lab  
#601, 607, 612, 501, 502, ARA-628  
Scoville Co: Butte ID 83415-  
Landholding Agency: Energy  
Property Number: 419740003  
Status: excess  
Reason: Extensive deterioration

Illinois  
Parcel 1  
Portion Former Lock & Dam 51  
Golconda Co: Pope IL 62938-  
Landholding Agency: GSA  
Property Number: 549610010  
Status: Excess  
Reason: Extensive deterioration  
GSA Number: 2-D-IL-703

Indiana  
Coast Guard Housing

5 Houses  
Dana Co: Vermillion In 47847-  
Landholding Agency: GSA  
Property Number: 549620011  
Status: Excess  
Reason: Within 2000 ft. of flammable or  
explosive material  
GSA Number: 1-U-IN-505D

Louisiana  
Weeks Island Facility  
New Iberia Co: Iberia Parish LA 70560-  
Landholding Agency: Energy  
Property Number: 419610038  
Status: Underutilized  
Reason: Secured Area

Maryland  
Upper Waldorf Field Site  
Rt. 228—Bensville Rd.  
Waldorf Co: Charles MD 20601-  
Landholding Agency: GSA  
Property Number: 549630013  
Status: Excess  
Reason: Extensive deterioration  
GSA Number: 4-N-MD-0587  
Lower Waldorf Field Site  
Waldorf Co: Charles MD 20603-  
Landholding Agency: GSA  
Property Number: 549720002  
Status: Excess  
Reason: Extensive deterioration  
GSA Number: 4-N-MD-587A

Michigan  
15 Offshore Lighthouses  
Great Lakes MI  
Landholding Agency: GSA  
Property Number: 549630014  
Status: Excess  
Reason: Extensive deterioration  
Fog Signal Building  
St. Martins Island Co: Delta MI 49829-  
Landholding Agency: GSA  
Property Number: 549640001  
Status: Unutilized  
Reason: Other  
Comment: Inaccessible  
GSA Number: 1-U-MI-760  
Paint Locker  
St. Martins Island/Lake Michigan  
Co: Delta MI 49829-  
Landholding Agency: GSA  
Property Number: 549640009  
Status: Excess  
Reason: Other  
Comment: Inaccessible  
GSA Number: 1-U-MI-760  
Dwelling/Light Tower  
St. Martins Island/Lake Michigan  
Co: Delta MI 49829-  
Landholding Agency: GSA  
Property Number: 549640010  
Status: Excess  
Reason: Other  
Comment: Inaccessible  
GSA Number: 1-U-MI-760  
Parcel 14, Boar House  
East Tawas Co: Iosco MI  
Landholding Agency: GSA  
Property Number: 549730014  
Status: Excess  
Reason: Extensive deterioration  
GSA Number: 1-U-MI-500  
Round Island Passage Light  
Lake Huron Co: Mackinac MI  
Landholding Agency: GSA  
Property Number: 549730019  
Status: Excess  
Reason: Other  
Comment: Inaccessible  
GSA Number: 1-U-MI-444B  
St. Clair Flats Station  
Harsens Island Co: St. Clair MI 48028-  
Landholding Agency: GSA  
Property Number: 549730020  
Status: Excess  
Reason: Floodway, Other  
Comment: Inaccessible  
GSA Number: 1-U-MI-762

Minnesota  
Federal Building  
200 East 4th Street  
Redwood Falls Co: Redwood MN 56283-  
Landholding Agency: GSA  
Property Number: 549740017  
Status: Excess  
Reason: Within 2000 ft. of flammable or  
explosive material  
GSA Number: 1-G-MN-563

Missouri  
South Coast Guard Base  
Iron Street  
St. Louis MO 63111-2536  
Landholding Agency: GSA  
Property Number: 549740010  
Status: Surplus  
Reason: Within 2000 ft. of flammable or  
explosive material, Floodway, Extensive  
deterioration  
GSA Number: 7-U-MO-0576-B

Montana  
Barn/Garage  
316 N. 26th Street  
Billings Co: Yellowstone MT  
Landholding Agency: Interior  
Property Number: 619520022  
Status: Excess  
Reason: Extensive deterioration  
New Hampshire  
Bldg. 1, ESMT Portsmouth  
New Castle Co: Rockingham NH  
Landholding Agency: GSA  
Property Number: 549730015  
Status: Excess  
Reason: Within 2000 ft. of flammable or  
explosive material  
GSA Number: 1-U-NH-486

New Mexico  
Bldgs. 9252, 9268  
Kirtland Air Force Base  
Albuquerque Co: Bernalillo NM 87185-  
Landholding Agency: Energy  
Property Number: 419430002  
Status: Unutilized  
Reason: Extensive deterioration  
McGee Warehouse  
Los Alamos National Lab  
Los Alamos NM 87545-  
Landholding Agency: Energy  
Property Number: 419610043  
Status: Unutilized  
Reason: Extensive deterioration  
Bldg. 73, TA-16  
Los Alamos National Lab  
Los Alamos Co: Los Alamos NM 87545-  
Landholding Agency: Energy  
Property Number: 419610044  
Status: Unutilized  
Reason: Within 2000 ft. of flammable or  
explosive material, Secured Area,  
Extensive deterioration  
Bldg. 75, TA-16  
Los Alamos National Lab  
Los Alamos Co: Los Alamos NM 87545-  
Landholding Agency: Energy  
Property Number: 419610045  
Status: Unutilized  
Reason: Within 2000 ft. of flammable or  
explosive material, Secured Area,  
Extensive deterioration  
Bldg. 76, TA-16  
Los Alamos National Lab  
Los Alamos Co: Los Alamos NM 87545-  
Landholding Agency: Energy  
Property Number: 419610046  
Status: Unutilized  
Reason: Within 2000 ft. of flammable or  
explosive material, Secured Area,  
Extensive deterioration  
Bldg. 77, TA-16  
Los Alamos National Lab  
Los Alamos Co: Los Alamos NM 87545-  
Landholding Agency: Energy  
Property Number: 419610047  
Status: Unutilized  
Reason: Within 2000 ft. of flammable or  
explosive material, Secured Area,  
Extensive deterioration  
Bldg. 78, TA-16  
Los Alamos National Lab  
Los Alamos Co: Los Alamos NM 87545-  
Landholding Agency: Energy  
Property Number: 419610048  
Status: Unutilized  
Reason: Within 2000 ft. of flammable or  
explosive material, Secured Area,  
Extensive deterioration  
Bldg. 79, TA-16  
Los Alamos National Lab  
Los Alamos Co: Los Alamos NM 87545-  
Landholding Agency: Energy  
Property Number: 419610049  
Status: Unutilized  
Reason: Within 2000 ft. of flammable or  
explosive material, Secured Area,  
Extensive deterioration  
Bldg. 80, TA-16  
Los Alamos National Lab  
Los Alamos Co: Los Alamos NM 87545-  
Landholding Agency: Energy  
Property Number: 419610050  
Status: Unutilized  
Reason: Within 2000 ft. of flammable or  
explosive material, Secured Area,  
Extensive deterioration  
Bldg. 99, TA-16  
Los Alamos National Lab  
Los Alamos Co: Los Alamos NM 87545-  
Landholding Agency: Energy  
Property Number: 419610051  
Status: Unutilized  
Reason: Within 2000 ft. of flammable or  
explosive material, Secured Area,  
Extensive deterioration  
Bldg. 89, TA-16  
Los Alamos National Laboratory  
Los Alamos Co: Los Alamos NM 87545-  
Landholding Agency: Energy  
Property Number: 419620005  
Status: Unutilized

Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration  
 Bldg. 90, TA-16  
 Los Alamos National Laboratory  
 Los Alamos Co: Los Alamos NM 87545-  
 Landholding Agency: Energy  
 Property Number: 419620006  
 Status: Unutilized  
 Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration  
 Bldg. 91, TA-16  
 Los Alamos National Laboratory  
 Los Alamos Co: Los Alamos NM 87545-  
 Landholding Agency: Energy  
 Property Number: 419620007  
 Status: Unutilized  
 Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration  
 Bldg. 92, TA-16  
 Los Alamos National Laboratory  
 Los Alamos Co: Los Alamos NM 87545-  
 Landholding Agency: Energy  
 Property Number: 419620008  
 Status: Unutilized  
 Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration  
 Bldg. 93, TA-16  
 Los Alamos National Laboratory  
 Los Alamos Co: Los Alamos NM 87545-  
 Landholding Agency: Energy  
 Property Number: 419620009  
 Status: Unutilized  
 Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration  
 Bldg. 101, TA-16  
 Los Alamos National Laboratory  
 Los Alamos Co: Los Alamos NM 87545-  
 Landholding Agency: Energy  
 Property Number: 419610010  
 Status: Unutilized  
 Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration  
 Tech Area II  
 Kirtland Air Force Base  
 Albuquerque Co: Bernalillo NM 87105-  
 Landholding Agency: Energy  
 Property Number: 419630004  
 Status: Unutilized  
 Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration  
 New York  
 2 Offshore Lighthouses  
 Great Lakes NY  
 Landholding Agency: GSA  
 Property Number: 549630015  
 Status: Excess  
 Reason: Extensive deterioration  
 Bldgs. 501, 502  
 Scotia Storage Depot  
 Scotia NY 12302-  
 Landholding Agency: GSA  
 Property Number: 549640021  
 Status: Excess  
 Reason: Extensive deterioration  
 GSA Number: 1-G-NY-554E  
 Fort Niagara Light  
 Town of Porter Co: Niagara NY 24174-  
 Landholding Agency: GSA  
 Property Number: 549720007  
 Status: Surplus  
 Reason: Other  
 Comment: landlocked  
 GSA Number: 1-U-NY-0842  
 Galloo Island Light  
 Lake Ontario  
 Hounsfield Co: Jefferson NY  
 Landholding Agency: GSA  
 Property Number: 549740016  
 Status: Excess  
 Reason: Other  
 Comment: inaccessible  
 GSA Number: 1-U-NY-735C  
 Point AuRoche Light  
 Beekmantown Co: Clinton NY 12901-  
 Landholding Agency: GSA  
 Property Number: 879420002  
 Status: Excess  
 Reason: Floodway, Extensive deterioration  
 GSA Number: 2-4-NY-817  
 Ohio  
 Fernald Env. Mgmt. Project  
 7400 Willey Road  
 Fernald Co: Hamilton OH 45030-  
 Landholding Agency: Energy  
 Property Number: 419540005  
 Status: Unutilized  
 Reason: Other  
 Comment: continuation  
 Mound—Guard Post  
 Mound Road  
 Miamisburg Co: Montgomery OH 45343-  
 Landholding Agency: Energy  
 Property Number: 419540006  
 Status: Unutilized  
 Reason: Within 2000 ft. of flammable or explosive material  
 GP-5, MEMP Site  
 Miamisburg Co: Montgomery OH 45343-  
 Landholding Agency: Energy  
 Property Number: 419740001  
 Status: Excess  
 Reason: Within 2000 ft. of flammable or explosive material  
 Mound Site, MEMP  
 Miamisburg Co: Montgomery OH 45343-  
 Landholding Agency: Energy  
 Property Number: 419740002  
 Status: Unutilized  
 Reason: Within 2000 ft. of flammable or explosive material, Secured Area  
 Toledo Harbor Lighthouse  
 Lake Erie  
 Toledo Co: Lucas OH 43611-  
 Landholding Agency: GSA  
 Property Number: 549710014  
 Status: Excess  
 Reason: Other  
 Comment: Inaccessible  
 GSA Number: 1-U-OH-801  
 Newtown Fish Toxicology  
 3411 Church Street  
 Newtown Co: Hamilton OH 44244-  
 Landholding Agency: GSA  
 Property Number: 549740019  
 Status: Excess  
 Reason: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone  
 GSA Number: 1-Z-OH-806  
 Oklahoma  
 Bldgs. 4a, 4b, 6, 8, 9, 11, 12  
 NIPER  
 Bartlesville Co: Washington OK 74003-  
 Landholding Agency: Energy  
 Property Number: 419720003  
 Status: Unutilized  
 Reason: Extensive deterioration  
 Oregon  
 Bldg. 0210  
 500 Nevada Street  
 Klamath Falls Co: Klamath OR 97601-  
 Landholding Agency: Interior  
 Property Number: 619540002  
 Status: Unutilized  
 Reason: Extensive deterioration  
 Bldg. 0211  
 500 Nevada Street  
 Klamath Falls Co: Klamath OR 97601-  
 Landholding Agency: Interior  
 Property Number: 619540003  
 Status: Unutilized  
 Reason: Extensive deterioration  
 Bldg. 0213  
 500 Nevada Street  
 Klamath Falls Co: Klamath OR 97601-  
 Landholding Agency: Interior  
 Property Number: 619540004  
 Status: Unutilized  
 Reason: Extensive deterioration  
 Bldg. 0214  
 500 Nevada Street  
 Klamath Falls Co: Klamath OR 97601-  
 Landholding Agency: Interior  
 Property Number: 619540005  
 Status: Unutilized  
 Reason: Extensive deterioration  
 Bldg. 0510  
 Wilson Dam Residence  
 Klamath Falls Co: Klamath OR 97601-  
 Landholding Agency: Interior  
 Property Number: 619540006  
 Status: Unutilized  
 Reason: Extensive deterioration  
 Pennsylvania  
 Z-Bldg.  
 Bettis Atomic Power Lab  
 West Mifflin Co: Allegheny PA 15122-0109  
 Landholding Agency: Energy  
 Property Number: 419720002  
 Status: Excess  
 Reason: Extensive deterioration  
 Former Ebert House  
 Johnny Bee Rd.  
 Dingmans Co: Pike PA 18328-  
 Landholding Agency: Interior  
 Property Number: 619720049  
 Status: Unutilized  
 Reason: Extensive deterioration  
 Weiland Prop.—Sound Studio  
 Gettysburg Co: Adams PA 17325-  
 Landholding Agency: Interior  
 Property Number: 619810013  
 Status: Excess  
 Reason: Extensive deterioration  
 Bldgs. 613, 613A  
 Naval Inventory Control Point  
 Mechanicsburg PA  
 Landholding Agency: Navy  
 Property Number: 779810095  
 Status: Unutilized  
 Reason: Secured Area, Extensive deterioration  
 Bldg. OA  
 Naval Inventory Control Point

Mechanicsburg PA  
Landholding Agency: Navy  
Property Number: 779810096  
Status: Unutilized  
Reason: Secured Area, Extensive deterioration

Puerto Rico  
Dry Dock & Ship Repair Fac.  
U.S. Navy  
San Juan PR  
Landholding Agency: GSA  
Property Number: 549710012  
Status: Excess  
Reason: Within 2000 ft. of flammable or explosive material, Floodway  
GSA Number: 1-N-PR-491

NIH Primate Research Facility  
Sabana Seca PR  
Landholding Agency: GSA  
Property Number: 549720021  
Status: Excess  
Reason: Other  
Comment: landlocked  
GSA Number: 1-H-PR-503

Tennessee  
Bldg. 3004  
Oak Ridge National Lab  
Oak Ridge Co: Roane TN 37831-  
Landholding Agency: Energy  
Property Number: 419710002  
Status: Unutilized  
Reason: Secured Area, Extensive deterioration

Bldg. 3004  
Oak Ridge National Lab  
Oak Ridge Co: Roane TN 37831-  
Landholding Agency: Energy  
Property Number: 419720001  
Status: Excess  
Reason: Extensive deterioration

Bldgs. 9714-3, 9714-4, 9983-AY  
Y-12 Pistol Range  
Oak Ridge Co: Anderson TN 37831-  
Landholding Agency: Energy  
Property Number: 419720004  
Status: Unutilized  
Reason: Secured Area

5 Bldgs.  
K-724, K-725, K-1031, K-1131, K-1410  
East Tennessee Technology Park  
Oak Ridge Co: Roane TN 37831-  
Landholding Agency: Energy  
Property Number: 419730001  
Status: Unutilized  
Reason: Extensive deterioration

Bldg. 9418-1  
Y-12 Plant  
Oak Ridge Co: Anderson TN 37831-  
Landholding Agency: Energy  
Property Number: 419810026  
Status: Unutilized  
Reason: Secured Area, Extensive deterioration

Bldg. 9825  
Y-12 Plant  
Oak Ridge Co: Anderson TN 37831-  
Landholding Agency: Energy  
Property Number: 419810027  
Status: Unutilized  
Reason: Secured Area

Virginia  
Bldgs. 1549, 3025  
naval Amphibious Base Little Creek

Norfolk VA 23521-2616  
Landholding Agency: Navy  
Property Number: 779810097  
Status: Excess  
Reason: Extensive deterioration

Bldg. 10A  
Naval Weapons Station  
Yorktown Co: York VA 23691-  
Landholding Agency: Navy  
Property Number: 779810098  
Status: Excess  
Reason: Extensive deterioration

Bldg. 45  
Naval Weapons Station  
Yorktown Co: York VA 23691-  
Landholding Agency: Navy  
Property Number: 779810099  
Status: Excess  
Reason: Extensive deterioration

Bldg. 76  
Naval Weapons Station  
Yorktown Co: York VA 23691-  
Landholding Agency: Navy  
Property Number: 779810100  
Status: Excess  
Reason: Extensive deterioration

Bldg. 76A  
Naval Weapons Station  
Yorktown Co: York VA 23691-  
Landholding Agency: Navy  
Property Number: 779810101  
Status: Excess  
Reason: Extensive deterioration

Bldg. 80  
Naval Weapons Station  
Yorktown Co: York VA 23691-  
Landholding Agency: Navy  
Property Number: 779810102  
Status: Excess  
Reason: Extensive deterioration

Bldg. 81  
Naval Weapons Station  
Yorktown Co: York VA 23691-  
Landholding Agency: Navy  
Property Number: 779810103  
Status: Excess  
Reason: Extensive deterioration

Bldg. 82  
Naval Weapons Station  
Yorktown Co: York VA 23691-  
Landholding Agency: Navy  
Property Number: 779810104  
Status: Excess  
Reason: Extensive deterioration

Bldg. 84  
Naval Weapons Station  
Yorktown Co: York VA 23691-  
Landholding Agency: Navy  
Property Number: 779810105  
Status: Excess  
Reason: Extensive deterioration

Bldg. 107  
Naval Weapons Station  
Yorktown Co: York VA 23691-  
Landholding Agency: Navy  
Property Number: 779810106  
Status: Excess  
Reason: Extensive deterioration

Bldg. 520  
Naval Weapons Station  
Yorktown Co: York VA 23691-  
Landholding Agency: Navy  
Property Number: 779810107  
Status: Excess

Reason: Extensive deterioration

Bldg. 676  
Naval Weapons Station  
Yorktown Co: York VA 23691-  
Landholding Agency: Navy  
Property Number: 779810108  
Status: Excess  
Reason: Extensive deterioration

Bldg. 684  
Naval Weapons Station  
Yorktown Co: York VA 23691-  
Landholding Agency: Navy  
Property Number: 779810109  
Status: Excess  
Reason: Extensive deterioration

Bldg. 685  
Naval Weapons Station  
Yorktown Co: York VA 23691-  
Landholding Agency: Navy  
Property Number: 779810110  
Status: Excess  
Reason: Extensive deterioration

Bldg. 1625  
Naval Weapons Station  
Yorktown Co: York VA 23691-  
Landholding Agency: Navy  
Property Number: 779810111  
Status: Excess  
Reason: Extensive deterioration

Bldg. 1795  
Naval Weapons Station  
Yorktown Co: York VA 23691-  
Landholding Agency: Navy  
Property Number: 779810112  
Status: Excess  
Reason: Extensive deterioration

Bldg. 1796  
Naval Weapons Station  
Yorktown Co: York 23691-  
Landholding Agency: Navy  
Property Number: 779810113  
Status: Excess  
Reason: Extensive deterioration

Bldg. 1890  
Naval Weapons Station  
Yorktown Co: York 23691-  
Landholding Agency: Navy  
Property Number: 779810114  
Status: Excess  
Reason: Extensive deterioration

Washington  
Everett Federal Building  
3002 Colby Avenue  
Everett Co: Snohomish WA 98201-  
Landholding Agency: GSA  
Property Number: 549730026  
Status: Underutilized  
Reason: Within 2000 ft. of flammable or explosive material  
GSA Number: 9-G-WA-1140

Bldg. 604  
Manchester Fuel Department  
Port Orchard WA 98366-  
Landholding Agency: Navy  
Property Number: 779810170  
Status: Excess  
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 288  
Fleet Industrial Supply Center  
Bremerton WA 98314-5100  
Landholding Agency: Navy  
Property Number: 779810171  
Status: Excess

- Reason: Within 2000 ft. of flammable or explosive material, Secured Area  
West Virginia  
Flight Service Station  
Morgantown Airport  
Morgantown Co: Monongahelia WV 26505-  
Landholding Agency: GSA  
Property Number: 549710011  
Status: Surplus  
Reason: Within airport runway clear zone  
GSA Number: 4-U-WV-527  
Jarrell House  
New River Gorg National River  
Meadow Creek Co: Summers WV 25977-  
Landholding Agency: Interior  
Property Number: 619740005  
Status: Excess  
Reason: Extensive deterioration  
Blackburn Houses  
New River Gorg National River  
Meadow Creek Co: Summers WV 25977-  
Landholding Agency: Interior  
Property Number: 619740006  
Status: Excess  
Reason: Extensive deterioration  
Adkins House  
New River Gorg National River  
Claypool Hollow Co: Summers WV 25977-  
Landholding Agency: Interior  
Property Number: 619740007  
Status: Excess  
Reason: Extensive deterioration  
Wisconsin  
2 Offshore Lighthouses  
Great Lakes WI  
Landholding Agency: GSA  
Property Number: 549630016  
Status: Excess  
Reason: Extensive deterioration  
North Point Light Station  
North Point Co: Milwaukee WI 53211-5860  
Landholding Agency: GSA  
Property Number: 549720004  
Status: Excess  
Reason: Other  
Comment: No legal access  
GSA Number: 1-U-WI-577  
Port Washington Light Station  
Port Washington Co: Ozaukee WI 53074-  
Landholding Agency: GSA  
Property Number: 549720006  
Status: Excess  
Reason: Within 2000 ft. of flammable or explosive material  
GSA Number: 1-U-WI-577
- Land (by State)*  
Arizona  
Santa Fe Pacific Pipelines  
Avenue 7E North from Hwy. 95  
Yuma Co: Yuma AZ 85364-  
Landholding Agency: Interior  
Property Number: 619420003  
Status: Unutilized  
Reason: Secured Area  
Case No. 95-019-Surplus Land  
Dale Anderson (Farnsworth)  
Mesa Co: Maricopa AZ 85220-  
Landholding Agency: Interior  
Property Number: 619610001  
Status: Excess  
Reason: Other  
Comment: Inaccessible
- ARCO Surplus Land  
20-foot strip, 53rd Ave.  
Phoenix Co: Maricopa AZ 85043-  
Landholding Agency: Interior  
Property Number: 619620001  
Status: Unutilized  
Reason: Within 2000 ft. of flammable or explosive material, Secured Area  
California  
Parcel B  
Santa Rosa Co: Sonoma CA  
Landholding Agency: GSA  
Property Number: 549310016  
Status: Excess  
Reason: Other  
Comment: Sewage Treatment Plant  
GSA Number: 9-G-CA-580C  
Georgia  
Former Honor Farm #1  
McDonough Blvd. & Thomasville Blvd.  
Atlanta Co: Fulton GA 30315-  
Landholding Agency: GSA  
Property Number: 549710010  
Status: Surplus  
Reason: Within 2000 ft. of flammable or explosive material  
GSA Number: 4-GR(1)-GA-530A&B  
Guam  
Submerged Lands  
Ritidian Point GU  
Landholding Agency: GSA  
Property Number: 549640003  
Status: Excess  
Reason: Other  
Comment: Inaccessible  
GSA Number: 9-N-GU-437  
Idaho  
Zamzow Sidewalk Sale  
0.5 acres  
Boise Co: Ada ID 83705-  
Landholding Agency: Interior  
Property Number: 619630001  
Status: Unutilized  
Reason: Within 2000 ft. of flammable or explosive material  
Kentucky  
9 Tracts  
Danial Boone National Forest  
Co: Owsley KY 37902-  
Landholding Agency: GSA  
Property Number: 549620012  
Status: Excess  
Reason: Floodway  
GSA Number: 4-G-KY-607  
2.15 Acres  
Owensboro Moorings  
Owensboro Co: Daviess KY 42301-  
Landholding Agency: GSA  
Property Number: 549710015  
Status: Excess  
Reason: Within 2000 ft. of flammable or explosive material, Floodway  
GSA Number: 4-U-KY-605  
Louisiana  
Harrison Lock & Dam No. 2  
Harrisonburg Co: Catahoula LA 71340-  
Landholding Agency: GSA  
Property Number: 549720003  
Status: Excess  
Reason: Floodway  
GSA Number: 7-D-LA-0552  
Site #18
- Forsythe Point  
Columbia Lock & Dam  
Monroe Co: Ouachita Parish LA 71210-  
Landholding Agency: GSA  
Property Number: 549810009  
Status: Excess  
Reason: Floodway  
GSA Number: 7-D-LA-557  
Michigan  
Port/EPA Large Lakes Rsch Lab  
Grosse Ile Twp Co: Wayne MI  
Landholding Agency: GSA  
Property Number: 549720022  
Status: Excess  
Reason: Within airport runway clear zone  
GSA Number: 1-Z-MI-554-A  
New York  
Cooke's Island—32 acres  
Lake Champlain  
Whitehall Co: Washington NY  
Landholding Agency: GSA  
Property Number: 549710009  
Status: Excess  
Reason: Other  
Comment: Inaccessible  
GSA Number: 1-D-NY-847  
Ohio  
Lewis Research Center  
Cedar Point Road  
Cleveland Co: Cuyahoga OH 44135-  
Landholding Agency: GSA  
Property Number: 549610007  
Status: Excess  
Reason: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone  
GSA Number: 2-Z-OH-598-I  
Oregon  
Portion/Oregon Landfill  
3 acres  
Ontario Co: Malheur OR 97914-  
Landholding Agency: Interior  
Property Number: 619630002  
Status: Unutilized  
Reason: Other  
Comment: Landlocked  
Puerto Rico  
119.3 acres  
Culebra Island PR 00775-  
Landholding Agency: Interior  
Property Number: 619210001  
Status: Excess  
Reason: Floodway  
South Carolina  
Land—2.66 acres  
Port Royal Co: Beaufort SC 29902-6148  
Landholding Agency: GSA  
Property Number: 549240009  
Status: Excess  
Reason: Floodway  
GSA Number: 4-N-SC-0489A  
Tennessee  
Land/Portion  
Volunteer Army Ammunition Plant  
Chattanooga Co: Hamilton TN 37422-2607  
Landholding Agency: GSA  
Property Number: 549730018  
Status: Excess  
Reason: Within 2000 ft. of flammable or explosive material  
GSA Number: 4-D-TN-645

Washington  
 Tract No. 092902  
 Pasco Co: Franklin WA 99301–  
 Landholding Agency: Interior  
 Property Number: 619740008  
 Status: Excess  
 Reason: Within airport runway clear zone  
 Tract No. 092912  
 Pasco Co: Franklin WA 99301–  
 Landholding Agency: Interior  
 Property Number: 619740009  
 Status: Excess  
 Reason: Within airport runway clear zone  
 Tract No. 093022  
 Co: Franklin WA 99301–  
 Landholding Agency: Interior  
 Property Number: 619740010  
 Status: Excess  
 Reason: Other  
 Comment: No public access  
 Tract No. 103026  
 Co: Franklin WA 99301–  
 Landholding Agency: Interior  
 Property Number: 619740011  
 Status: Excess  
 Reason: Other  
 Comment: No public access  
 Tract No. 103032  
 Co: Franklin WA 99301–  
 Landholding Agency: Interior  
 Property Number: 619740012  
 Status: Excess  
 Reason: Other  
 Comment: No public access  
 Tract No. 132816  
 Co: Franklin WA 99330–  
 Landholding Agency: Interior  
 Property Number: 619740013  
 Status: Excess  
 Reason: Other  
 Comment: No public access  
 Tract No. 132929  
 Co: Franklin WA 99330–  
 Landholding Agency: Interior  
 Property Number: 619740014  
 Status: Excess  
 Reason: Other  
 Comment: No public access  
 Tract No. 142517  
 Co: Grant WA 99349–  
 Landholding Agency: Interior  
 Property Number: 619740015  
 Status: Excess  
 Reason: Other  
 Comment: No public access  
 Tract No. 172314  
 Co: Grant WA 98950–  
 Landholding Agency: Interior  
 Property Number: 619740016  
 Status: Excess  
 Reason: Other  
 Comment: No public access  
 Tract No. 172433  
 Co: Grant WA 99321–  
 Landholding Agency: Interior  
 Property Number: 619740017  
 Status: Excess  
 Reason: Other  
 Comment: No public access  
 Tract No. 172833  
 Co: Grant WA 99357–  
 Landholding Agency: Interior  
 Property Number: 619740018  
 Status: Excess

Reason: Other  
 Comment: No public access  
 Tract No. 182620  
 Co: Grant WA 98824–  
 Landholding Agency: Interior  
 Property Number: 619740019  
 Status: Excess  
 Reason: Other  
 Comment: No public access  
 Tract No. 192328  
 Co: Grant WA 98848–  
 Landholding Agency: Interior  
 Property Number: 619740020  
 Status: Excess  
 Reason: Other  
 Comment: No public access  
 Tract No. 192332  
 Co: Grant WA 98848–  
 Landholding Agency: Interior  
 Property Number: 619740021  
 Status: Excess  
 Reason: Other  
 Comment: No public access  
 Tract No. 192520  
 Co: Grant WA 98837–  
 Landholding Agency: Interior  
 Property Number: 619740022  
 Status: Excess  
 Reason: Other  
 Comment: No public access  
 Tract No. 192524  
 Co: Grant WA 98837–  
 Landholding Agency: Interior  
 Property Number: 619740023  
 Status: Excess  
 Reason: Other  
 Comment: No public access  
 Tract No. 192620b  
 Co: Grant WA 98837–  
 Landholding Agency: Interior  
 Property Number: 619740024  
 Status: Excess  
 Reason: Other  
 Comment: No public access  
 Tract No. 192909  
 Co: Grant WA 98837–  
 Landholding Agency: Interior  
 Property Number: 619740025  
 Status: Excess  
 Reason: Other  
 Comment: No public access  
 Tract No. 202436  
 Co: Grant WA 98848–  
 Landholding Agency: Interior  
 Property Number: 619740026  
 Status: Excess  
 Reason: Other  
 Comment: No public access  
 Tract No. 202529b  
 Co: Grant WA 98823–  
 Landholding Agency: Interior  
 Property Number: 619740027  
 Status: Excess  
 Reason: Other  
 Comment: No public access  
 Tract No. 202530  
 Co: Grant WA 98823–  
 Landholding Agency: Interior  
 Property Number: 619740028  
 Status: Excess  
 Reason: Other  
 Comment: No public access  
 Tract No. 202635  
 Co: Grant WA 98823–

Landholding Agency: Interior  
 Property Number: 619740029  
 Status: Excess  
 Reason: Other  
 Comment: No public access  
 Tract No. 212808  
 Co: Grant WA 98837–  
 Landholding Agency: Interior  
 Property Number: 619740030  
 Status: Excess  
 Reason: Other  
 Comment: No public access  
 Wyoming  
 Cody Industrial Area  
 Cody Co: Park WY 82414–  
 Landholding Agency: GSA  
 Property Number: 549740008  
 Status: Excess  
 Comment: Within 2000 ft. of flammable or  
 explosive material  
 GSA Number: 7–I–WY–0539  
 [FR Doc. 98–6167 Filed 3–12–98; 8:45 am]  
 BILLING CODE 4210–29–M

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

PRT–838407

*Applicant:* Praveen K. Karanth, Albany, NY.

The applicant requests a permit to import biological samples collected from gray (Hanuman) langur, (*Semnopithecus entellus*), and from Francois' (Delacour's) langur, (*Trachypithecus francoisi*), for the purpose of enhancement of the survival of the species through scientific research.

PRT–839923

*Applicant:* Wildlife Conservation Society, Bronx, NY.

The applicant requests a permit to import one captive-hatched Blyth's tragopan (*Tragopan blythi*) from South View Aviaries, Burnaby, British Columbia, Canada, for the purpose of enhancement of the species through captive propagation.

PRT–679043

*Applicant:* Duke University Primate Center, Durham, NC.

The applicant requests renewal of their permit to take and sell in interstate and foreign commerce, export, or re-export blood and tissue, whole cadavers, and parts from species in the

families Lemuridae, Indriidae, Cheirogaleidae, Daubentoniidae, Tarsiidae, and Lorisidae for scientific research and for enhancement of the propagation and survival of the species. PRT-839795

*Applicant:* Iowa Department of Natural Resources, Boone, IA.

The applicant requests a permit to import up to 12 captive-hatched peregrine falcons (*Falco peregrinus anatum*) over the next two years from the Great Lakes Raptor Conservancy, Ontario, Canada for the purposes of reintroduction into the wild to enhance the survival of the species.

PRT-839796

*Applicant:* Zoological Society of Philadelphia, Philadelphia, PA.

The applicant requests a permit to import two captive-born Siberian tigers (*Panthera tigris altaica*) from Zoo Leipzig, Leipzig, Germany, for the purpose of enhancement of the species through captive propagation and conservation education.

PRT-703757

*Applicant:* Tarzan Zerbini Circus, Webb City, MO.

The applicant requests renewal of a permit to export and reimport captive-held Asian elephants (*Elephas maximus*), and captive-born tigers (*Panthera tigris*), and progeny of the animals currently held by the applicant and any animals acquired in the United States by the applicant to/from worldwide locations to enhance the survival of the species through conservation education. This notification covers activities conducted by the applicant over a three year period.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

The public is invited to comment on the following application for a permit to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing marine mammals (50 CFR 18).

*Applicant:* USGS-BRD California Sea Otter Project, Santa Cruz, CA, PRT-672624.

*Permit Type:* Take for scientific research.

*Name and Number of Animals:* Southern sea otter (*Enhydra lutris nereis*), up to 500.

*Summary of Activity to Be Authorized:* The applicant requests renewal of their permit to capture and tag sea otters and an amendment to the permit to allow for radio implantation and blood sample collection for scientific research on population biology and ecology.

*Source of Marine Mammals:* Entire range of sea otters in California.

*Period of Activity:* Up to 5 years from issuance date of permit, if issued.

*Applicant:* Dan L. Duncan, Houston, TX, PRT-838492.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Lancaster Sound polar bear population, Northwest Territories, Canada for personal use taken prior to April 30, 1994.

*Applicant:* Edwin E. Smith, Houston, TX, PRT-838493.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Lancaster Sound polar bear population, Northwest Territories, Canada for personal use taken prior to April 30, 1994.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act*, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. Phone: (703/358-2104); FAX: (703/358-2281).

Dated: March 9, 1998.

**MaryEllen Amtower,**

*Acting Chief, Branch of Permits, Office of Management Authority.*

[FR Doc. 98-6433 Filed 3-12-98; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Notice of Availability of a Draft Environmental Assessment and the Draft Strategy and Guidelines for the Recovery and Management of the Red-cockaded Woodpecker and It's Habitat on National Wildlife Refuges

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

**SUMMARY:** The Fish and Wildlife Service (Service) announces the availability of a Draft Strategy and Guidelines for the Recovery of the Red-cockaded Woodpecker (RCW) and It's Habitat on National Wildlife Refuges (Guidelines). Included in the Guidelines are population management objectives for 644-654 active clusters of RCWs on approximately 141,900 acres of pine and pine hardwood forest on 13 refuges in the southeastern United States. Actions proposed are directed at protection of clusters, management of nesting habitat, population management, management of foraging habitat, forest management (including silvicultural activities), and management of RCWs in federally designated Wilderness.

The Service also announces the availability of an environmental assessment (EA) which includes an evaluation of the environmental impact of four alternatives: (1) implementing the Guidelines as proposed, (2) taking no action to comprehensively implement revised recovery guidelines and strategies, (3) implementing the Guidelines, intensifying management efforts and expanding the area to be managed for RCWs, and (4) implementing the Guidelines on a smaller area of refuge land.

Copies of the Strategy and Guidelines and the EA may be obtained by making a request to the Regional Office (see ADDRESSES). Requests must be in writing to be processed. This notice also advises the public that the Service has made a preliminary determination that issuing the Guidelines is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), as amended. The Finding of No Significant Impact (FONSI) is based on an evaluation of the information contained in the Guidelines. The final determination will be made no sooner than 60 days from the date of this notice. This notice is provided pursuant to NEPA regulations (40 CFR 1506.6).

**DATES:** Written comments on the Draft Strategy and Guidelines and Draft EA, should be sent to the Service's Regional Office (see **ADDRESSES**) and should be received on or before April 27, 1998.

**ADDRESSES:** Persons wishing to obtain a copy of the Draft Strategy and Guidelines, should submit a request in writing to: U.S. Fish and Wildlife Service, Southeast Regional Office, 1875 Century Boulevard, Atlanta, Georgia 30345. (Attn: Assistant Regional Director, Refuges and Wildlife). Copies may also be reviewed at the Southeast Regional Office (address above) and at the following locations: Office of the Red-cockaded Woodpecker Recovery Coordinator, U.S. Fish and Wildlife Service, Clemson University, Department of Forest Resources, 261 Lehotsky Hall, Clemson, SC 29634-1003, and Office of the Refuge Manager, Noxubee National Wildlife Refuge, Route 1, Brooksville, MS 39739. Documents will be available for public inspection by appointment during normal business hours at these locations. Comments concerning the Strategy and Guidelines or EA should be submitted in writing to the Southeast Regional Office address above. Please reference the Draft Strategy and Guidelines for the Red-cockaded Woodpecker and Its Habitat on National Wildlife Refuges in your comments, or in requests for the documents discussed herein.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ralph Costa, Red-cockaded Woodpecker Recovery Coordinator, Clemson Field Office, (see **ADDRESSES** above), telephone: 864/656-2432; Mr. David Richardson, Biologist, Noxubee National Wildlife Refuge (see **ADDRESSES** above), 601/323-5548, or Mr. Jon Andrew, Fish and Wildlife Administrator, Southeast Regional Office (see **ADDRESSES** above), telephone: 404/679-7123.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Service is the lead Federal agency responsible for preserving, protecting and enhancing nonmarine endangered species. Pursuant to the terms of the Endangered Species Act (Act) of 1973 (16 U.S.C. 1531 *et seq.*) the red-cockaded woodpecker was listed as an endangered species by the Service in 1970. In addition to responsibilities under the Act, the Service administers National Wildlife Refuge system lands. There are an estimated 141,900 acres of pine and pine-hardwood habitat capable of supporting RCWs on 13 national wildlife refuges in the southeast United States.

The RCW is a territorial, non-migratory cooperative breeding species. RCWs live in social units called groups or clans which generally consist of a breeding pair, the current year's offspring, and one or more helpers (normally adult male offspring of the breeding pair from previous years). Groups maintain year-round territories near their roost and nest trees. The RCW is unique among the North American woodpeckers in that it is the only woodpecker that excavates its roost and nest cavities in living pine trees. Each group member has its own cavity, although there may be multiple cavities in a single pine tree. The aggregate of cavity trees is called a cluster. RCWs forage almost exclusively on pine trees and they generally prefer pines greater than 10 inches in diameter at breast height. Foraging habitat is contiguous with the cluster. The number of acres required to supply adequate foraging habitat depends on the quantity and quality of the pine stems available.

The RCW is endemic to the pine forests of the Southeastern United States and was once widely distributed across 16 States. The species evolved in a mature fire-maintained ecosystem. The RCW has declined primarily due to the conversion of mature pine forests to young pine plantations, agricultural fields, and residential and commercial developments, and to hardwood encroachment in existing pine forests due to fire suppression. The species is still widely distributed (presently occurring in 13 southeastern states), but the remaining populations are highly fragmented and isolated. Presently, the largest known populations occur on Federally owned lands such as military installations and national forests.

The most recent estimate of the status of RCW populations on National Wildlife Refuge lands indicates that 237 to 242 active RCW clusters are present.

The EA contains an evaluation of the environmental consequences of four alternatives, including the proposed action. The proposed action alternative would result in implementation of the Guidelines as prepared by the Service. The No Action alternative would result in a continuance of the current management activities with no revision to the guidelines prepared in 1987. No management actions or recovery on refuge lands would be implemented beyond those contained in the 1987 Guidelines and the recovery plan for this species. The third alternative is to implement the Guidelines and expand their application to include additional habitat on Alligator River, Piedmont and Santee National Wildlife Refuges. The fourth alternative would result in the

implementation of the Guidelines on approximately one half of the area identified for management under the revised Guidelines and a reallocation of resources to other wildlife management needs.

As stated above, the Service has made a preliminary determination that the issuance of the Guidelines is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of NEPA. This preliminary information may be revised due to public comment received in response to this notice and is based on information contained in the EA and the Guidelines. An excerpt from the FONSI reflecting the Service's finding on the application is provided below:

Based on the analysis conducted by the Service, it has been determined that:

1. Issuance of the Guidelines would not have significant indirect or cumulative adverse effects on the human environment.

2. Implementation of the Guidelines will contribute substantially to the recovery of the RCW by providing for consistent application of the most appropriate forms of management available on all refuge lands. Application of the guidelines will also assure that forest management will be accomplished in a manner which will result in accelerated recovery of the species.

3. Population goals contained in the strategy and guidelines are substantially higher than the current population levels and would represent a major positive step towards recovery of the RCW.

The Service will also evaluate whether the issuance of the Guidelines complies with section 7 of the Act by preparing an intra-Service section 7 consultation. The results of the consultation in combination with the above findings, and public comment will be used in the final analysis to determine whether or not to issue and implement the Guidelines.

**Public Comments Solicited**

The Service solicits written comments on the draft management guidelines described. All comments received by the date specified above will be considered prior to approval of final guidelines.

**Authority**

The authorities for this action are the Endangered Species Act (16 U.S.C. 1531 *et seq.*), The National Environmental Policy Act (42 U.S.C. 4321-4347) and the National Wildlife Refuge System Improvement Act of 1997 (Public Law

105-57 to be codified at 16 U.S.C. 668dd *et seq.*)

Dated: March 6, 1998.

**Sam D. Hamilton,**

*Regional Director, Region 4.*

[FR Doc. 98-6494 Filed 3-12-98; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[ID-933-1430-00; IDI-86C]

#### Termination of Desert Land Entry Classification; Idaho

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice terminates a Desert Land Entry Classification on 320 acres of land in Ada County as this classification is no longer needed. A portion of these lands will be exchanged pursuant to Section 206 of the Federal Land Policy and Management Act of 1976.

**EFFECTIVE DATE:** March 13, 1998.

**FOR FURTHER INFORMATION CONTACT:** Catherine D. Foster, BLM Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho 83709, 208-373-3863.

**SUPPLEMENTARY INFORMATION:** On June 8, 1967, the lands listed below were classified under the authority of the Desert Land Act of March 3, 1877, as amended and supplemented (43 U.S.C. 321, *et seq.*). This classification is hereby terminated on the following described land:

T. 4 S., R. 3 E., B.M.

Section 27, NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Section 28, S $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ .

The area described above aggregates 320 acres in Ada County.

At 9:00 a.m. on March 13, 1998, the Desert Land Entry Classification identified above will be terminated. The lands identified above will remain closed to location and entry under the public land laws and the general mining laws (30 U.S.C. Ch. 2), as they are currently withdrawn for the Snake River Birds of Prey Natural Area. The lands have been, and will remain open to mineral leasing.

Dated: March 2, 1998.

**Jimmie Buxton,**

*Branch Chief, Lands and Minerals.*

[FR Doc. 98-6441 Filed 3-12-98; 8:45 am]

BILLING CODE 4310-GG-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NV-050-1020-001]

#### Mojave-Southern Great Basin Resource Advisory Council—Notice of Meeting Locations and Times

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Resource Advisory Council Meeting locations and times.

**DATES:** Date is May 7, 1998, from 1:00 p.m. to approximately 4 p.m. and will reconvene on May 8, 1998 and meet from 8 a.m. to 2 p.m. The public comment period will begin at 6 p.m., May 7, 1998.

**ADDRESSES:** The council will meet at the Tonopah Convention Center, 301 West Brougner Avenue, Tonopah, NV 89049 (702) 482-3558.

**FOR FURTHER INFORMATION CONTACT:** Phillip L. Guerrero, Las Vegas Field Office, Public Affairs Officer, telephone: (702) 647-5046.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972 (FACA), 5 U.S.C., the Department of the Interior, Bureau of Land Management (BLM), council meeting of the Mojave-Southern Great Basin Resource Advisory Council (RAC) will be held as indicated above. The agenda includes a public comment period, and discussion of public land issues.

The Resource Advisory Council develops recommendations for BLM regarding the preparation, amendment, and implementation of land use plans for the public lands and resources within the jurisdiction of the council. For the Mojave-Great Basin RAC this jurisdiction is Clark, Esmeralda, Lincoln and Nye counties in Nevada. Except for the purposes of long-range planning and the establishment of resource management priorities, the RAC shall not provide advice on the allocation and expenditure of Federal funds, or on personnel issues.

The RAC may develop recommendation for implementation of ecosystem management concepts, principles and programs, and assist the BLM to establish landscape goals and objectives.

All meetings are open to the public. The public may present written comments to the council. Public comments should be limited to issues for which the RAC may make recommendations within its area of jurisdiction. Depending on the number

of persons wishing to comment, and time available, the time for individual oral comments may be limited. Individuals who plan to attend and need further information about the meetings, or need special assistance such as sign language interpretation or other reasonable accommodations, should contact Phillip L. Guerrero at the Las Vegas District Office, 4765 Vegas Dr., Las Vegas, NV 89108, telephone, (702) 647-5000.

Dated: March 6, 1998.

**Phillip L. Guerrero,**

*Public Affairs Officer.*

[FR Doc. 98-6541 Filed 3-12-98; 8:45 am]

BILLING CODE 4310-HC-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[ID-025-1220-00]

#### Road Closure Notice

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of road closure of the Ridgeline Road in the Malad Resource Area in Power County.

**SUMMARY:** Notice is hereby given, effective immediately, that the "ridgeline road" (see legal description below), located within the Malad Resource Area in Power County is closed to all motorized vehicle traffic.

The road bisects the following sections:

#### Boise Meridian

T. 10 S., R. 32 E., Sections 3, 10, 15, 22 and 27.

Branches of the road also occur in sections 23, 26, and 35.

**EFFECTIVE DATE:** March 15, 1998. The restriction will remain in effect until further notice.

**FOR ADDITIONAL INFORMATION CONTACT:** Jeff Steele, Area Manager, Malad Resource Area, Bureau of Land Management, 138 S. Main, Malad City, Idaho, 83252 or call 208-766-4766.

**SUPPLEMENTARY INFORMATION:** In accordance with Title 43, CFR 8340 (specifically 8341.2) and in conformance with principles established by the Federal Land Policy and Management Act of 1976, the above mentioned road is closed to all motorized vehicle traffic.

The decision to close this road was included in the Malad Hills Management Framework Plan (1981). Careful review and analysis, in cooperation with the Idaho Fish & Game Department and the public, has

determined that unrestricted use of these roads by motorized vehicle traffic will significantly reduce habitat effectiveness for big game in already heavily roaded areas. Access to the "ridgeline road" will be restricted by closed road signs or barriers on roads/trails that access the "ridgeline road". Copies of maps indicating the location of this road closure are posted at the Malad and Pocatello Resource Area Offices of the Idaho Bureau of Land Management.

This closure does not apply to Bureau of Land Management personnel, or an authorized representative of the Bureau of Land Management, or the Idaho Fish & Game Department personnel. This closure applies to approximately 6 miles of road.

Dated: February 25, 1998.

**Jeff S. Steele,**

*Area Manager.*

[FR Doc. 98-6445 Filed 3-12-98; 8:45 am]

BILLING CODE 4310-GG-U

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NM-930-1310-01; NMNM 97890]

#### Notice of Proposed Reinstatement of Terminated Oil and Gas Lease; New Mexico

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** Under the provision of Public Law 97-451; a petition for reinstatement of Oil and Gas Lease NMNM 97890, Lea County, New Mexico, was timely filed and was accompanied by all required rentals and royalties accruing from December 1, 1997, the date of termination. No valid lease has been issued affecting the land. The lessee has agreed to new lease terms for rentals and royalties at rates of \$10.00 per acre, or fraction thereof, and 16 $\frac{2}{3}$  percent, respectively. Payment of a \$500.00 administration fee has been made. Having met all the requirements for reinstatement of the lease as set in Section 31(d) and (e) of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 188(d) and (e)), the Bureau of Land Management is proposing to reinstate the lease effective December 1, 1997, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above, and the reimbursement for cost of publication of this Notice.

**FOR FURTHER INFORMATION CONTACT:** Becky C. Olivas, BLM, New Mexico State Office, (505) 438-7609.

Dated: March 6, 1998.

**Becky C. Olivas,**

*Land Law Examiner.*

[FR Doc. 98-6542 Filed 3-12-98; 8:45 am]

BILLING CODE 4310-FB-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NM-930-1310-01; NMNM 69163]

#### New Mexico: Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Public Law 97-451, a petition for reinstatement of oil and gas lease NMNM 69163 for lands in Eddy County, New Mexico, was timely filed and was accompanied by all required rentals and royalties accruing from October 1, 1997, the date of termination.

No valid lease has been issued affecting the lands. The lessee has agreed to new lease terms for rentals and royalties at rates of \$5.00 per acre or fraction thereof and 16 $\frac{2}{3}$  percent, respectively. The lessee has paid the required \$500 administrative fee and has reimbursed the Bureau of Land Management for the cost of this **Federal Register** notice.

The lessee has met all the requirements for reinstatement of the lease as set out in Sections 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate the lease effective October 1, 1997, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

*For further information contact:* Becky C. Olivas, BLM, New Mexico State Office, (505) 438-7609.

Dated: March 6, 1998.

**Becky C. Olivas,**

*Land Law Examiner.*

[FR Doc. 98-6543 Filed 3-12-98; 8:45 am]

BILLING CODE 4310-FB-M

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Delaware and Lehigh Navigation Canal National Heritage Corridor Commission Meeting

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice announces an upcoming meeting of the Delaware and Lehigh Navigation Canal National Heritage Corridor Commission. Notice

of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92-463).

**MEETING AND DATE AND TIME:** Friday, March 13, 1998; 1:30-4:00 p.m.

**ADDRESSES:** The King George II Inn, 102 Radcliffe Street, Bristol, PA 19007.

The agenda for the meeting will focus on implementation of the Management Action Plan for the Delaware and Lehigh Canal National Heritage Corridor and State Heritage Park. The Commission was established to assist the Commonwealth of Pennsylvania and its political subdivisions in planning and implementing an integrated strategy for protecting and promoting cultural, historic and natural resources. The Commission reports to the Secretary of the Interior and to Congress.

**SUPPLEMENTARY INFORMATION:** The Delaware and Lehigh Navigation Canal National Heritage Corridor Commission was established by Public Law 100-692, November 18, 1988.

**FOR FURTHER INFORMATION CONTACT:** Executive Director, Delaware and Lehigh Navigation Canal National Heritage Corridor Commission, 10 E. Church Street, Room P-208, Bethlehem, PA 18018, (610) 861-9345.

Dated: March 9, 1998.

**Gerald R. Bastoni,**

*Executive Director, Delaware and Lehigh Navigation Canal NHC Commission.*

[FR Doc. 98-6497 Filed 3-12-98; 8:45 am]

BILLING CODE 6820-PE-M

## DEPARTMENT OF THE INTERIOR

#### Draft Environmental Impact Statement/ Environmental Impact Report on the Draft Truckee River Operating Agreement

**AGENCY:** Department of the Interior.

**ACTION:** Notice of availability for a draft environmental impact statement /draft environmental impact report; INT-DES-98-8.

**SUMMARY:** Pursuant to the National Environmental Policy Act of 1969 (as amended) and the California Environmental Quality Act, the Bureau of Reclamation, the U.S. Fish and Wildlife Service, and the California Department of Water Resources have jointly prepared a draft environmental impact statement/environmental impact report (EIS/EIR) on the potential impacts of implementing a Truckee River Operating Agreement (TROA). Public Law 101-618 directs the Secretary of the Interior (Secretary) to negotiate an agreement for the operation of the Truckee River reservoirs with the

States of Nevada and California (States), after consultation with other parties designated by the Secretary or the States. In accordance with Public Law 101-618, the TROA cannot take effect unless it is signed by the United States, California, Nevada, Pyramid Lake Paiute Indian Tribe, and Sierra Pacific Power Company.

The draft EIS/EIR evaluates the proposed action (TROA Alternative) and the No Action Alternative.

**DATES:** Written comments on the draft EIS/EIR should be submitted to the Bureau of Reclamation no later than May 29, 1998. A series of informal public information meetings will be held to present information about the draft agreement and accompanying draft EIS/EIR. There will also be formal public hearings on the environmental document. See the Supplementary Information section for public meeting and hearing dates.

**ADDRESSES:** Written comments on the draft EIS/EIR should be addressed to: TROA Draft EIS/EIR Comments, Mr. David Overvold, Bureau of Reclamation, Lahontan Basin Area Office, PO Box 640, Carson City NV 89702-0640. See Supplementary Information section for locations where the draft EIS/EIR may be inspected, and for public meeting and hearing locations.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Overvold, Bureau of Reclamation, PO Box 640, Carson City NV 89702-0640, telephone (702) 882-3436; Mr. Chet Buchanan, U.S. Fish and Wildlife Service, 4600 Kietzke Lane, Reno NV 89502-5093, telephone (702) 784-5227; or Mr. Paul Dabbs, California Department of Water Resources, 3251 S Street, Sacramento CA 95816, telephone (916) 227-7564.

**SUPPLEMENTARY INFORMATION:** The TROA was negotiated to resolve conflicts over available waters and reservoir storage of Lake Tahoe and other public and private reservoirs in the Truckee River basin. If implemented, the TROA will modify operation of five Federal and two non-Federal reservoirs to facilitate distribution of water in the Truckee River basin and implement the congressional allocation of Lake Tahoe, Truckee River, and Carson River waters between the States of California and Nevada. The provisions of the TROA would also create opportunities for:

- Increased municipal and industrial drought water supplies in the Truckee River basin;
- Enhanced spawning flows for endangered and threatened Pyramid Lake fishes;
- Enhanced river habitat for local fish populations by increasing seasonal

releases from Lake Tahoe, Prosser Creek Reservoir, Donner Lake, Independence Lake, and Stampede Reservoir;

- Increased recreational opportunities at upper Truckee River basin reservoirs; and
- Improved seasonal Truckee River water quality downstream from Reno, Nevada.

All comments sent to the Bureau of Reclamation will be compiled for consideration by the U.S. Fish and Wildlife Service and the California Department of Water Resources, as well as the Bureau of Reclamation.

A copy of the comment document may be requested from the above address or via telephone by calling the Bureau of Reclamation at (702) 882-3436 or the California Department of Water Resources at (916) 227-7564.

*Copies of the draft EIS/EIR are available for inspection at the following locations:*

- Office of the Commissioner, Bureau of Reclamation, Room 7612, 1849 C Street, Northwest, Washington DC
- Mid-Pacific Regional Office, Bureau of Reclamation, Library Room W-1522, 2800 Cottage Way, Sacramento CA
- Lahontan Basin Area Office, Bureau of Reclamation, 705 North Plaza Street, Carson City NV
- U.S. Fish and Wildlife Service, Reno Fish and Wildlife Office, 4600 Kietzke Lane, Building C, Room 125, (after March 23, 1998, 1340 Financial Boulevard) Reno NV
- Truckee Carson Coordination Office, 5665 Morgan Mill Road, Carson City NV
- California Department of Water Resources, Room D-17, 3251 S Street, Sacramento CA
- Town of Truckee Public Library, 10031 Levon, Truckee CA
- El Dorado County Public Library, 1000 Rufus Allen Boulevard, South Lake Tahoe CA
- Placer County Public Library, 740 North Lake Boulevard, Tahoe City CA (Executive Summary only)
- Kings Beach Branch Library, 301 Secline, Kings Beach CA
- Nevada State Library, 100 South Stewart Street, Carson City NV
- University of Nevada, Business and Government Information Center Library, 1664 North Virginia, Reno NV
- Washoe County Library, 301 South Center, Reno NV
- Lyon County Library, 20 Nevin Way, Yerrington NV
- Churchill County Library, 553 South Maine Street, Fallon NV

#### Public Meetings

A series of public meetings will be held to present information about the

draft agreement and accompanying draft EIS/EIR. Dates and locations follow.

*Dates and locations for public meetings:*

- March 16, 1998, 7-9 p.m., Heavenly Ski Resort, California Base Lodge, Freel Peak Room, 3860 Saddle Road, South Lake Tahoe CA
- March 17, 1998, 7-9 p.m., Tahoe City Public Utilities District Board Room, 221 Fairway Drive, Tahoe City CA
- March 18, 1998, 7-9 p.m., Pyramid Lake Tribal Council Chambers, 210 Capitol Hill, Nixon NV
- March 19, 1998, 7-9 p.m., Sparks City Council Chambers, 431 Prader Way, Sparks NV
- March 23, 1998, 7-9 p.m., Fernley Town Complex, 595 Silver Lacey, Fernley NV
- March 24, 1998, 7-9 p.m., Truckee-Donner Public Utilities District Board Room, 11571 Donner Pass Road, Truckee CA
- March 25, 1998, 7-9 p.m., Fallon Convention Center, 160 Campus Parkway, Fallon NV

#### Public Hearings

Formal public hearings on the environmental document are scheduled for the locations and dates listed below. Organizations and individuals may present oral or written comments at the public hearings by signing up when arriving at the hearing.

*Dates and locations for public hearings:*

- May 11, 1998, 6-9 p.m., Truckee-Donner Public Utilities District Board Room, 11571 Donner Pass Road, Truckee CA
- May 13, 1998, 6-9 p.m., Pyramid Lake Tribal Council Chambers, 210 Capitol Hill, Nixon NV
- May 14, 1998, 6-9 p.m., Fernley Town Complex, 595 Silver Lacey, Fernley NV
- May 15, 1998, 6-9 p.m., Sparks City Council Chambers, 431 Prader Way, Sparks NV

Dated: March 5, 1998.

**Willie R. Taylor,**

*Director, Office of Environmental Policy and Compliance.*

[FR Doc. 98-6517 Filed 3-12-98; 8:45 am]

BILLING CODE 4310-94-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

#### Narrows Project, Sanpete County, Utah, INT-DES-98-10

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of availability and notice of public hearings for draft environmental impact statement.

**SUMMARY:** Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior, Bureau of Reclamation, in cooperation with the U.S. Forest Service, Department of Agriculture, and the U.S. Army Corps of Engineers, Department of Defense, as cooperating agencies, has prepared a draft environmental impact statement (DEIS) on the proposed Narrows Project. The DEIS describes and presents the environmental effects of three alternatives, including no action, for developing a supplemental agricultural and municipal water supply for use in northern Sanpete County, Utah. This project has been proposed by the Sanpete Water Conservancy District and has submitted an application for a loan to construct the project under provisions of the Small Reclamation Projects Act. Public hearings will be held to receive comments from interested individuals and organizations on the environmental impacts of the proposal.

**DATES:** Written comments on the environmental impacts of the project should be received by Reclamation's Provo Area Office at the address below by May 12, 1998. Public hearings are scheduled for 7:00 p.m. on April 22, 1998, in Price, Utah and on April 23, 1998, in Mt. Pleasant, Utah.

**ADDRESSES:** The public hearings will be held at:

- Carbon County Courthouse, Commission Chambers, 120 East Main, Price, Utah
- Mt. Pleasant City Hall, 115 West Main, Mt. Pleasant, Utah

Copies of the DEIS are available for inspection at, or may be requested from, the following address: Area Manager, Bureau of Reclamation, Attention: PRO-405, 302 East 1860 South, Provo, Utah 84606; telephone (801) 370-1150 or 1167. See the Supplementary Information section for a list of libraries where copies of the DEIS are available for inspection. Further information and a summary of the DEIS are also available on the Internet at the following address: [uc.usbr.gov](http://uc.usbr.gov).

**FOR FURTHER INFORMATION CONTACT:** Kerry Schwartz, Narrows Project EIS Coordinator, Provo Area Office; telephone: (801) 379-1167.

**SUPPLEMENTARY INFORMATION:** Organizations and individuals wishing to present statements at the hearings should write or call the Bureau of Reclamation at the Provo Area Office,

listed in the Addresses section above. Requests should be received on or before the dates of the hearings. Speakers will be called on to present their comments in the order in which their requests are received. Requests to speak may also be made at each hearing; these speakers will be called after all those who made advance requests have spoken. Oral comments will be limited to 5 minutes per individual. Speakers are also requested to provide a legible written copy of their remarks for the hearing record.

#### Inspection of DEIS

In addition to copies of the DEIS being available at the Provo Area Office, the following public libraries have copies for public inspection:

#### Libraries

College of Eastern Utah, Price, Utah  
Ephraim City Library  
Gunnison City Library  
Helper City Library  
Manti City Library  
Mt. Pleasant City Library  
Price City Library  
Southern Utah State University, Cedar City, Utah  
Utah State University, Logan, Utah  
Weber State University, Ogden, Utah  
University of Utah, Salt Lake City, Utah  
Brigham Young University, Provo, Utah

Dated: March 6, 1998.

**Charles A. Calhoun,**  
Regional Director.

[FR Doc. 98-6430 Filed 3-12-98; 8:45 am]  
BILLING CODE 4310-94-P

#### JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

##### Advisory Committee on Actuarial Examinations; Meeting

Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet in the Nathan Hale Room at the Sheraton Washington Hotel (located at Woodley and Connecticut Avenue, NW, in Washington, DC) on Tuesday, March 24 at 10:45 a.m.

The purpose of this meeting to hold a Discussion Forum on the possible restructuring of the enrollment examinations. The panel will consist of Joseph A. Applebaum, Joint Board Chairman; Robert I. Brauer, Executive Director; and Carl Shalit, Advisory Committee Chairman. This meeting is open to the public.

Dated: March 3, 1998.

**Robert I. Brauer,**

Advisory Committee Management Officer,  
Joint Board for the Enrollment of Actuaries.

[FR Doc. 98-6420 Filed 3-12-98; 8:45 am]

BILLING CODE 4830-01-U

#### DEPARTMENT OF JUSTICE

##### Notice of Consent Decree Pursuant to the Comprehensive Environment Response, Compensation and Liability Act

In accordance with Department Policy, 28 C.F.R. 50.7, 38 FR 19029, and 42 U.S.C. 9622(i), notice is hereby given that a proposed Consent Decree in *United States v. William Davis, et al.*, Civ. Action No. 99-0484-T, was lodged in the United States District Court for the District of Rhode Island on March 5, 1998. The proposed Consent Decree resolves the United States' claims against defendants, United Sanitation, Inc., and A. Capuano Bros., Inc. ("Settling Defendants"), under Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), as amended, 42 U.S.C. 9607(a), concerning response actions at the Davis Liquid Waste Superfund Site located in Smithfield, Providence County, Rhode Island (the "Davis Site").

Under the terms of the Consent Decree, the Settling Defendants are required to pay \$400,000 to the Superfund in partial reimbursement of the United States' past and future response costs. Of that sum, \$200,000 will be immediately paid for the Davis Site. If the Settling Defendants reach settlement with the United States in the case of *United States v. Allied Signal, Inc., et al.*, Civil Action No. 95-617 (D.R.I.) (the "*Picillo Matter*"), within nine months after entry of the Consent Decree, the remainder shall be used to help satisfy any payments due to the United States in the settlement in the *Picillo Matter*. In addition, the Settling Defendants are required to sell certain real property and pay the proceeds to the Superfund for the Davis Site. In return, the United States will grant the Settling Defendants certain covenants not to sue with respect to the Davis Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, written comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States*

v. *William Davis, et al.*, Civ. Action No. 90-0484-T, DOJ #90-11-137B.

The proposed Consent Decree may be examined at the Office of the United States Attorney, District of Rhode Island, Westminster Square Building, 10 Dorrance Street, 10th Floor, Providence, Rhode Island 02903; at the Regional I Office of the U.S. Environmental Protection Agency, 90 Canal Street, Boston, Massachusetts 02203; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. Copies of the Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please enclose a check in the amount of \$12.25 (25 cents per page reproduction costs) payable to the Consent Decree Library.

**Bruce S. Gelber,**

*Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 98-6443 Filed 3-12-98; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act; and the Resource Conservation and Recovery Act

Notice is hereby given that on March 3, 1998 a proposed consent decree in *United States v. Ekotek, Inc., et al.*, Civ. A. No. 2:98-CV-00140J, was lodged with the United States District Court for the District of Utah. The complaint in this action seeks judgment under: Sections 106 and 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499, 42 U.S.C. §§ 9606, 9607(a). This action involves the Petrochem/Ekotek Superfund Site in Salt Lake City, Utah ("Site").

The consent decree resolves the claims of the United States against 54 potentially responsible parties at the Site. Under the terms of the Decree Settling Defendants shall perform the Remedial Design and Remedial Action for all work at the Site required by the EPA's Record of Decision. Additionally, the Settling Defendants shall have the right to be reimbursed for some of their costs incurred in performing that work from a special account in the Superfund created from proceeds from EPA's prior

*de minimis* settlement at this Site. Finally, this Decree also establishes a process by which Settling Defendants agree to make a payment of money to some of the prior *de minimis* settlers should certain conditions be met.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044, and should refer to *United States v. Ekotek, Inc., et al.*, DOJ Reference No. 90-11-2-928D. In accordance with Section 7003(d) of RCRA, 42 U.S.C. § 6973(d), commenters may request a public meeting in the affected areas.

The proposed consent decree may be examined at the Office of the United States Attorney for the District of Utah, U.S. Courthouse, 350 South Main Street, Salt Lake City, Utah 84101; the Region VIII office of the Environmental Protection Agency, 999 18th Street, Suite 500, Denver, CO 80202; and the Consent Decree Library, 1120 "G" Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the proposed decree may be obtained in person or by mail from the Consent Decree Library at the address listed above. In requesting a copy, please refer to the referenced case and number, and enclose a check in the amount of \$180.00 (with exhibits) (25 cents per page reproduction costs), payable to the Consent Decree Library.

**Joel Gross,**

*Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 98-6442 Filed 3-12-98; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Allegheny-Singer Research Institute

Notice is hereby given that, on February 5, 1998, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Allegheny-Singer Research Institute has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission reflecting changes in the membership of the National Medical

Practice Knowledge Bank. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, AT&T Solutions, Florham Park, NJ; AT&T Government Markets, Greensboro, NC; NCR Parallel Systems, El Segundo, CA; and NCR Human Interfact Technology Center, Atlanta, GA; have joined as members.

No other changes have been made in either the membership or planned activity of the National Medical Practice Knowledge Bank. Membership in this Bank remains open, and the Bank intends to file additional written notification disclosing all changes in membership.

On November 17, 1995, Allegheny-Singer Research Institute filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on February 15, 1996 (61 FR 6038). The last notification was filed with the Department on January 3, 1997. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on February 27, 1997 (62 FR 8992).

**Constance K. Robinson,**

*Director of Operations, Antitrust Division.*

[FR Doc. 98-6444 Filed 3-12-98; 8:45 am]

BILLING CODE 4410-11-M

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Proposed Collection; Comment Request

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(a)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments

concerning the proposed extension of the collection of the ETA 218, Benefits Rights and Experience.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

**DATES:** Written comments must be submitted to the office listed in the addressee section below on or before May 12, 1998.

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and

- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

**ADDRESSES:** Cynthia Ambler, U.S. Department of Labor, Employment and Training Administration, Room S-4231, 200 Constitution Ave. NW., Washington, DC 20210. Phone number: 202-219-6209 ext. 129. (This is not a toll free number.) E-mail: amblerc@doleta.gov. Fax: 202-219-8506.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Attachment to the labor force, usually measured as amount of past wages earned, is used to determine eligibility for State unemployment compensation programs. The data in the ETA 218, Benefit Rights and Experience Report,

includes numbers of individuals who were and were not monetarily eligible, those eligible for the maximum benefits, those eligible classified by potential duration categories, and exhaustees classified by actual duration categories. This data is used by the National Office in solvency studies, cost estimating and modeling, and to assess State benefit formulas.

**II. Current Actions**

If this data were not available, cost estimating and modeling would be less accurate.

*Type of Review:* Extension without change.

*Agency:* Employment and Training Administration, Unemployment Insurance Service.

*Title:* ETA 218, Benefit Rights and Experience.

*OMB Number:* 1205-0177.

*Agency Number:* ETA 218.

*Recordkeeping:* 3-year record retention.

Cite/reference	Total respondents	Frequency	Total response's	Average time per response hours	Burden hours
ETA 218 regular .....	53	Quarterly .....	212	1/2	106
ETA 281 extended benefits .....	2	Quarterly .....	4	1/4	1
Totals .....			216		107

*Total Burden Cost (operating/maintaining): \$2,140.*

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 6, 1998.

**Grace A. Kilbane,**

*Director, Unemployment Insurance Service.*  
[FR Doc. 98-6576 Filed 3-12-98; 8:45 am]

BILLING CODE 4510-30-M

**DEPARTMENT OF LABOR**

**Employment and Training Administration**

**Notice of a Change in Status of an Extended Benefit (EB) Period for Alaska**

This notice announces a change in benefit period eligibility under the EB Program for Alaska.

**Summary**

The following change has occurred since the publication of the last notice regarding the State's EB status:

- February 22, 1998 Alaska triggered "on" EB. Alaska's 13-week insured unemployment rate rose above the 6.0 percent threshold necessary to be triggered "on" to EB for the week ending February 7, 1998.

**Information for Claimants**

The duration of benefits payable in the EB Program, and the terms and conditions on which they are payable, are governed by the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and the operating instructions issued to the States by the U.S. Department of Labor. In the case of a State beginning an EB period, the State employment security agency will furnish a written notice of potential entitlement to each individual who has exhausted all rights to regular benefits and is potentially eligible for EB (20 CFR 615.13(c)(1)).

Persons who believe they may be entitled to EB, or who wish to inquire about their rights under the program,

should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, D.C., on March 9, 1998.

**Raymond Uhalde,**

*Acting Assistant Secretary of Labor for Employment and Training.*

[FR Doc. 98-6574 Filed 3-12-98; 8:45 am]

BILLING CODE 4510-30-M

**DEPARTMENT OF LABOR**

**Employment and Training Administration**

**Job Training Partnership Act Allotments; Wagner-Peyser Act Preliminary Planning Estimates; Program Year (PY) 1998**

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** This notice announces States' Job Training Partnership Act (JTPA) allotments for Program Year (PY) 1998 (July 1, 1998-June 30, 1999) for JTPA

Titles II-A, II-C, and III; JTPA Title II-B Summer Youth Employment and Training Program for Calendar Year (CY) 1998; and preliminary planning estimates for public employment service activities under the Wagner-Peyser Act for PY 1998.

**FOR FURTHER INFORMATION CONTACT:**

For JTPA Title II allotments, contact Mr. Haskel Lowery, Office of Employment and Training Programs, Room N4469, 2090 Constitution Avenue, N.W., Washington, D.C. 20210; Telephone: 202-219-5305. For JTPA Title III allotments, contact Mr. Doug Holl, Office of Worker Retraining and Adjustment Programs, Room N5426, 200 Constitution Ave., N.W., Washington, D.C. 20210; Telephone 202-219-5577. For Employment Service planning levels, contact Mr. John R. Beverly, Director, U.S. Employment Service, Room N4470, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Telephone: 202-219-5257. (These are not toll-free numbers.)

**SUPPLEMENTARY INFORMATION:** The Department of Labor (DOL or Department) is announcing Job Training Partnership Act (JTPA) allotments for Program Year (PY) 1998 (July 1, 1998-June 30, 1999) for JTPA Titles II-A, II-C, and III, and for the Summer Youth Employment and Training Program in Calendar Year (CY) 1998 for JTPA Title II-B; and, in accord with section 6(b)(5) of the Wagner-Peyser Act, preliminary planning estimates for public employment service (ES) activities under the Wagner-Peyser Act for PY 1998. The allotments and estimates are based on the appropriations for DOL for Fiscal Year (FY) 1998.

Attached is a listing of the allotments for PY 1998 for programs under JTPA Titles II-A, II-C, and III; allotments for the CY 1998 Summer Youth Employment and Training Program under Title II-B of JTPA; and preliminary planning estimates for public employment service activities under the Wagner-Peyser Act. The PY 1998 allotments for Titles II-A, II-C, and III and the ES preliminary planning estimates, are based on the appropriations for DOL for FY 1998.

These JTPA allotments will not be updated for subsequent unemployment data. The Employment Service preliminary estimates are based on averages for the most current 12 months ending September 1997 for each State's share of the civilian labor force and unemployment. Final planning estimates will be published in the **Federal Register** based on Calendar Year 1997 unemployment data.

**Title II-A Allotments**

The Attachment shows the PY 1998 JTPA Title II-A Adult Training Program allotments by State for a total appropriation of \$955,000,000. For all States, Puerto Rico and the District of Columbia, the following data were used in computing the allotments:

- Data for areas of substantial unemployment (ASU) are averages for the 12-month period; July 1996 through June 1997.
- The number of excess unemployed individuals or the ASU excess (depending on which is higher) are averages for this same 12-month period.
- The economically disadvantaged adult data (age 22 to 72, excluding college students and military) are from the 1990 Census.

The allotments for the Insular Areas, including the Freely Associated States, are based on unemployment data from 1990 Census or, if not available, the most recent data available. A 90 percent relative share "hold-harmless" of the PY 1997 Title II-A allotments for these areas and a minimum allotment of \$75,000 were also applied in determining the allotments.

Title II-A funds are to be distributed among designated service delivery areas (SDAs) according to the statutory formula contained in section 202(b) of the JTPA. This is the same formula that was used in the previous program year.

**JTPA Title II-B Allotments**

The Attachment shows the CY 1998 JTPA Title II-B Summer Youth Employment and Training Program allotments by State based on the total available appropriation for FY 1998 of \$871,000,000. These funds will be obligated as *Fiscal Year 1998* funds, not as Program Year 1998 funds. Notices of Obligation will be made in February, 1998 and States (SDAs) may begin using the funds when received.

The data used for these allotments are the same unemployment data as were used for Title II-A, except that data for the number for economically disadvantaged youth (age 16 to 21, excluding college students and military) from the 1990 Census was used. For the Insular Areas and for Native Americans funding, the allotments are based on the percentage of Title II-B funds each received during the previous summer.

Title II-B funds for the 1998 Summer Program are to be distributed among designated SDAs in accordance with the statutory formula contained in Section 252(b) of the JTPA, as amended by the JTPA Amendments of 1992. The Title II-B formula is the same as for Title II-

C. This is the same formula that was used in the previous program year.

**JTPA Title II-C Allotments**

The Attachment shows the PY 1998 JTPA Title II-C Youth Training Program allotments by State for a total appropriation of \$129,965,000. For all States, Puerto Rico, and the District of Columbia, the data used in computing the allotments are the same data as were used for Title II-B allotments.

The allotments for the Insular Areas are based on unemployment data from the 1990 census or, if not available, the most recent data available. Title II-C funds are to be distributed among designated SDAs in accordance with the statutory formula contained in Section 262(b) of the JTPA, as amended by Section 701 of the JTPA Amendments of 1992. The Title II-C formula is the same as for Title II-B. This is the same formula which was used in the previous program year.

**JTPA Title III Allotments**

The Attachment shows the PY 1998 JTPA Title III Dislocated Worker Program allotments by State, for a total of \$1,350,510,000. The total includes 80 percent allotted by formula to the States and 20 percent for the National Reserve, including funds allotted to the Insular Areas.

Title III formula funds are to be distributed to State and substate grantees in accordance with the provisions in Section 302(c) and (d) of JTPA, as amended.

Except for the Insular Areas, the unemployment data used for computing these allotments, relative numbers of unemployed and relative numbers of excess unemployed, are averages for the October 1996 through September 1997 period. Long-term unemployed data used were for CY 1996. Allotments for the Insular Areas are based on the PY 1998 Title II-A allotments for these areas.

A reallocation of these published Title III formula amounts, as provided for by Section 303 of JTPA, as amended, will be based on completed program year expenditure reports submitted by the States and received by October 1, 1998. The Title III allotment for each State will be adjusted upward or downward, based on whether the State is eligible to share in reallocated funds or is subject to recapture of funds.

**Wagner-Peyser Act Employment Service Final Planning Estimates**

The Attachment shows preliminary planning estimates which have been produced using the formula set forth at Section 6 of the Wagner-Peyser Act, 29

U.S.C. 49e. These allotments are based on averages for the most current 12 months ending September 1997 for each State's share of the civilian labor force (CLF) and unemployment. Final planning estimates will be published in the **Federal Register**, based on Calendar Year 1997 data, as required by the Wagner-Peyser Act.

The total planning estimate includes \$18,000,000 of the total amount available, which is being withheld from distribution to States to finance postage costs associated with the conduct of Employment Service business for PY 1998.

The Secretary of Labor has set aside 3 percent of the total available funds to assure that each State will have sufficient resources to maintain statewide employment services, as required under Section 6(b)(4) of the Wagner-Peyser Act. In accordance with this provision, \$22,312,050 is set aside for administrative formula allocation. These set-aside funds are included in the total planning estimate. Set-aside funds are distributed in two steps to States which have lost in their relative share of resources from the prior year. In step one, States which have a CLF below one million and are below the median CLF density are maintained at 100 percent of their relative share of prior year resources. All remaining set-aside funds are distributed on a pro rata basis in step two to all other States losing in relative share from the prior year, but which do not meet the size and density criteria for step one.

Ten percent of the total sums allotted to each State shall be reserved for use by the Governor to provide performance incentives for public employment service offices, services for groups with special needs, and for the extra costs of exemplary models for delivering job services.

Signed at Washington, D.C., this 6th day of March, 1998.

**Raymond Uhalde,**

*Acting Assistant Secretary of Labor for Employment and Training.*

[FR Doc. 98-6575 Filed 3-12-98; 8:45 am]

BILLING CODE 4510-30-M

## DEPARTMENT OF LABOR

### Employment Standards Administration, Wage and Hour Division

#### Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in

accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing

Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S-3014, Washington, D.C. 20210.

#### Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

##### Volume I

##### Connecticut

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CT980003 (Feb. 13, 1998)  
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##### Massachusetts

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PA980005 (Feb. 13, 1998)  
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## Virginia

VA980009 (Feb. 13, 1998)  
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## General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts." This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at (703) 487-4630.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512-1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the seven separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, D.C. this 6th day of March 1998.

**Margaret J. Washington,**

*Acting Chief, Branch of Construction Wage Determinations.*

[FR Doc. 98-6196 Filed 3-12-98; 8:45 am]

BILLING CODE 4510-27-M

**DEPARTMENT OF LABOR****Occupational Safety and Health Administration**

[Docket Number ICR 98-10]

**Agency Information Collection****Activities: Proposed Collection; Comment Request; Course Evaluation Form****ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Occupational Safety and Health Administration is soliciting comments concerning the proposed extension of the information collection request for the Course Evaluation Form completed by students attending courses at OSHA's Training Institute and Education Centers. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addresses section of this notice.

**DATES:** Written comments must be submitted to the office listed in the addresses section below on or before May 12, 1998. The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other

technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

**ADDRESSES:** Comments are to be submitted to the Docket Office, Docket No. ICR 98-10, U.S. Department of Labor, Room N-2625, 200 Constitution Avenue, NW., Washington, D.C. 20210, telephone number (202) 219-7894. Written comments limited to 10 pages or less in length may also be transmitted by facsimile to (202) 219-5046.

**FOR FURTHER INFORMATION CONTACT:** Robert O'Brien, Division of Administration and Training Information, OSHA Office of Training and Education, 1555 Times Drive, Des Plaines, Illinois 60018, telephone (847) 297-4810 (this is not a toll-free number), E-mail to robert.obrien@oti.osha.gov, or send a facsimile message to (847) 297-4874. Copies of the referenced information Collection request are available for inspection and copying in the Docket Office and will be mailed to persons who request copies by telephoning Robert O'Brien or Barbara Bielaski at (202) 219-7177 x142. For electronic copies of the Information Collection Request for the Student Data Form, contact OSHA's WebPage on the Internet at <http://www.osha.gov> under Standards.

**SUPPLEMENTARY INFORMATION:****I. Background**

The Occupational Safety and Health Administration (OSHA), Office of Training and Education, administers a program of training and education for employers and employees and personnel engaged in work relating to the Act. This program includes courses on occupational safety and health provided by the OSHA Training Institute, at its national training facility in Des Plaines, Illinois. Besides conducting courses at the OSHA Training Institute in Des Plaines, Illinois, the Institute is also administering a program by which several institutions in various locations throughout the United States have been authorized as OSHA Training Institute Education Centers. These Education Centers conduct a specific number of OSHA courses geared for private sector and other Federal Agency personnel. The goal of the Education Center program is to expand the accessibility of high-quality OSHA training courses.

All students completing training courses at the Training Institute and the Education Centers are requested to complete the Course Evaluation, OSHA Form 49. Students may be Federal, state,

private sector, local or tribal government employees. The Course Evaluation Form contains ten close-ended questions. Student input on the Course Evaluation Form provides feedback on ten elements to assess communication and accomplishment of learning objectives, course content, training environment, relevance of topics to job, effectiveness of exercises, workshops, laboratories, field trips and audiovisuals, usefulness of course materials and handouts, and overall rating of course. This feedback provides an overall impression of the student's training experience for the course. Students provide more detailed feedback in the narrative sections of the form. The student input received on the Course Evaluation form provides a standardized tool for collecting quality data that has been used to determine program successes and shortcomings. This quality data has assisted the Training Institute in directing resources where they can do the most good. All Course Evaluation Forms are reviewed by the course chairperson, instructors, the Institute Director and the supervisor responsible for that course. Ratings provide baseline data from which to draw conclusions about the effectiveness and quality of the training courses and to assess the level of student satisfaction with the course. Evaluation data is used to determine which courses may need improvement. Problem areas are noted and the supervisor discusses them with the course chairperson. Courses needing further improvement are scheduled for a more comprehensive follow-up course evaluation with recommendations for improvement. Revised courses are closely monitored to determine if problem areas have been resolved.

**II. Current Actions**

OSHA is planning to request OMB to extend its approval of the Student Evaluation form.

*Type of Review:* Extension.  
*Agency:* Occupational Safety and Health Administration.

*Title:* Course Evaluation Form.  
*OMB Number:* Formerly 1218-0173.  
*Agency Number:* OSHA 49.  
*Affected Public:* Individuals.  
*Total Respondents:* 11,500.  
*Total Responses:* 11,500.  
*Average Time per Response:* 10 minutes.

*Estimated Total Burden Hours:* 1,916 hours.

Comments submitted in response to this notice will be summarized and/or included in OSHA's request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Signed this 6th day of March 1998.

**Charles N. Jeffress,**

*Assistant Secretary of Labor.*

[FR Doc. 98-6577 Filed 3-12-98; 8:45 am]

BILLING CODE 4510-26-M

Dated: March 9, 1998.

**Matthew M. Crouch,**

*Advisory Committee Management Officer,  
National Aeronautics and Space  
Administration.*

[FR Doc. 98-6534 Filed 3-12-98; 8:45 am]

BILLING CODE 7510-01-M

participants. Visitors will be requested to sign a visitor's register.

**Matthew M. Crouch,**

*Advisory Committee Management Officer,  
National Aeronautics and Space  
Administration.*

[FR Doc. 98-6532 Filed 3-12-98; 8:45 am]

BILLING CODE 7510-01-M

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (98-038)]

### NASA Advisory Council (NAC), Aeronautics and Space Transportation Technology Advisory Committee (ASTTAC); Information Technology Subcommittee; Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics and Space Transportation Technology Advisory Committee, Information Technology Subcommittee.

**DATES:** Tuesday, May 5, 1998, 8:30 a.m. to 5:00 p.m. and Wednesday, May 6, 1998, 8:30 a.m. to 12:00 noon.

**ADDRESSES:** National Aeronautics and Space Administration, Ames Research Center, Building 258, Room 221, Moffett Field, CA 94035.

**FOR FURTHER INFORMATION CONTACT:** Dr. Thomas Edwards, National Aeronautics and Space Administration, Ames Research Center, Moffett Field, CA 94035, 650/604-4465.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

- Information Technology Program Overview
- Intelligent System Controls and Operations Review
- Intelligent Flight Controls
- Propulsion Health Monitoring
- Data Sharing Technology
- Software Integrity, Productivity and Security Review
- Formal Methods Applications
- Program Synthesis
- Information Integrity
- Discussions

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (98-036)]

### NASA Advisory Council (NAC), Earth System Science and Applications Advisory Committee, Technology Subcommittee Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Earth System Science and Applications Advisory Committee, Technology Subcommittee Meeting.

**DATES:** Monday, April 6, 1998, 8:30 a.m. to 5:00 p.m.; and Tuesday, April 7, 1998, 8:30 a.m. to 1:00 p.m.

**ADDRESSES:** NASA Headquarters, Room 9H40 (PRC), 300 E Street, SW, Washington, DC 20546.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Granville Paules, Code YF, National Aeronautics and Space Administration, Washington, DC 20546, 202/358-0706.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

- Update of Office of Earth Science Technology Program (several programmatic and management changes)
- Status of Action Items from August 1997 Technology Forum
- Status of New Millennium Program, including a review of technology and mission selection process
- Discussion of candidate Technology Partnership approaches with industry and other government agencies
- Earth Science Enterprise overall program update
- New Directions

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (98-037)]

### NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC), Sun-Earth Connection Advisory Subcommittee; Meeting

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Space Science Advisory Committee, Sun-Earth Connection Advisory Subcommittee.

**DATES:** Tuesday, April 14, 1998, 8:30 a.m. to 5:00 p.m.; Wednesday, April 15, 1998, 8:30 a.m. to 5 p.m.; and Thursday, April 16, 1998, from 8:30 a.m. to 5:00 p.m.

**ADDRESSES:** National Aeronautics and Space Administration, MIC 7, Room 7H46, 300 E Street, SW, Washington, DC 20546.

#### FOR FURTHER INFORMATION CONTACT:

George Withbroe, Code S, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358-2150.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the capacity of the room. The agenda for the meeting is as follows:

- Sun-Earth Connection Program Overview: Budget, Current Program, Future Activities
- Research and Analysis Program
- Solar Terrestrial Probe Program
- Solar Probe
- Discussion and writing groups

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: March 6, 1998.

**Matthew M. Crouch,**

*Advisory Committee Management Officer,  
National Aeronautics and Space  
Administration.*

[FR Doc. 98-6533 Filed 3-12-98; 8:45 am]

BILLING CODE 7510-01-M

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[Notice (98-034)]

**Notice of Prospective Patent License****AGENCY:** National Aeronautics and Space Administration.**ACTION:** Notice of prospective patent license.

**SUMMARY:** NASA hereby gives notice that Bioluminate of San Carlos, CA, has applied for an exclusive patent license in the invention described and claimed in NASA Case No. ARC-14172-1GE, entitled "ROBOTICS SYSTEM WITH MULTIMODALITY INSTRUMENT FOR TISSUE IDENTIFICATION," which is assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to NASA Ames Research Center.

**DATES:** Responses to this notice must be received by May 12, 1998.

**FOR FURTHER INFORMATION CONTACT:** Kenneth L. Warsh, Patent Attorney, NASA Ames Research Center, Mail Code 19-40, Moffett Field, CA 94035, telephone (650) 604-5055.

Dated: March 5, 1998.

**Edward A. Frankle,**  
*General Counsel.*

[FR Doc. 98-6461 Filed 3-12-98; 8:45 am]

BILLING CODE 7510-01-M

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[Notice (98-035)]

**Notice of prospective patent license****AGENCY:** National Aeronautics and Space Administration.**ACTION:** Notice of Prospective Patent License.

**SUMMARY:** NASA hereby gives notice that Dimension 4 Technologies of Laurel, MD has applied for an exclusive patent license in the invention described and claimed in NASA Case No. ARC-14172-1GE, entitled "ROBOTICS SYSTEM WITH MULTIMODALITY INSTRUMENT FOR TISSUE IDENTIFICATION," which is assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to NASA Ames Research Center.

**DATES:** Responses to this notice must be received by May 12, 1998.

**FOR FURTHER INFORMATION CONTACT:** Kenneth L. Warsh, Patent Attorney, NASA Ames Research Center, Mail Code 19-40, Moffett Field, CA 94035, telephone (650) 604-5055.

Dated: March 5, 1998.

**Edward A. Frankle,**  
*General Counsel.*

[FR Doc. 98-6460 Filed 3-12-98; 8:45 am]

BILLING CODE 7510-01-M

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[Notice (98-032)]

**Notice of Prospective Patent License****AGENCY:** National Aeronautics and Space Administration.**ACTION:** Notice of prospective patent license.

**SUMMARY:** NASA hereby gives notice that RLJ Consultants of Palto Alto, CA has applied for an exclusive patent license in the invention described and claimed in NASA Case No. ARC-14172-1GE, entitled "Robotics System With Multimodality Instrument for Tissue Identification," which is assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to NASA Ames Research Center.

**DATES:** Responses to this notice must be received by May 12, 1998.

**FOR FURTHER INFORMATION CONTACT:** Kenneth L. Warsh, Patent Attorney, NASA Ames Research Center, Mail Code 19-40, Moffett Field, CA 94035, telephone (650) 604-5055.

Dated: March 5, 1998.

**Edward A. Frankle,**  
*General Counsel.*

[FR Doc. 98-6463 Filed 3-12-98; 8:45 am]

BILLING CODE 7510-01-M

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[Notice (98-033)]

**Notice of Prospective Patent License****AGENCY:** National Aeronautics and Space Administration.**ACTION:** Notice of prospective patent license.

**SUMMARY:** NASA hereby gives notice that Techman Medical Consortium of Charton City, MA has applied for an exclusive patent license in the invention described and claimed in NASA Case No. ARC-14172-1GE,

entitled "ROBOTICS SYSTEM WITH MULTIMODALITY INSTRUMENT FOR TISSUE IDENTIFICATION," which is assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to NASA Ames Research Center.

**DATES:** Responses to this notice must be received by May 12, 1998.

**FOR FURTHER INFORMATION CONTACT:** Kenneth L. Warsh, Patent Attorney, NASA Ames Research Center, Mail Code 19-40, Moffett Field, CA 94035, telephone (650) 604-5055.

Dated: March 5, 1998.

**Edward A. Frankle,**  
*General Counsel.*

[FR Doc. 98-6462 Filed 3-12-98; 8:45 am]

BILLING CODE 7510-01-M

**NATIONAL SCIENCE FOUNDATION****Advisory Panel for Anthropological and Geographic Sciences; Notice of Meetings**

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation Announces the following six meetings:

*Date and Time:* March 29-30, 1998.

*Place:* Sheraton Seattle Hotel & Towers, 1400 Sixth Avenue Seattle, WA 98101.

*Contact Person:* Dr. John Yellen, Program Director for Archaeology, Archaeometry, and Systematic Collections, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306-1759.

*Agenda:* To review and evaluate Archaeology proposals as part of the selection process for awards.

*Name:* Advisory Panel for Cultural Anthropology.

*Date and Time:* April 3, 1998.

*Place:* National Science Foundation, 4201 Wilson Boulevard, Room 310, Arlington, VA 22230.

*Contact Person:* Dr. Stuart Plattner, Program Director for Cultural Anthropology, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306-1758

*Agenda:* To review and evaluate Cultural Anthropology doctoral dissertation proposals as part of the selection process for awards.

*Date and Time:* April 22-23, 1998.

*Place:* Condado Plaza Hotel 999 Ashford Ave. San Juan, Puerto Rico 00902.

*Contact Person:* Dr. Stuart Plattner, Program Director for Cultural Anthropology, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306-1758.

*Agenda:* To review and evaluate Cultural Anthropology proposals as part of the selection process for awards.

*Date and Time:* April 8, 1998.

*Place:* National Science Foundation, 4201 Wilson Boulevard Room 365 Arlington, VA 22230.

*Contact Person:* Dr. John Yellen, Program Director for Archaeology, Archaeometry, and Systematic Collection, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306-1759.

*Agenda:* To review and evaluate Archaeometry proposals as part of the selection process for awards.

*Date and Time:* April 15, 1998.

*Place:* National Science Foundation, 4201 Wilson Boulevard Room 995 Arlington, VA 22230.

*Contact Person:* Dr. John Yellen, Program Director for Archaeology, Archaeometry and Systemic Collection, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306-1759.

*Agenda:* To review and evaluate Systematic Collections proposals as part of the selection process for awards.

*Date and Time:* April 20-22, 1998.

*Place:* National Science Foundation, 4201 Wilson Boulevard Room 365 Arlington, VA 22230.

*Contact Person:* Dr. Dennis O'Rourke, Program Director for Physical Anthropology National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306-1758.

*Agenda:* To review and evaluate Physical Anthropology proposals as part of the selection process for awards.

*Type of Meetings:* Closed

*Purpose of Meetings:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552(b)(4) and (6) of the Government in the Sunshine Act.

Dated: March 9, 1998.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 98-6467 Filed 3-12-98; 8:45 am]

BILLING CODE 7555-01-M

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Cross-Disciplinary Activities; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

*Name:* Special Emphasis in Cross-Disciplinary Activities (1193).

*Date and Time:* April 2-3, 1998; 8:30 am-5:00 p.m.

*Place:* National Science Foundation, 4201 Wilson Boulevard, Rooms 330 and 1150, Arlington, VA 22230.

*Type of Meeting:* Closed.

*Contact Persons(s):* Dragna Brzakovic, Program Director CISE/CDA, Room 1160, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306-1980.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate CISE Professional Opportunities for Women in Research and Education proposals as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552(b)(4) and (6) of the Government in the Sunshine Act.

Dated: March 9, 1998.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 98-6466 Filed 3-12-98; 8:45 am]

BILLING CODE 7555-01-M

## NATIONAL SCIENCE FOUNDATION

### Advisory Panel for Ecological Studies; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. 92-463, as amended), the National Science Foundations (NSF) announces the following meetings.

*Name:* Advisory Panel for Ecological Studies (#1751).

*Date and Time:* April 1-3, 1998, 8:30 a.m.-5:00 p.m.

*Place:* NSF, Room 375, 4201 Wilson Blvd., Arlington, VA.

*Contact Person:* Dr. Thomas Frost, Program Director, Ecological Studies, Division of Environmental Biology, Suite 635, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 306-1479.

*Agenda:* To review and evaluate Ecology proposals as part of the selection process for awards.

*Name:* Advisory Panel for Ecological Studies (#1751).

*Date and Time:* April 2-3, 1998, 8:30 a.m.-5:00 p.m.

*Place:* NSF, Room 375, 4201 Wilson Blvd., Arlington, VA.

*Contact Person:* Dr. Gaius Shaver, Program Director, Ecological Studies, Division of Environmental Biology, Suite 635, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 306-1479.

*Agenda:* To review and evaluate Ecosystem Studies as part of the selection process for awards.

*Type of Meetings:* Closed.

*Purpose of Meetings:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552(b)(4) and (6) of the Government in the Sunshine Act.

Dated: March 9, 1998.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 98-6475 Filed 3-12-98; 8:45 am]

BILLING CODE 7555-01-M

## NATIONAL SCIENCE FOUNDATION

### Advisory Panel for Economics, Decision and Management Sciences; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meetings:

*Name:* Advisory Panel for Economics, Decision and Management Sciences (#1759).

*Date and Time:* April 3-4, 1998.

*Place:* Rooms 950-970 National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

*Contact Person:* Dr. Lynn Pollnow, Program Director for Economics, Division of Social, Behavioral and Economics Research, National Science Foundation, Room 995, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306-1753.

*Agenda:* To review and evaluate Economics proposals as part of the selection process for awards.

*Date and Time:* April 6-7, 1998.

*Place:* Room 970 National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

*Contact Person:* Dr. Jonathan Leland, Program Director for Decision, Risk and Management Sciences (DMRS), Division of Social, Behavioral and Economics Research, National Science Foundation, Room 995, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306-1757.

*Agenda:* To review and evaluate Decision, Risk and Management Sciences proposals as part of the selection process for awards.

*Date and Time:* April 14-15, 1998.

*Place:* National Science Foundation, 4201 Wilson Boulevard, Rooms (Tuesday 320, 330, 340 and 390) and (Wednesday 310, 320, 340 and 360), Arlington, VA 22230.

*Contact Person:* Dr. James Dean, Program Director for Transformations to Quality Organizations, Division of Social, Behavioral and Economic Research, National Science Foundation, Room 995, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306-1757.

*Agenda:* To review and evaluate Transformations to Quality Organizations

Proposals as part of the selection process for awards.

*Type of Meetings:* Closed.

*Purpose of Meetings:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 9, 1998.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 98-6473 Filed 3-12-98; 8:45 am]

BILLING CODE 7555-01-M

## NATIONAL SCIENCE FOUNDATION

### Advisory Committee for Education and Human Resources; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

*Name:* Advisory Committee for Education and Human Resources (#1119)

*Date & Time:* April 1, 1998 10:00 AM-5:00 PM; April 2, 1998 8:30 A.M.-3:00 PM.

*Place:* Arlington Hilton Hotel, 950 N. Stafford Street, Arlington, VA.

*Type of Meeting:* Open.

*Contact Person:* Peter E. Yankwich, Executive Secretary, Directorate of Education and Human Resources, Room 835, National Science Foundation, 4201 Wilson Blvd., Arlington, Va 22230. (703) 306-1603.

*Summary Minutes:* May be obtained from the contact person listed above.

*Purpose of Meeting:* To provide advice and recommendations concerning NSF support for Education and Human Resources.

*Agenda:* Review of FY 1998 Programs and Initiatives; Strategic Planning for 1999 and Beyond.

Dated: March 9, 1998.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 98-6464 Filed 3-12-98; 8:45 am]

BILLING CODE 7555-01-M

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel for Geosciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis Panel for Geosciences (1756).

*Date:* March 31, April 1-3, 1998.

*Time:* 7:30 a.m. to 9:00 p.m. each day.

*Place:* Room 360, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

*Type of Meeting:* Closed.

*Contact Person:* Ms. Shanna L. Draheim, Program Manager, Division of Earth Sciences, Room 785, National Science Foundation, Arlington, VA 22230, (703) 306-1554.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate environmental geochemistry and biochemistry proposals as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 9, 1998.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 98-6471 Filed 3-12-98; 8:45 am]

BILLING CODE 7555-01-M

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Physics; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

*Name:* Special Emphasis Panel in Physics (1208).

*Date and Time:* April 2-4, 1998, 8:30 am to 5:00 pm.

*Place:* National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230, Rm. 1020.

*Type of Meeting:* Closed.

*Contact Person:* Virginia Brown, Program Director for Theoretical Physics, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306-1805.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate Theoretical Physics (Math Physics) proposals as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; information on personnel and proprietary date for present and future subcontracts. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: March 9, 1998.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 98-6468 Filed 3-12-98; 8:45 am]

BILLING CODE 7555-01-M

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Physics; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

*Name:* Special Emphasis Panel in Physics (1208).

*Date:* March 31-April 2, 1998.

*Place:* Room 112/114 East Bridge, California Institute of Technology, 1201 E. California Boulevard, Pasadena, California.

*Type of Meeting:* Closed.

*Contact Person:* Dr. David Berley, Program Manager, Laser Interferometer Gravitational Observatory, Physics Division, Room 1015, National Science Foundation, 4201 Arlington, Blvd., Arlington, VA 22230. Telephone: (703) 306-1892.

*Purpose of Meeting:* To review the cost, schedule, and management of the construction and operations of the Laser Interferometer Gravitational-Wave Observatory (LIGO project).

*Agenda:* Review the cost to completion, the schedule, and the management of the LIGO construction; to review the detector installation and initial operations of LIGO.

*Reason for Closing:* The Project plans being reviewed include information of a proprietary or confidential nature, including technical information; information on personnel and proprietary data for present and future subcontracts. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: March 9, 1998.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 98-6474 Filed 3-12-98; 8:45 am]

BILLING CODE 7555-01-M

## NATIONAL SCIENCE FOUNDATION

### Advisory Panel for Physiology and Ethology; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation (NSF) announces the following meeting.

*Name:* Advisory Panel for Physiology and Ethology (1160).

*Date and Time:* April 1-3, 1998, 8:30 a.m.-5:00 p.m.

*Place:* NSF, Room 390, 4201 Wilson Blvd., Arlington, VA.

*Type of Meeting:* Part-Open.

*Contact Persons:* Dr. John A. Phillips and Dr. Eric T. Nilsen, Program Directors,

Ecological & Evolutionary Physiology, Division of Integrative Biology and Neuroscience, Suite 685, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 306-1421.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Minutes:* May be obtained from the contact persons listed above.

*Agenda:* Open Session: April 3, 1998, 10:00 a.m. to 11:00 a.m.—discussion on research trends, opportunities and assessment procedures in Ecological & Evolutionary Physiology.

*Closed Session:* April 1, 1998, 8:30 a.m.–6:00 p.m., April 2, 1998, 8:30 a.m.–6:00 p.m., April 3, 1998, 8:30 a.m. to 10:00 a.m. and 11:00 a.m. to 5:00 p.m. To review and evaluate Ecological & Evolutionary Physiology proposals as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552(b)(4) and (6) of the Government in the Sunshine Act.

Dated: March 9, 1998.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 98-6465 Filed 3-12-98; 8:45 am]

BILLING CODE 7555-01-M

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Science and Technology Infrastructure; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis Panel in Science and Technology Infrastructure.

*Date and Time:* March 29—8:00pm–10:00pm, March 30–April 1—8:30am–5:30pm.

*Place:* Rooms 375, 310, 320, 360, 365, 370, 380, 390, and 1295 National Science Foundation, 4201 Wilson Blvd., Arlington, Virginia.

*Type of Meeting:* Closed.

*Contact Person:* Dr. Nathaniel G. Pitts, Director, Office of Science and Technology Infrastructure, Room 1270, 4201 Wilson Blvd, Arlington, Virginia 22230; Telephone: (703) 306-1040.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate applications submitted to the Science and Technology Centers: Integrative Partnerships Program.

*Reason for Closing:* The meeting is closed to the public because the Panel is reviewing

proposal actions that will include privileged intellectual property and personal information that could harm individuals if they were disclosed. These matters are exempt under 5 U.S.C. 552(b)(4) and (6) of the Government Sunshine Act.

Dated: March 9, 1998.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 98-6470 Filed 3-12-98; 8:45 am]

BILLING CODE 7555-01-M

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Undergraduate Education; Notice of Meetings

This notice is being published in accord with the Federal Advisory Committee Act (Pub. L. 92-463, as amended). The Special Emphasis Panel in Division of Undergraduate Education will be holding a panel meeting to review and evaluate research proposals.

*Dates:* April 5–7, 1998.

*Times:* 7:30 p.m. to 9:30 p.m. (April 5); 8:30 a.m. to 5:00 p.m. each day (April 6 & 7).

*Contact:* Terry Woodin, Program Director, Room 835, 703-306-1666.

*Place:* National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

*Type of Project:* NSF Collaboratives for Excellence in Teacher Preparation (CETP) Program Third Year Reverse Site.

*Type of Meetings:* Closed.

*Purpose of Meetings:* To provide advice and recommendations concerning continued support for current projects.

*Agenda:* To review and evaluate CETP projects completing their third year of operation.

*Reason for Closing:* The projects being reviewed will present information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552(b)(4) and (6) of the Government in the Sunshine Act.

Dated: March 9, 1998.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 98-6472 Filed 3-12-98; 8:45 am]

BILLING CODE 7555-01-M

## NATIONAL SCIENCE FOUNDATION

### U.S. National Assessment Synthesis Team; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* U.S. National Assessment Synthesis Team (#5219).

*Date and Time:* April 2–3, 1998—8:30 a.m. to 5:00 p.m. each day.

*Place:* Room 1235 National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

*Type of Meeting:* Open.

*Contact Person:* Ms. Melissa J. Taylor, Executive Secretary, Office of the U.S. Global Change Research Program (USGCRP), 400 Virginia Avenue, SW., Suite 750, Washington, DC 20024. Tel: 202-314-2239; Fax: 202-488-8681; Email: mtaylor@usgcrp.gov. For easier building access, individuals planning to attend should contact Ms. Taylor by March 30 so that your name can be added to the building access list.

*Minutes:* May be obtained from the contact person listed above.

*Purpose of Meeting:* To provide advice and recommendations to the interagency Subcommittee on Global Change Research on the design and conduct of the national effort to assess the consequences of climate variability and climate change for the United States.

*Agenda:* Day 1 will overview the draft papers on climate and socioeconomic scenarios for the national assessment and will discuss templates for the sectors. Day 2 will discuss the regional activities and assessments, possible templates for these assessments, and next steps for the Synthesis Team, including plans for an August session.

Dated: March 9, 1998.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 98-6469 Filed 3-12-98; 8:45 am]

BILLING CODE 7555-01-M

## NATIONAL SCIENCE FOUNDATION

### Data Collection: Meteorologists' and Public's Views and Comments on Weather and Climate Issues

The National Science Foundation, an independent federal agency, is interested in obtaining the public's views and attitudes toward weather and climate issues.

Specifically, we're seeking input and comments from all interested persons on their views of the value of weather reporting and climate research in their lives, and their familiarity with weather and climate-related issues that have an effect on them now or will in the future.

In addition to the general public, we are especially interested in receiving comments from informed professionals and followers of science and engineering research and education.

In an effort to obtain the public's input and useful information, the National Science Foundation has developed the questions that follow. Responses from the public will be used only in the aggregate, and only to help the NSF in its efforts to better explain itself and its activities to the American public.

We hope you will provide us with your thoughts on the following questions. Detailed comments are also welcome and greatly appreciated.

Responses and comments can be mailed to Public Attitudes About Weather and Climate, c/o Office of Legislative and Public Affairs, National Science Foundation, 4201 Wilson Blvd., Room 1245, Arlington, VA 22230. Comments can also be sent via email to nstw@nsf.gov, or faxed to (703) 306-0157.

All comments should be received by Monday, April 20, 1998.

Dated: March 4, 1998.

**Julia Moore,**

Director, Office of Legislative and Public Affairs.

**Yankelovich Partners, Inc.**

101 Merritt 7 Corporate Park, Norwalk CT 06851

Job #35351

March 1998.

**Meteorologist Survey**

Identification: Complete at End of Interview

Name \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip Code: \_\_\_\_\_

Interviewer: \_\_\_\_\_

Date: \_\_\_\_\_

Elapsed Time: \_\_\_\_\_

Hello, I'm \_\_\_\_\_ calling from Yankelovich Partners, a national public opinion research firm.

May I please speak to? \_\_\_\_\_

When Individual From List is on the Telephone: This is Yankelovich Partners, a national public research firm, and we are conducting a survey among American Meteorological Society members to ask their opinion about a number of issues related to climate and the field of meteorology. This is your opportunity to express your ideas and opinions. Please be assured that your answers are confidential and anonymous, and that we are interested in your opinion.

The results of this survey will be summarized, and we will send all participants a copy of the final report. Our questions will take no more than 10 minutes of your time. May we ask you a few questions: [If interested but cannot interview now, please arrange callback.]

A. First, are you currently a member of the American Meteorological Society?

- a. Yes → continue
- b. No → Thank and Terminate

B. And, are you: (Read List. Enter One Response.)

- a. A meteorologist
- b. An oceanographer
- c. A hydrologist
- d. Other (please specify) \_\_\_\_\_

1.a. Do you feel that public interest in weather and climate have increased or decreased over the past few years? (Enter One Response)

- a. Increased → Go To Q.1.b.

b. Decreased → Go To Q.2.

c. Don't know/Not sure

1.b. (If answered "Increased" to Q.1.a, ask:) To what do you attribute the increased interest? (Record response verbatim)

2. How strongly do you agree or disagree that advances in science and technology have substantially lessened the impact of natural weather disasters? (Read List. Enter One Response)

- a. Strongly agree
- b. Somewhat agree
- c. Somewhat disagree
- d. Strongly disagree
- e. Don't know/Not sure (Volunteered)

3.a. Are you aware of any advances in science and technology, or emerging technologies which are likely to improve predictions of the weather in your area?

- a. Yes
- b. No
- c. Don't know/Not sure

3.b. (If answered "Yes" to Q.3.a, ask:) Does a particular example come to mind? (Record response verbatim)

4. Weather and climate affect many things, yet there are many facts about weather and climate which are unknown to most people. I'm going to name several weather and climate phenomena. As I name each one, please tell me whether you feel that people will benefit very much, somewhat, not very much, or not at all from learning more about the phenomena. The first is: (Read List. Enter One Response for Each.) [Rotate]

[1=Very much; 2=Somewhat; 3=Not very much; 4=Not at all; 5=DK]

	1	2	3	4	5
a. El Nino and the Southern Oscillation .....	1	2	3	4	5
b. Global Warming .....	1	2	3	4	5
c. North Atlantic Oscillation .....	1	2	3	4	5
d. Ozone Depletion .....	1	2	3	4	5
e. North Atlantic Conveyor Belt .....	1	2	3	4	5

5. And, of the weather and climate phenomena mentioned above, which two do you feel people will most benefit from learning more about? Is it: (Read List. Enter One Response.) [Rotate]

- a. El Nino and the Southern Oscillation
- b. Global Warming
- c. North Atlantic Oscillation

- d. Ozone Depletion
- e. North Atlantic Conveyor Belt

6. I'm going to read you several statements about climate change. For each statement, please tell me whether you strongly agree, somewhat agree, somewhat disagree or strongly disagree. The first statement is: (Read Each Statement. Enter One Response for Each.)

[1=Strongly agree; 2=Somewhat agree; 3=Somewhat disagree; 4=Strongly disagree; 5=DK]

	1	2	3	4	5
a. The greenhouse effect has existed throughout most of the earth's history .....	1	2	3	4	5
b. The greenhouse effect is now being amplified by increased concentrations of certain gases in the atmosphere as a result of human emissions .....	1	2	3	4	5

[1=Strongly agree; 2=Somewhat agree; 3=Somewhat disagree; 4=Strongly disagree; 5=DK]

	1	2	3	4	5
c. If humans collectively reduced their emissions of greenhouse gases to a level of 10% below the world's emissions in 1990, the earth's average surface temperature would return to its 1990 level within 10 years and not continue to increase thereafter .....	1	2	3	4	5
d. Carbon dioxide is the most important gas related to greenhouse warming .....	1	2	3	4	5

El Nino, has received a great deal of attention recently. I'd like to ask you a few questions about El Nino.

7. In your opinion, how critical a role have advances in science and technology played in predictions concerning the length and severity of the current El Nino? Has their role been: (Read List. Enter One Response.)
  - a. Very critical
  - b. Somewhat critical
  - c. Not very critical
  - d. Not at all critical
  - e. Don't know/Not sure (Volunteered)
8. Based on what you know about the current El Nino, do you agree or disagree with recent predictions that the current El Nino will weaken and not have an impact on weather in the United States this summer? (Enter One Response.)
  - a. Agree
  - b. Disagree
  - c. Don't know/Not sure
9. In your opinion, how likely is it that global warming contributes to more frequent and more severe El Nino events? Is it: (Read List. Enter One Response.)
  - a. Very likely
  - b. Somewhat likely
  - c. Somewhat unlikely
  - d. Very unlikely
  - e. Don't know/Not sure (Volunteered)

Global warming has received a great deal of attention. I'd like to ask you a few questions about global warming.
10. In your opinion, which of the following are affected by human activity? (Read List. Enter All Mentions.)
  - a. Antarctic ozone hole
  - b. Deforestation
  - c. Atmospheric concentrations of CO<sub>2</sub>
  - d. Increase in atmospheric concentrations of small particles called aerosols
  - e. El Ninos
11. And, in your opinion, which of the following cause potential global warming? (Read List. Enter all Mentions.)
  - a. Antarctic ozone hole
  - b. Deforestation
  - c. Atmospheric concentrations of CO<sub>2</sub>.
  - d. Increase in atmospheric concentrations of small particles called aerosols
  - e. El Ninos
12. In your opinion, how likely is it that the earth's average surface temperature will rise by 1 to 3.5 degrees Celsius over the next 100 years as a result of human activities? Is it: (Read List. Enter One Response.)
  - a. Extremely likely

- b. Very likely
  - c. Somewhat likely
  - d. Not very likely
  - e. Not at all likely
  - f. Don't know/Not sure
13. Some scientists have suggested that global warming could trigger an abrupt cooling in two ways—by increasing rainfall on the northern oceans *or* by melting Greenland's ice. *Either* of these could put enough fresh water into the ocean to cause a "flushing failure" which would weaken the North Atlantic Conveyer Belt. Considering this scenario, how likely a contributor is global warming to a possible return to ice-age temperatures? Is it: (Read List. Enter One Response.)
    - a. Very likely
    - b. Somewhat likely
    - c. Somewhat unlikely
    - d. Very unlikely
    - e. Don't know/Not sure (Volunteered)
  14. Overall, given recent scientific realizations that the earth's climate undergoes dramatic temperature changes every few thousand years, how likely is it, in your opinion, that the earth could return to ice-age temperatures within the next 50 years? Is it: (Read List. Enter One Response.)
    - a. Very likely
    - b. Some what likely
    - c. Somewhat unlikely
    - d. Very unlikely
    - e. Don't know/Not sure (Volunteered)

Let's talk about a particular region of the world—the polar regions, that is, the Arctic and Antarctic.
  15. Of the following aspects of polar research, which *two* of the following do you believe to be most valuable? (Read List. Enter One Response.)
    - a. Examination of ice cores
    - b. Documentation of deep ocean currents
    - c. Measurements of ice caps
    - d. Marine sedimentation records
    - e. Tree ring analyses
  16. In your opinion, how critical is polar research, including examination of ice cores, to understanding changes in climate, such as global warming and the possibility of a sudden cooling? Is it: (Read List. Enter One Response.)
    - a. Very critical
    - b. Some what critical
    - c. Not very critical
    - d. Not at all critical
    - e. Don't know/Not sure (Volunteered)

17. To the best of your knowledge, how much of an impact do Arctic climate conditions have on climate in your area? Do they have a: (Read List. Enter One Response.)
    - a. Very important impact
    - b. Somewhat important impact
    - c. Somewhat unimportant impact
    - d. Very unimportant impact
    - e. Don't know/Not sure (Volunteered)
  18. To the best of your knowledge, how much of an impact do Antarctic climate conditions have on climate in your area? Do they have a: (Read List. Enter One Response.)
    - a. Very important impact
    - b. Somewhat important impact
    - c. Somewhat unimportant impact
    - d. Very unimportant impact
    - e. Don't know/Not sure (Volunteered)

Our last few questions are for demographic purposes.
  19. What state do you live in? \_\_\_\_\_  
 How long have you been working in the atmospheric, oceanic or hydrologic sciences? (Enter One Response)
    - a. Less than one year
    - b. 1–2 years
    - c. 3–5 years
    - d. 6–10 years
    - e. 10 years or more
    - f. Refused
  21. In which of the following settings do you currently work: (Read List Enter All Mentions)
    - a. At a university or college
    - b. For the government
    - c. For the media, in the private sector
    - d. In the private sector
    - e. Other (please specify) \_\_\_\_\_
- SEX (Record)
- a. Male
  - b. Female
- Thank you very much for your cooperation. So that we may send you a copy of the survey report, we will need your name and address.
- \_\_\_\_\_
- \_\_\_\_\_

**Meteorologist Survey**

The next few questions are about the weather.

1. Of the following, which are the two most important reasons you listen to the weather? (Read List. Enter One Response.)
  - a. Temperature
  - b. Driving conditions
  - c. Storm/Bad weather alert
  - d. Planning outdoor recreation or travel

- e. Proper weather attire  
 f. To be entertained  
 g. Other (please specify) \_\_\_\_\_  
 h. Don't know/Not sure (Volunteered)
2. And, of the following people who report the weather, which one is your favorite weather person? (Read List. Enter One Response)
- a. Al Roker (NBC)  
 b. Spencer Christian (ABC)  
 c. Craig Allen (CBS)  
 d. Valerie Voss (CNN)  
 e. Jack Williams (USA Today)  
 f. Other (please specify) \_\_\_\_\_
3. In your opinion, how likely is it that global warming contributes to more frequent and more severe El Nino events? Is it: (Read List. Enter One Response.)
- a. Very likely  
 b. Somewhat likely  
 c. Somewhat unlikely  
 d. Very unlikely  
 e. Don't know/Not sure (Volunteered)
4. In your opinion, which of the following are affected by human activity? (Read List. Enter All Mentions.)
- a. Antarctic ozone hole  
 b. Deforestation  
 c. Burning of fossil fuels  
 d. Increase in atmospheric concentrations of small particles called aerosols  
 e. El Ninos
5. And, in your opinion, which of the following cause potential global warming? (Read List. Enter All Mentions.)
- a. Antarctic ozone hole  
 b. Deforestation  
 c. Burning of fossil fuels  
 d. Increase in atmospheric concentrations of small particles called aerosols  
 e. El Ninos

[FR Doc. 98-6446 Filed 3-12-98; 8:45 am]

BILLING CODE 7555-01-M

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-327 and 50-328]

### Tennessee Valley Authority; Sequoyah Nuclear Plant Units 1 and 2; Exemption

#### I

Tennessee Valley Authority (the licensee) is the holder of Facility Operating License Nos. DPR-77 and DPR-79, for the Sequoyah Nuclear Plant (SQN), Units 1 and 2. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

This facility consists of two pressurized water reactors located in Hamilton County, Tennessee.

#### II

Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.71 "Maintenance of records, making of reports," paragraph (e)(4) states, in part,

that "Subsequent revisions [to the updated Final Safety Analysis Report (FSAR)] must be filed annually or 6 months after each refueling outage provided the interval between successive updates [to the FSAR] does not exceed 24 months." The two units at the SQN site share a common FSAR; therefore, this rule requires the licensee to update the same document annually or within 6 months after each unit's refueling outage (approximately every 9 months).

#### III

Section 50.12(a) of 10 CFR, "Specific exemptions," states that

The Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are—

(1) Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security.

(2) The Commission will not consider granting an exemption unless special circumstances are present.

Section 50.12(a)(2)(ii) of 10 CFR states that special circumstances are present when "Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule \* \* \*." The licensee has proposed updating the unified SQN FSAR 6 months after each Unit 2 refueling outage. With the current length of fuel cycles, FSAR updates would be submitted approximately every 18 months, but not to exceed 24 months from the last submittal. The underlying purpose of the rule was to relieve licensees of the burden of filing annual FSAR revisions while assuring that such revisions are made at least every 24 months. The Commission reduced the burden, in part, by permitting a licensee to submit its FSAR revisions 6 months after refueling outages for its facility, but did not provide for multiple unit facilities sharing a common FSAR in the rule. Rather, the Commission stated that "With respect to \* \* \* multiple facilities sharing a common FSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis" 57 FR 39355 (1992).

The SQN units are on an 18-month fuel cycle. As noted in the staff's Safety Evaluation, the licensee's proposed schedule for SQN FSAR updates will ensure that the FSAR will be maintained current for both units within 24 months of the last revision. Likewise, should the licensee choose to submit the 10 CFR 50.59 design-change report

together with the FSAR revision, the interval for submission of that report will not exceed 24 months. The proposed schedule satisfies the maximum 24-month interval between FSAR revisions specified by 10 CFR 50.71(e)(4). Revising the FSAR 6 months after refueling outages for each unit, therefore, is not necessary to achieve the underlying purpose of the rule. Accordingly, the Commission has determined that special circumstances are present as defined in 10 CFR 50.12(a)(2)(ii). The Commission has further determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety and is consistent with the common defense and security, and is otherwise in the public interest. The Commission hereby grants the licensee an exemption from the requirement of 10 CFR 50.71(e)(4) to submit updates to the SQN FSAR within 6 months of each unit's refueling outage. The licensee will be required to submit updates to the SQN FSAR within 6 months after each Unit 2 refueling outage, not to exceed 24 months between subsequent revisions.

Pursuant to 10 CFR 51.32, the Commission has determined that granting of this exemption will have no significant effect on the quality of the human environment (63 FR 10958).

This exemption is effective upon issuance.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 9th day of March 1998.

**Samuel J. Collins,**  
 Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98-6508 Filed 3-12-98; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 30-5337]

### Notice of Finding of No Significant Impact of American Cyanamid Request for Field Studies Utilizing Carbon-14

**SUMMARY:** Notice is hereby given that the Nuclear Regulatory Commission has made a Finding of No Significant Impact (FONSI) with respect to the potential environmental impact related to the request by American Cyanamid to test substances labeled with Carbon-14 (C-14) by applying such substances to crops grown on a small experimental plot at its West Windsor, New Jersey facility.

**SUPPLEMENTARY INFORMATION:** The American Cyanamid Company,

Cyanamid Agricultural Research Division (Cyanamid) of Princeton, New Jersey holds a license issued by the U.S. Nuclear Regulatory Commission (NRC) for performing research and development using a variety of radioisotopes in a variety of chemical forms for plant and animal studies. Cyanamid has requested authorization to test substances labeled with C-14 by applying such substances to crops grown on a small plot of land located on its site in West Windsor Township, New Jersey. The purpose of these studies is to determine the metabolism of and residue left by agricultural chemicals. These studies are required by 40 CFR Part 158 to support the registration of a pesticide or herbicide for use on a food or feed crop under U.S. Environmental Protection Agency (EPA) requirements.

Cyanamid estimates that the maximum application of C-14 per year would be 100 millicuries. Each study takes about two years from initial application to final sampling. Following final sampling, the area is surveyed to identify residual radioactivity and removal of any remaining contaminated soil and monitoring of quarterly water samples from onsite wells for radioactivity. Radioactive soil will be disposed at a licensed disposal facility. Environmental radiation safety concerns include exposure of the public due to airborne releases and drinking contaminated ground water.

Cyanamid utilized a computer code (COMPLY, an EPA computer code for calculating the dose to individuals due to airborne releases) to assess radiation dose from release of radioactive material to the air. The code, using a conservative and unlikely assumption that 20 percent of the radioactivity applied is released to the air, projected an effective dose equivalent of 0.035 millirem (mrem)/year to an individual at the nearest site boundary.

To assess the radiation exposure due to groundwater contamination, Cyanamid performed dose calculations using the computer code RESRAD (a computer code developed at Argonne National Laboratory for the U.S. Department of Energy to calculate site-specific RESidual RADioactive material guidelines as well as radiation dose to a chronically exposed resident on a contaminated site). RESRAD calculated a dose of 0.15 mrem to the maximally exposed individual for the two-year period from application to remediation. For the period up to 1000 years post remediation, the maximum annual dose is 3.88 mrem during year one.

NRC has reviewed the assumptions used in the above described codes and concurs with the reported results. The

maximum (year one post-remediation) dose of 3.88 mrem estimated by Cyanamid is well below the regulatory limit of 100 mrem per year in 10 CFR 20.1301. Cyanamid has proposed an adequate monitoring program to ensure that the parameters used in the calculations are not exceeded.

#### Opportunity for a Hearing

The NRC hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of Subpart L, "Informal Hearing Procedures for Adjudication in Materials Licensing Proceedings," of NRC's rules and practice for domestic licensing proceedings in 10 CFR part 2. Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing in accordance with § 2.1205(d). A request for a hearing must be filed on or before April 13, 1998.

The request for a hearing must be filed with the Office of the Secretary either:

1. By delivery to Secretary, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, between 7:45 am and 4:15 pm Federal workdays; or
2. By mail or telegram addressed to Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff.

In addition to meeting other applicable requirements of 10 CFR part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

1. The interest of the requester in the proceeding;
2. How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(h);
3. The requester's areas of concern about the licensing activity that is the subject matter of the proceeding; and
4. The circumstance establishing that the request for a hearing is timely in accordance with § 2.1205(d).

In accordance with 10 CFR 2.1205(f), each request for a hearing must also be served, by delivering it personally or by mail, to:

1. The applicant, American Cyanamid Company, P.O. Box 400, Princeton, NJ 08543, Attention: Mr. George W. MacDurmon; and
2. The NRC staff, by delivery to Secretary, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD

20852-2738, between 7:45 am and 4:15 pm Federal workdays, or by mail, addressed to Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff.

For further details with respect to this action, copies of the EA and FONSI, as well as supporting documentation, are available for inspection during normal business hours at the NRC's Region I offices located at 475 Allendale Road, King of Prussia, PA 19406. Telephone: (610) 337-5069.

**FOR FURTHER INFORMATION CONTACT:** John R. McGrath, Senior Health Physicist, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission, Region I, 475 Allendale Road, King of Prussia, PA 19406. Telephone: (610) 337-5069.

Dated at Rockville, Maryland, this 6th day of March 1998.

For the Nuclear Regulatory Commission.

**John W.N. Hickey,**

*Chief, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 98-6509 Filed 3-12-98; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-16]

### Detroit Edison Company Enrico Fermi Atomic Power Plant, Unit 1; Notice of Public Meeting

The U.S. Nuclear Regulatory Commission will conduct a public meeting in the Monroe County Court House, Commission's Meeting room, 125 East Second Street, Monroe, Michigan, on April 22, 1998, to discuss Detroit Edison Company's plans to complete decommissioning of its Enrico Fermi Atomic Power Plant, Unit 1 (Fermi Unit 1), Newport, Michigan. The meeting will begin at 7:00 p.m. and will be facilitated by Mr. Francis X. Cameron, NRC's Special Counsel for Public Liaison and Agreement State Programs. This meeting will include a short presentation by the NRC staff on the decommissioning process, and a presentation by Detroit Edison Company on the status of Fermi Unit 1 and Detroit Edison Company's plans to complete decommissioning of this facility. There will be an opportunity for members of the public to make comments and question the NRC staff and/or Detroit Edison representatives. The public meeting will be transcribed.

Detroit Edison Company by letter dated December 15, 1997, submitted the Fermi Unit 1 Safety Analysis Report (SAR) for NRC review. This SAR (NUDOCS accession number 9712230264) describes the current condition of the facility.

The Fermi Unit 1 SAR is available for public inspection at the Fermi local public document room (LPDR) located at the Monroe County Library System, Ellis Reference and Information Center, 3700 S. Custer Road, Monroe, MI 48161, and at the Commission's Public Document Room located at the Gelman Building, 2120 L Street, NW., Washington, DC, 20037.

For more information, contact Mr. Stewart W. Brown, Project Manager, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington DC, 20555-0001, telephone number at (301) 415-6605.

Dated at Rockville, Maryland, this day of March 1998.

For the Nuclear Regulatory Commission.  
**John W. N. Hickey,**  
*Chief, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.*  
 [FR Doc. 98-6507 Filed 3-12-98; 8:45 am]  
**BILLING CODE 7590-01-P**

**PENSION BENEFIT GUARANTY CORPORATION**

**Interest Assumption for Determining Variable-Rate Premium; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of interest rates and assumptions.

**SUMMARY:** This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or are derivable from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's home page (<http://www.pbgc.gov>).

**DATES:** The interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in March 1998. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part

4281 apply to valuation dates occurring in April 1998.

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

**SUPPLEMENTARY INFORMATION:**

**Variable-Rate Premiums**

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate in determining a single-employer plan's variable-rate premium. The rate is the "applicable percentage" (described in the statute and the regulation) of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid (the "premium payment year"). The yield figure is reported in Federal Reserve Statistical Releases G.13 and H.15.

For plan years beginning before July 1, 1997, the applicable percentage of the 30-year Treasury yield was 80 percent. The Retirement Protection Act of 1994 (RPA) amended ERISA section 4006(a)(3)(E)(iii)(II) to change the applicable percentage to 85 percent, effective for plan years beginning on or after July 1, 1997. (The amendment also provides for a further increase in the applicable percentage—to 100 percent—when the Internal Revenue Service adopts new mortality tables for determining current liability.)

The assumed interest rate to be used in determining variable-rate premiums for premium payment years beginning in March 1998 is 5.01 percent (*i.e.*, 85 percent of the 5.89 percent yield figure for February 1998).

(Under section 774(c) of the RPA, the amendment to the applicable percentage was deferred for certain regulated public utility (RPU) plans for as long as six months. The applicable percentage for RPU plans has therefore remained 80 percent for plan years beginning before January 1, 1998. For "partial" RPU plans, the assumed interest rates to be used in determining variable-rate premiums can be computed by applying the rules in § 4006.5(g) of the premium rates regulation. The PBGC's 1997 premium payment instruction booklet also describes these rules and provides a worksheet for computing the assumed rate.)

The following table lists the assumed interest rates to be used in determining variable-rate premiums for premium payment years beginning between April 1997 and March 1998. The rates for July through December 1997 in the table (which reflect an applicable percentage of 85 percent) apply only to non-RPU plans. However, the rates for months before July 1997 and after December 1997 apply to RPU (and "partial" RPU) plans as well as to non-RPU plans.

For premium payment years beginning in:	The assumed interest rate is:
April 1997 .....	5.54
May 1997 .....	5.67
June 1997 .....	5.55
July 1997 .....	5.75
August 1997 .....	5.53
September 1997 .....	5.59
October 1997 .....	5.53
November 1997 .....	5.38
December 1997 .....	5.19
January 1998 .....	5.09
February 1998 .....	4.94
March 1998 .....	5.01

**Multiemployer Plan Valuations Following Mass Withdrawal**

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest assumptions under the PBGC's regulation on Allocation of Assets in Single-employer Plans (29 CFR part 4044). The interest assumptions applicable to valuation dates in April 1998 under part 4044 are contained in an amendment to part 4044 published elsewhere in today's **Federal Register**. Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

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

**David M. Strauss,**  
*Executive Director, Pension Benefit Guaranty Corporation.*  
 [FR Doc. 98-6506 Filed 3-12-98; 8:45 am]  
**BILLING CODE 7708-01-P**

**RAILROAD RETIREMENT BOARD**

**Agency Forms Submitted for OMB Review**

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

**Summary of Proposal(s)**

(1) *Collection title.* Application for Employee Annuity Under the Railroad Retirement Act.

(2) *Form(s) submitted:* AA-1, AA-1d, G-204.

(3) *OMB Number:* 3220-0022.

(4) *Expiration date of current OMB clearance:* 5/31/1998.

(5) *Type of request:* Revision of a currently approved collection.

(6) *Respondents:* Individuals or households.

(7) *Estimated annual number of respondents:* 13,400.

(8) *Total annual responses:* 19,225.

(9) *Total annual reporting hours:* 11,637.

(10) *Collection description:* The Railroad Retirement Act provides for payment of age, disability and supplemental annuities to qualified employees. The application and related forms obtain information about the applicant's family work history, military service, disability benefits from other government agencies and public or private pensions. The information is used to determine entitlement to and the amount of the annuity applied for.

**Additional Information or Comments**

Copies of the forms and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (321-751-3363). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092 and the OMB reviewer, Laura Oliven (202-395-7316), Office of Management and Budget, Room 10230, New Executive Office Building, Washington, D.C. 20503.

**Chuck Mierzwa,**

*Clearance Officer.*

[FR Doc. 98-6437 Filed 3-12-98; 8:45 am]

BILLING CODE 7905-01-M

**SECURITIES AND EXCHANGE COMMISSION**

[Rel. No. IC-23062; 812-10858]

**INVESCO Global Health Sciences Fund et al.; Notice of Application**

March 6, 1998.

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of application for exemption under the Investment Company Act of 1940 (the "Act").

**SUMMARY OF APPLICATION:** Applicants request an order under section 6(c) of the Act for an exemption from section

19(b) of the Act and rule 19b-1 under the Act to permit the IVESCO Global Health Sciences Fund (the "Fund") to make up to four distributions of net long-term capital gains in any one taxable year, so long as the Fund maintains in effect a distribution policy calling for quarterly distributions of a fixed percentage of its net asset value ("NAV").

**APPLICANTS:** The Fund and INVESCO Funds Group, Inc. ("IFG").

**FILING DATE:** The application was filed on November 3, 1997 and amended on February 24, 1998. Applicants have agreed to file an amendment during the notice period, the substance of which is included in this notice.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 2, 1998, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, c/o Glen A. Payne, Esq., 7800 East Union Avenue, Denver, CO 80237.

**FOR FURTHER INFORMATION CONTACT:** John K. Forst, Attorney Advisor, at (202) 942-0569, or March Kay Frech, Branch Chief, at (202) 942-0564, (Division of Investment Management, Office of Investment Company Regulation.)

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth Street, N.W., Washington, D.C. 20549 (tel. 202-942-8090).

**Applicants' Representations**

1. The Fund is a closed-end diversified management investment company organized as a Massachusetts business trust and registered under the Act. The fund's investment objective is capital appreciation through investment in health sciences related business sectors. IFG, an investment adviser registered under the Investment Advisers Act of 1940, serves as the Fund's investment adviser.

2. On October 6, 1997, the Fund's board of trustees adopted a distribution policy (the "Distribution Policy") that calls for four quarterly distributions of 2.5% of the Fund's NAV at the time of the declaration, for a total of approximately 10% of the NAV per year. If the total distributions required by the Distribution Policy exceed the Fund's investment income and net realized capital gains, the excess will be treated as a return of capital. If the Fund's net investment income, net short-term realized gains and net long-term realized gains for any year exceed the amount required to be distributed under its Distribution Policy, the Fund, in its discretion, may retain and not distribute net long-term capital gains to the extent of the excess.

3. Applicants state that the Distribution Policy will provide a steady cash flow to the Fund's shareholders and, during periods when its per share NAV is increasing, a means for the shareholders to receive, on a periodic basis, some of the appreciation in the value of their shares. Applicants also believe that the Distribution Policy will help reduce the discount from NAV at which the Fund's shares typically trade.

4. Applicants request relief to permit the Fund, so long as it maintains in effect the Distribution Policy, to make up to four capital gains distributions (as defined in section 852(b)(3)(C) of the Internal Revenue Code of 1986, as amended (the "Code") in any one taxable year. Applicants further request that the relief extend to any other registered closed-end management investment company in the future advised by IFG or any entity controlling, controlled by, or under common control (within the meaning of section 2(a)(9) of the Act) with IFG ("Future Fund"). Applicants state that all registered investment companies currently intending to rely on this relief have been named as applicants and any Future Fund that relies on the relief will do so only in accordance with the terms and conditions of the application.

**Applicants' Legal Analysis**

1. Section 19(b) of the Act provides that a registered investment company may not, in contravention of such rules, regulations, or orders as the SEC may prescribe, distribute long-term capital gains more often than once every twelve months. Rule 19b-1(a) permits a registered investment company, with respect to any one taxable year, to make one capital gains distribution, as defined in section 852(b)(3)(C) of the Code. Rule 19b-1(a) also permits a supplemental distribution to be made pursuant to section 855 of the Code not

exceeding 10% of the total amount distributed for the year. Rule 19b-1(f) permits one additional long-term capital gains distribution to be made to avoid the excise tax under section 4982 of the Code.

2. Applicants assert that the limitation on the number of net long-term capital gains distributions in rule 19b-1 prohibits the Fund from including available net long-term capital gains in certain of its fixed quarterly distributions. As a result, applicants state that the Fund must fund these quarterly distributions. As a result, applicants state that the Fund must fund these quarterly distributions with returns of capital (to the extent net investment income and net realized short-term capital gains are insufficient to cover a quarterly distribution). Applicants further assert that, in order to distribute all of the Fund's long-term capital gains within the limits on the number of long-term capital gains distributions in rule 19b-1, the Fund may be required to make certain of its quarterly distributions in excess of the total annual amount called for by the Distribution Policy. Alternatively, applicants state that the Fund may be forced to retain long-term capital gains and pay the applicable taxes. Applicants assert that the application of rule 19b-1 to the Fund's Distribution Policy may create pressure on the investment adviser to limit the realization of long-term capital gains based on considerations unrelated to investment goals.

3. Applicants submit that the requested exemption from section 19(b) of the Act and rule 19b-1 under the Act would be in the best interests of the Fund and its shareholders. One of the concerns leading to the adoption of section 19(b) and rule 19b-1 was that shareholders might be unable to distinguish between frequent distributions of capital gains and dividends from investment income. Applicants state that the Fund's Distribution Policy will be clearly disclosed to shareholders in the Fund's quarterly and annual reports. Applicants state that, in accordance with rule 19a-1 under the Act, a separate statement showing the source of the distribution will accompany each distribution (or the confirmation of reinvestment under the Fund's dividend reinvestment plan). In addition, a statement showing the amount and source of each quarterly distribution during the year will be included with the Fund's IRS Form 1099-DIV report sent to each shareholder who received distributions during the year (including shareholders who have sold shares

during the year). Applicants believe that the Fund's shareholders will fully understand that their distributions are not tied to the Fund's net investment income and realized capital gains and do not represent yield or investment return.

4. Applicants state that another concern underlying section 19(b) and rule 19b-1 is that frequent capital gains distributions could facilitate improper distribution practices including, in particular, the practice of urging an investor to purchase shares of a fund on the basis of an upcoming dividend ("selling the dividend"), when the dividend results in an immediate corresponding reduction in NAV and is, in effect, a return of the investor's capital. Applicants submit that this concern does not arise with regard to closed-end management investment companies, such as the Fund, which do not continuously distribute their shares.

5. The Fund may make transferable rights offerings in the future to its shareholders to subscribe for additional shares. Applicants contend that in the case of a rights offering by the Fund, shares would be offered during the one-month interval which would occur immediately after payment of a quarterly dividend. Thus, applicants argue that the concern about selling the dividend will not arise. Applicants also state that they will comply with the condition to the requested order with regard to any rights offering.

6. Section 6(c) of the Act provides that the SEC may exempt any person or transaction from any provision of the Act or any rule thereunder to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. For the reasons stated above, applicants believe that the requested relief satisfies this standard.

#### **Applicants' Condition**

Applicants agree that the order granting the requested relief shall terminate upon the effective date of a registration statement under the Securities Act of 1933 for any future public offering by the Fund of its common shares other than: (i) a rights offering to shareholders of the Fund, provided that: (a) such offering does not include the payment of solicitation fees to brokers in excess of 3% of the subscription price per share or the payment of any other commissions or underwriting fees in connection with

the offering or exercise of the rights,<sup>1</sup> (b) the rights will not be exercisable between a date a dividend to the Fund's shareholders is declared and the record date of such dividend, (c) the Fund has not engaged in more than one rights offering during any given calendar year, and (d) the subscription price for a share in such rights offering is not more than \$0.50 per share below the closing market or bid price, as the case may be, on the pricing date for the rights offering; or (ii) an offering in connection with a merger, consolidation, acquisition, or reorganization of the Fund; unless the Fund has received from the staff of the SEC written assurance that the order will remain in effect.

For the Commission, by the Division of Investment Management, under delegated authority.

**Jonathan G. Katz,**  
*Secretary.*

[FR Doc. 98-6527 Filed 3-12-98; 8:45 am]

BILLING CODE 8010-01-M

## **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 35-26838]

### **Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")**

March 6, 1998.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 30, 1998, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the

<sup>1</sup> Holders of rights who do not wish to exercise any or all of their rights may instruct the Fund's subscription agent to sell their unexercised rights. Such shareholders would be responsible for paying all brokerage commissions incurred by the subscription agent in selling the unexercised rights.

request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

#### **LG&E Energy Corp. (70-9259)**

LG&E Energy Corp. ("LG&E Energy"), 220 West Main Street, P.O. Box 3230, Louisville, Kentucky 40232, a Kentucky corporation and an electric and gas public utility holding company currently exempt under section 3(a)(1) from registration and from all other provisions of the Act except section 9(a)(2), has filed an application for an order under sections 9(a)(2) and 10 of the Act authorizing the proposed merger of KU Energy Corporation ("KU Energy"), a Kentucky corporation and a public utility holding company currently exempt from section 3(a)(1) from registration and from all other provisions of the Act except section 9(a)(2),<sup>1</sup> with and into LG&E Energy, with LG&E Energy emerging as the surviving entity ("Transaction"). LG&E Energy also requests an order under section 3(a)(1) exempting it from all provisions of the Act, except section 9(a)(2), following consummation of the proposed Transaction.

LG&E Energy's principal subsidiary, LG&E, is a Kentucky public utility company that owns and operates a combined electric and gas operation. LG&E is engaged primarily in the generation, transmission, and distribution of electricity to approximately 351,000 customers in Louisville and adjacent areas in Kentucky.<sup>2</sup> LG&E also purchases, distributes, and sells natural gas to approximately 277,000 customers within this service area and in limited additional areas. Included within LG&E's service area is the Fort Knox Military Reservation, to which LG&E transports gas and provides electric service, but which maintains its own distribution systems. Retail sales rates, services and other aspects of LG&E's electric and gas retail operations are subject to the jurisdiction of the Kentucky Public Service Commission ("Kentucky Commission"). The Kentucky Commission also possesses regulatory authority over aspects of

LG&E's financial activities including security issuances, property transfers when the asset value is in excess of \$100,000, and mergers with other utilities. Wholesale rates for electric energy sold in interstate commerce, wheeling rates for energy transmission in interstate commerce, and certain other activities of LG&E (including its hydro-electric facilities) are subject to the jurisdiction of the Federal Energy Regulatory Commission ("FERC").

LG&E owes 4.9% of the common stock of Ohio Valley Electric Corporation ("OVEC"), an electric utility company under the Act which has one wholly owned subsidiary, Indiana-Kentucky Electric Corp. ("IKEC"). OVEC and IKEC were organized to supply the entire power requirements of the U.S. Department of Energy's gaseous diffusion plant in Pike County, Ohio, north of Portsmouth. OVEC owns a 1,075 Megawatt ("Mw") generating station near Cheshire, Ohio and IKEC owns a 1,290 Mw generating station at Madison, Indiana. All of the electricity sold by OVEC and IKEC is sold either to the U.S. Department of Energy or to the owners (or their subsidiaries, all of which are utility companies) of the stock of OVEC. OVEC and IKEC do not sell electricity to private consumers and do not have any securities outstanding in the hands of the public. For each of the three years in the period ended December 31, 1996, LG&E derived less than 0.16% of its net income from its share of the earnings of OVEC.

In addition, LG&E Energy and certain nonutility associates have entered into a Joint Plan of Reorganization ("Joint Plan") with Big Rivers Electric Corporation ("Big Rivers"), an electric cooperative with generating facilities in Kentucky currently operating under Chapter 11 of the U.S. Bankruptcy Code. The Joint Plan will allow Big Rivers to emerge from bankruptcy as a financially viable utility capable of fulfilling its responsibilities toward its member cooperatives at rates that are materially lower than those in effect today. The Joint Plan includes a series of agreements among Big Rivers and LG&E Energy and its nonutility associates. Throughout the approximately 25-year term of these agreements, Big Rivers will continue to own all the generating facilities to which it currently has title, and will continue to own and operate all its transmission facilities and to meet the electricity requirements of its member cooperatives. Under the Joint Plan, Big Rivers will sell certain inventory and personal property to a wholly owned indirect subsidiary of LG&E Energy, Western Kentucky

Leasing Corp. Another indirect wholly owned subsidiary of LG&E Energy, Western Kentucky Energy Corp. ("WKEC"), will conduct day-to-day operation of the facilities. LG&E Energy states that it is expected that WKEC will qualify as an exempt wholesale generator ("EWG"), as defined under section 32 of the Act. After the required regulatory approvals are received, WKEC will lease the facilities from Big Rivers, will own the electrical output of the facilities, and will sell to LG&E Energy's energy marketing subsidiary the net output of the facilities, some of which LG&E Energy's energy marketing subsidiary is obligated to resell to Big Rivers.

Prior to obtaining the necessary regulatory approvals, Big Rivers will subcontract with another indirect wholly owned subsidiary of LG&E Energy for the day-to-day operation of another facility which is owned by the City of Henderson, Kentucky. LG&E Energy's operation of this facility is the subject of a separate no-action letter under the act requesting confirmation that this LG&E Energy subsidiary is not an electric utility company under the Act. After the necessary regulatory approvals are obtained, this subsidiary will take assignment of Big Rivers' responsibilities under the current Big Rivers' agreements with the City of Henderson and will take title to a portion of the electrical output of the facility (to the extent the output of the facility is not committed to the City of Henderson to meet the requirements of its residents). In summary, LG&E Energy states that Big Rivers' generation facilities will be dispatched separately from those of LG&E and Kentucky Utilities, and, for purposes of the Act, Big Rivers' transmission facilities will not be owned, leased, or controlled by LG&E or Kentucky Utilities.

LG&E Energy is also engaged in a number of other business activities through two other directly owned subsidiaries, LG&E Energy Foundation, Inc. ("LG&E Energy Foundation") and LG&E Capital Corp. ("LG&E Capital"). LG&E Energy Foundation is a tax-exempt charitable foundation that makes charitable contributions to qualified entities. LG&E Capital, through various subsidiaries and joint ventures, is involved in numerous nonutility, energy-related businesses. Through its subsidiaries, LG&E Capital has interests in and operates electric power plants in several states, Argentina and Spain. Each of these facilities is a qualifying cogeneration facility ("QF") under the Public Utility Regulatory Policies Act of 1978, an EWG, or a foreign utility company ("FUOCO") under section 33 of

<sup>1</sup> KU Energy's exemption was granted by order of the Commission. See *KU Energy Corporation*, Holding Co. Act Release No. 25409 (Nov. 13, 1991).

<sup>2</sup> LG&E's service area covers approximately 700 square miles in 17 counties in Kentucky and has an estimated population of 800,000.

the Act. LG&E Capital also has interest in and operates two natural gas distribution companies in the Mendoza and Cordoba provinces in Argentina, both of which are FUCOs. LG&E Capital is activity involved through various subsidiaries in energy marketing and trading. With respect to natural gas, LG&E Capital also is involved through subsidiaries in the gathering, processing, storage, and transportation of natural gas.

For the year ended December 31, 1996, LG&E Energy's operating revenues on a consolidated basis were approximately \$3.589 billion, of which \$607 million were attributable to the sales of electricity, \$214 million were attributable to sales of natural gas, and \$2.768 billion were attributable to nonutility activities. Consolidated assets of LG&E Energy and its subsidiaries at December 31, 1996 were approximately \$3.012 billion, of which approximately \$1.449 billion consisted of net electric utility property, plant and equipment, \$237 million consisted of net gas utility property, plant, and equipment. As of September 30, 1997, LG&E Energy had 66,525,636 issued and outstanding shares of common stock ("LG&E Energy Common Stock"). LG&E Energy has no preferred stock outstanding.

KU Energy's principal subsidiary, Kentucky Utilities, is a Kentucky electric utility company and an exempt holding company<sup>3</sup> that produces, transmits, and sells electric energy to about 432,900 customers in over 600 communities and adjacent suburban and rural areas in 77 counties in central, southeastern, and western Kentucky, and to about 28,800 customers in 5 counties in southwestern Virginia.<sup>4</sup> In Virginia, Kentucky Utilities operates under the name Old Dominion Power Company. Kentucky Utilities also sells electric energy at wholesale for resale in 12 municipalities in Kentucky. The territory served includes most of the Bluegrass Region of central Kentucky and parts of the coal mining areas in southeastern and western Kentucky and southwestern Virginia. Kentucky Utilities is subject to the jurisdiction of the Kentucky Commission and the Virginia State Corporation Commission

as to retail rates and service, accounts, issuance of securities, and in other respects. The FERC has jurisdiction under the Federal Power Act over certain of the electric utility facilities and operations, wholesale sale of power, and related transactions and accounting practices of Kentucky Utilities, and in certain other respects as provided in the Federal Power Act. By reason of owning and operating a small amount of electric utility property in one county in Tennessee (having a gross book value of about \$226,000), Kentucky Utilities may also be subject to the jurisdiction of the Tennessee Regulatory Authority as to retail rates, accounts, issuance of securities, and in other respects.

Kentucky Utilities owns 2.5% of the common stock of OVEC. Kentucky Utilities also owns 20% of Electric Energy, Inc. ("EEI"), an electric utility company under the Act. EEI was formed in the early 1950s to provide electric energy to a uranium enrichment plant located near Paducah, Kentucky. The enrichment plant was originally operated by the Atomic Energy Commission and the Department of Energy and is operated today by the United States Enrichment Corporation. EEI owns the Joppa Plant, a 1,015 Mw coal-fired electric generating plant located near Joppa, Illinois, and six 161 kilovolts transmission lines which transmit power from the Joppa Plant to the Paducah enrichment plant. EEI's common stock is held by Kentucky Utilities and three other utility companies. EEI sells its excess electricity to its sponsoring utilities for resale. The uranium enrichment facility is EEI's only end-user customer. For each of the three years in the period ended December 31, 1996, KU Energy derived less than 3.4% of its net income from its share of the earnings of EEI and OVEC.

In addition to Kentucky Utilities, KU Energy has one other subsidiary, KU Capital Corporation ("KU Capital"). KU Capital is KU Energy's vehicle for investments in various nonutility energy-related ventures. These activities have consisted of investing as an equity participant in leases of eight combustion turbine generating units to other utilities and investing in limited partnership interests in various independent projects that are either QFs or EWGs.

For the year ended December 31, 1996, KU Energy's operating revenues on a consolidated basis were approximately \$716 million, of which approximately \$712 million were attributable to its electric utility operations, and approximately \$4 million were attributable to its nonutility operations. Consolidated

assets of KU Energy and its subsidiaries at December 31, 1996 were approximately \$1.7 billion of which approximately \$1.5 billion consisted of net electric utility property, and \$55 million consisted of nonutility assets. As of September 30, 1997, KU Energy had 37,817,878 outstanding shares of common stock ("KU Energy Common Stock"). KU Energy has no shares of preferred stock outstanding.

The merger agreement provides for KU Energy to be merged with and into LG&E Energy, with LG&E Energy as the surviving corporation. Under the merger agreement, upon completion of the Transaction, each issued and outstanding share of KU Energy Common Stock (except shares held by KU Energy shareholders who perfect dissenters' rights), together with associated stock purchase rights, will be canceled and converted into 1.67 shares of LG&E Energy Common Stock, together with associated stock purchase rights. Each issued and outstanding share of LG&E Energy Common Stock (except shares held by LG&E Energy shareholders who perfect dissenters' rights), together with associated stock purchase rights, will remain outstanding, unchanged, as one share of LG&E Energy Common Stock. The Transaction is expected to qualify as a tax-free reorganization under section 368(a) of the Internal Revenue Code of 1986, as amended, and to be treated as a "pooling of interests" for accounting purposes.

As a result of the Transaction, LG&E Energy will be a public-utility holding company as defined in section 2(a)(7) of the Act with ownership of two public-utility companies, LG&E and Kentucky Utilities, and indirect ownership, through Kentucky Utilities, of 20% of one other public-utility company, EEI. LG&E states that following consummation of the Transaction, it will be entitled to an exemption from all provisions of the Act except section 9(a)(2) because it and each of its public-utility subsidiaries from which it derives a material part of its income will be predominantly intrastate in character and will carry on their utility businesses substantially within the state of Kentucky.<sup>5</sup>

<sup>5</sup> LG&E states that LG&E Energy and each of its material public utility subsidiaries will be Kentucky corporations operating primarily in Kentucky. Neither OVEC nor IKEC will be a subsidiary of LG&E Energy for purposes of the Act following the Transaction because LG&E Energy's total indirect ownership of OVEC will be only 7.4%. Although EEI will be a subsidiary of LG&E Energy for purposes of the Act following the Transaction and is not a Kentucky corporation, LG&E Energy states that EEI will not be a material public utility

<sup>3</sup> Kentucky Utilities is a public utility holding company exempt from all provisions of the Act except section 9(a)(2) pursuant to section 3(a)(2) and order of the Commission. See *KU Energy Corporation, Holding Co.* Act Release No. 25409 (Nov. 13, 1991).

<sup>4</sup> The territory served by Kentucky Utilities has an aggregate population estimated at about one million. The largest city served is Lexington, Kentucky. The population of the metropolitan Lexington area is estimated at about 225,000. The populations of the next ten largest cities served at retail range from about 21,000 to 9,000.

**BL Holding Corp. (70-9157)**

BL Holding Corp. ("BL Holding") One MetroTech Center, Brooklyn, New York 11201, a to-be-formed New York public utility holding company has filed an application for an order under sections 9(a)(2) and 10 of the Act authorizing its proposed acquisitions of KeySpan Energy Corporation ("KeySpan"), a New York public utility holding company claiming an exemption from registration under section 3(a)(1) under rule 2 from all provisions of the Act except section 9(a)(2), and KeySpan's wholly owned gas utility subsidiary, The Brooklyn Union Gas Company ("Brooklyn Union")<sup>6</sup> and Long Island Lighting Company ("LILCO"),<sup>7</sup> a New York electric and gas public utility company and/or certain of LILCO's assets as described below.<sup>8</sup> BL Holding also requests an order under section 3(a)(1) declaring it exempt from all provisions of the Act except section 9(a)(2),

subsidary of LG&E Energy for purposes of section 3(a)(1). KU Energy has not in the past derived a material part of its income from EEI (less than 3.5% in each of the last three years) and, on a pro forma basis following the Transaction, EEI will constitute an even smaller part of LG&E Energy's income on a percentage basis.

<sup>6</sup> Brooklyn Union distributes natural gas at retail in the Boroughs of Brooklyn and Staten Island and two-thirds of the Borough of Queens, all in the City of New York. Brooklyn Union's service territory is approximately 187 square miles. The population of the territory served is approximately four million persons. As of September 30, 1997, Brooklyn Union had approximately 1.128 million active meters, of which approximately 1.09 million were residential.

<sup>7</sup> LILCO supplies electric and gas service in Nassau and Suffolk Counties on Long Island, New York, and to the Rockaway Peninsula in the Borough of Queens in the City of New York. LILCO's service territory covers an area of approximately 1,230 square miles, and is contiguous to the service territory of Brooklyn Union. The population of the service area is approximately 2.7 million persons, including approximately 98,000 persons who reside in the Borough of Queens within the City of New York. LILCO serves approximately one million electric customers, of which 921,000 are residential. LILCO receives approximately 49% of its electric revenues from residential customers, 48% from commercial/industrial customers and 3% from sales to other utilities and public authorities. LILCO also serves approximately 460,000 gas customers, 412,000 of which are residential, accounting for 61% of the gas revenues, with the balance of the gas revenues made up by the commercial/industrial customers and off-system sales.

<sup>8</sup> The Amended and Restated Agreement and Plan of Exchange and Merger dated as of June 26, 1997 was originally between Brooklyn Union and LILCO. On September 29, 1997, Brooklyn Union engaged in a binding share exchange with its subsidiary KeySpan, with the result that Brooklyn Union became a wholly owned subsidiary of KeySpan. This agreement is called the amended by the Amendment, Assignment and Assumption Agreement among Brooklyn Union, LILCO and KeySpan, dated as of September 29, 1997 and KeySpan was substituted for Brooklyn Union in the original agreement "Exchange and Merger Agreement."

following consummation of the proposed transactions.

BL Holding proposes three alternative transactions. The first proposal, defined as the "Combination," involves the acquisition by BL Holding of all of the issued and outstanding common stock of (1) KeySpan and its utility subsidiary, Brooklyn Union and (2) LILCO.

The second proposal, or "Modified Combination," involves the acquisition by BL Holding of the issued and outstanding common stock of KeySpan and the equity interests in one or more to-be-formed wholly owned subsidiaries ("Transferee Subsidiary"). The Transferee Subsidiaries will acquire certain assets of LILCO ("Transferred Assets"), if a proposed merger of LILCO into a subsidiary of the Long Island Power Authority ("LIPA"), a corporate municipal instrumentality and a political subdivision of the State of New York, occurs.<sup>9</sup>

The third proposal, "LIPA Transaction," involves the acquisition by BL Holding of the equity interests of the Transferee Subsidiaries and the subsequent transfer of the Transferred Assets without giving effect to the acquisition of the common stock of KeySpan. The three proposals, the Combination, the Modified Combination and the LIPA Transaction are referred to collectively as the "Transactions." Any one of these alternative Transactions may occur.

**The Combination**

Under the Combination, BL Holding would own and, through LILCO and Brooklyn Union, operate the existing gas and electric utility systems owned by LILCO and the existing gas utility system owned by Brooklyn Union. The Exchange and Merger Agreement provides that, following its adoption by the shareholders of both LILCO and Brooklyn Union (each of which occurred on August 7, 1997) and the satisfaction or waiver of the other conditions to the combination, including obtaining the requisite regulatory approvals, the outstanding shares of LILCO common stock ("LILCO Common Stock") will be exchanged for newly issued shares of BL Holding

<sup>9</sup> BL Holding, LILCO, LIPA, and to-be-formed subsidiary of LIPA entered into an Agreement and Plan of Merger, dated as of June 26, 1997, "LIPA Agreement." Under the LIPA Agreement, LIPA would acquire certain assets of LILCO through a stock transaction including the electric transmission and distribution system, the 18% interest in the Nine Mile Point 2 nuclear power station in upstate New York and the electric regulatory assets (as well as certain current assets related to LILCO's electric business). LIPA would also assume certain of LILCO's current liabilities, long-term debt obligations and preferred stock.

common stock, par value \$0.01 per share ("BL Common Stock"), in a share exchange ("Share Exchange"). In addition, the outstanding shares of KeySpan common stock will be converted into the right to receive newly issued shares of BL Common Stock.

Upon the consummation of the Share Exchange, each issued and outstanding share of LILCO Common Stock, other than shares held by dissenting shareholders, will be exchanged for 0.803 shares of BL Common Stock. Thus, BL Holding will become the owner of each share of LILCO Common Stock and each share of LILCO Common Stock will be deemed to have been exchanged for that fraction of a share of BL Common Stock.

In addition, each issued and outstanding share of preferred stock of LILCO will be unchanged as a result of the Share Exchange and will remain outstanding thereafter provided that the transactions contemplated by the LIPA Agreement are not consummated.

Upon the consummation of the Combination, each issued and outstanding share of KeySpan common stock, other than dissenting shares, will be converted into the right to receive one share of BL Common Stock and KeySpan will become a wholly owned subsidiary of BL Holding ("KeySpan Merger").

**The Modified Combination**

If the LIPA Transaction is consummated before or contemporaneously with the Combination, KeySpan and certain assets of LILCO will be combined under the Modified Combination. Instead of consummating the Share Exchange, the transactions contemplated by the Exchange and Merger Agreement and the LIPA Agreement will be consummated in the following way.

In exchange for the designated number of shares of BL Common Stock ("Designated Number") and up to \$75 million face amount of BL Holding preferred stock ("Private Placement Preferred Stock"), LILCO will transfer the Transferred Assets to the subsidiaries of BL Holding, as KeySpan and LILCO direct. The Designated Number will be the number of shares of BL Common Stock representing the net fair market value of the Transferred Assets, as will be determined in good faith by KeySpan and LILCO, less the face amount of the BL Holding preferred stock.

LIPA Sub<sup>10</sup> will merge with and into LILCO and the transactions

<sup>10</sup> Under the LIPA Agreement, LILCO will merge with LIPA Acquisition Corporation, a New York

contemplated by the LIPA Agreement will be consummated. The cash merger consideration will be paid to an exchange agent as agent for the holders of LILCO Common Stock to subscribe for and purchase from BL Holding a number of shares of BL Common Stock, which number of shares, when added to the Designated Number, will represent the number of shares of LILCO Common Stock issued and outstanding immediately prior to the consummation of the KeySpan Merger, other than LILCO dissenting shares, multiplied by 0.880. The KeySpan Merger will then be consummated promptly.

Also under the Modified Combination, BL Holding would own and, through KeySpan and one or more Transferee Subsidiaries, operate each of the existing gas utility systems as well as the non-nuclear generating facilities currently owned by LILCO and, through one or more other Transferee Subsidiaries, would provide a comprehensive set of operational and management services to LIPA to assist LIPA in the operation of the electric system (which would continue to be owned by LILCO as a wholly owned subsidiary of LIPA).

#### *The LIPA Transaction*

Under the LIPA Transaction, BL Holding would own and, through the Transferee Subsidiaries, operate the gas utility system and non-nuclear generating facilities currently owned by LILCO and provide electric system operational and management services to LIPA.

Before the closing of the LIPA Transaction ("LIPA Closing"), BL Holding will form the Transferee Subsidiaries which will enter into certain agreements in connection with the LIPA Transaction, which are referred to as the "Basic Agreements." Under the Basic Agreements, one or more of the Transferee Subsidiaries will provide: (1) certain management services on behalf of LIPA with respect

corporation to be formed as a wholly owned subsidiary of LIPA ("LIPA Sub"). LIPA Sub will be merged with and into LILCO, which will be the surviving corporation, for aggregate cash merger consideration of \$2.4975 billion (subject to adjustment), LILCO's Series AA Preferred Stock will be exchanged for Series AA preferred stock of BL Holding and each outstanding share of the LILCO Series CC Preferred Stock, Series GG Preferred Stock, Series QQ Preferred Stock and Series UU Preferred Stock (except for shares whose holders perfect their rights to obtain judicial appraisal) will be canceled and converted into the right to receive cash in the applicable amounts described in the LIPA Agreement. Immediately prior to the consummation of the LIPA Transaction, LILCO will transfer to BL Holding, or one or more of BL Holding's wholly owned subsidiaries, all of the Transferred Assets.

to the operation and maintenance of the electric transmission and distribution system to be transferred to LIPA as part of the LIPA Transaction; (2) electric capacity and energy to LIPA from the generating plants that are among the Transferred Assets; and (3) energy management services to purchase fuel and electric capacity and energy and manage the scheduling and sale of electric capacity and energy on behalf of LIPA. Certain schedules to the LIPA Agreement set out the principles and procedures to be used to decide which LILCO assets and properties will be part of the Transferred Assets and which will remain with LILCO as a subsidiary of LIPA. Generally, the Transferred Assets will consist of all those assets currently owned and employed by LILCO in the conduct of its gas distribution business, LILCO's non-nuclear electric generating assets located on Long Island, and certain common assets used by LILCO in the operation and management of LILCO's existing gas distribution, electric generation and electric transmission and distribution system.

Immediately prior to the LIPA Closing, LILCO will transfer the Transferred Assets to the Transferee Subsidiaries in exchange for the (1) Designated Number of shares of BL Common Stock and (2) Private Placement Preferred Stock. LILCO will be obligated to sell the Private Placement Preferred Stock immediately prior to the LIPA Closing. It is anticipated that the Private Placement Preferred Stock will: (1) have a final maturity date more than five years after the LIPA Closing; (2) be nonvoting (except as a result of BL Holding's failure to pay dividends for a specified period of time); (3) be nonconvertible; and (4) have other terms and conditions to be determined at the time of sale.

At the LIPA Closing, the shares of capital stock of LILCO will be treated as follows:

(1) Common and preferred shares held in treasury will be canceled and retired. ("Canceled Shares").

(2) Each issued and outstanding share of LILCO Common Stock, other than Canceled Shares and shares of LILCO Common Stock held by any dissenting shareholder, will be canceled and converted into the right to receive: (a) an amount in cash equal to the cash merger consideration divided by the number of shares of LILCO Common Stock outstanding; and (b) a pro rata distribution of BL Common Stock received by LILCO in exchange for the Transferred Assets.

(3) Each holder of shares of LILCO Common Stock, other than shares held by any dissenting shareholders, will be deemed to have appointed an exchange agent as its agent to receive the cash otherwise due the

holder and to use the cash to subscribe for shares of BL Common Stock. The total number of shares of BL Common Stock distributable to holders of LILCO Common Stock in respect of each share of LILCO Common Stock will include the number of distributable shares of BL Common Stock received by LILCO in exchange for the Transferred Assets, as well as the number of shares distributable from the purchase by the exchange agent of additional shares of BL Common Stock out of the cash purchase price and, in the aggregate, will equal: (a) 0.880 shares of Company Common Stock for each share of LILCO Common Stock (other than the dissenting shares) if the Combination is consummated concurrently with the LIPA Transaction; or (b) one share of BL Common Stock for each share of LILCO Common Stock (other than the dissenting shares) if the Combination is not consummated concurrently with the LIPA Transaction.

(4) If the Combination has been consummated prior to the LIPA Closing, then (a) no shares of BL Common Stock or Private Placement Preferred Stock will be delivered in exchange for the Transferred Assets, and BL Holding and/or one or more of its subsidiaries, as the holders of all then outstanding LILCO Common Stock, will receive all of the cash merger consideration, and (b) an additional 0.077 shares of BL Common Stock will be distributed to the record holders of LILCO Common Stock as of the effective time of the Combination in respect of each share of LILCO Common Stock.

(5) Each issued and outstanding share of Series AA Preferred Stock of LILCO, other than Canceled Shares and shares of the preferred stock held by any dissenting shareholder, will be canceled and converted into the right to receive one fully paid and nonassessable share of preferred stock of BL Holding with identical rights (including dividend rates) and designations to the Series AA Preferred Stock.

(6) Each issued and outstanding share of LILCO Preferred Stock that is subject to optional redemption by LILCO at or before the closing date, other than Canceled Shares, will be redeemed for cash by LILCO not later than the closing date in accordance with the terms applicable to the shares.

(7) Each issued and outstanding share of LILCO Preferred Stock, other than Canceled Shares, dissenting Preferred Shares, shares of Series AA Preferred Stock and redeemable preferred stock (collectively, "Non-redeemable Preferred Stock"), will be canceled and converted into the right to receive cash in the amount of the sum of (a) the Make-Whole Amount,<sup>11</sup> and (b) accrued

<sup>11</sup> The Make-Whole Amount means, with respect to the shares, an amount equal to the present value of (a) the face or liquidation preference amount of the share, and (b) the remaining dividend payments due on the share between the LIPA closing date and the applicable redemption date computed using a discount rate equal to the applicable Fair Market Rate divided by 0.95.

*Fair Market Rate* is defined as the Generic General Obligation Fair Market Yield for Baa rated Low/Medium Coupon General Municipal

but unpaid dividends in respect of the shares through the closing date.

The amount by which the aggregate amount payable exceeds 100% of the aggregate face or liquidation preference amounts for all shares of Non-redeemable Preferred Stock shall be paid by the Company to LILCO promptly after the LIPA Closing. The cash merger consideration is based upon the assumption that the total long-term indebtedness of LILCO on the LIPA Closing Date will not exceed \$3.576 billion ("Retained Debt Amount").

The Retained Debt Amount will be adjusted based upon LILCO's net book value, as reflected on LILCO's audited consolidated balance sheet as of the date, as follows. The Retained Debt Amount will be either (1) increased by the amount, if any, by which the net book value of the Retained Assets exceeds \$2.5008 billion or (2) decreased by the amount, if any, by which the net book value of the Retained Assets is less than \$2.5008 billion.

As of the LIPA Closing Date, BL Holding will, and will cause each of the Transferee Subsidiaries to, execute and deliver promissory notes ("Promissory Notes") on the following terms: (1) The aggregate principal amount will be equal to the excess, if any, of the indebtedness of LILCO outstanding on the LIPA Closing Date over the Retained Debt Amount; and (2) The rates and maturities will correspond to each portion of debt underlying the indebtedness of LILCO on the LIPA Closing Date; provided, however, that the interest and principal payment dates will be adjusted to require payment by BL Holding 30 days prior to the corresponding payment dates on the underlying debt.

LILCO currently has a series of 7.3% Debentures due July 15, 1999, with an approximate aggregate principal amount currently outstanding of \$397 million, and a series of 8.20% Debentures due March 15, 2023, with an approximate aggregate principal amount currently outstanding of \$270 million. Subject to obtaining all required consents, BL Holding will assume these obligations as of the LIPA Closing Date under an exchange offer to be registered on Form S-4 with the Commission.

Obligations at the time of the computation as reported on Bloomberg, with a maturity most nearly equal to the period between cancellation and final redemption of the series of Non-redeemable Preferred Stock. The period between cancellation and redemption refers to the period between the closing date of the LIPA Transaction ("LIPA Closing Date"): (a) August 1, 2002, with respect to the Series CC Preferred Stock; (b) March 1, 1999, with respect to the Series GG Preferred Stock; (c) May 1, 2001, with respect to the Series QQ Preferred Stock; and (d) October 16, 2018, with respect to the Series UU Preferred Stock.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**Johathan G. Katz,**  
Secretary.

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BILLING CODE 8010-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. IA-1705]

### Notice of Intention to Cancel Registrations of Certain Investment Advisers

March 9, 1998

Notice is given that the Securities and Exchange Commission intends to issue orders, pursuant to section 203(h) of the Investment Advisers Act of 1940 ("Advisers Act"), cancelling the registrations of those investment advisers whose names appear in the attached Appendix.

#### FOR FURTHER INFORMATION CONTACT:

Catherine M. Saadeh, Staff Attorney, at (202) 942-0650, Task Force on Investment Adviser Regulation, Division of Investment Management, Stop 5-6, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

#### Background

On October 11, 1996, President Clinton signed into law the National Securities Markets Improvement Act of 1996 ("Improvement Act").<sup>1</sup> Title III of the Improvement Act, the Investment Adviser Supervision Coordination Act ("Coordination Act"), amended the Advisers Act to reallocate federal and state responsibilities for the regulation of the approximately 23,350 investment advisers registered with the Commission at the time the legislation was signed. Under new section 203A(a) of the Advisers Act,<sup>2</sup> an investment adviser that is regulated or required to be regulated as an investment adviser in the state in which it maintains its principal office and place of business is prohibited from registering with the Commission unless the adviser (i) has assets under management of not less than \$25 million (or such higher amount as the Commission, by rule, deems appropriate), or (ii) is an adviser to an investment company registered under the Investment Company Act of 1940.<sup>3</sup>

<sup>1</sup> Pub. L. No. 104-290, 110 Stat. 3416 (1996) (codified in scattered sections of the United States Code).

<sup>2</sup> 15 U.S.C. 80b-3a(c).

<sup>3</sup> The Commission was given authority in section 203A(c) of the Advisers Act to exempt investment advisers, by rule or order, from the prohibition on

The Coordination Act also amended section 203(h) of the Advisers Act to authorize the Commission to cancel the registration of any investment adviser that no longer meets the criteria for registration.<sup>4</sup> As amended, section 203(h) provides, in pertinent part, that if the Commission finds that any person registered with the Commission as an investment adviser is no longer in existence, is not engaged in business as an investment adviser, or is prohibited from registering as an investment adviser under section 203A, the Commission shall, by order, cancel the registration of such person. The Coordination Act became effective on July 8, 1997.<sup>5</sup>

To implement the division of regulatory responsibility mandated by the Coordination Act, the Commission adopted Form ADV-T.<sup>6</sup> Form ADV-T required investment advisers to declare by July 8, 1997 whether they would continue to be eligible for Commission registration under the new regulatory scheme. For advisers that indicated that they were no longer eligible for Commission registration, filing of Form ADV-T served as such advisers' request for withdrawal from registration.<sup>7</sup> In the release adopting Form ADV-T and other rules to implement the Coordination Act, the Commission stated that advisers that did not return Form ADV-T would be subject to having their registrations cancelled pursuant to section 203(h).<sup>8</sup>

In May 1997, the Commission mailed copies of Form ADV-T to all investment advisers then registered with the Commission.<sup>9</sup> In October 1997, the

Commission registration if the prohibition would be "unfair, a burden on interstate commerce, or otherwise inconsistent with the purposes" of section 203A. 15 U.S.C. 80b-3a(c). Under its authority, the Commission adopted rule 203A-2 under the Advisers Act, which permits nationally recognized statistical rating organizations and certain pension consultants, affiliated investment advisers, and newly formed investment advisers to register with the Commission even if they otherwise would not meet the criteria for registration in section 203A(a). 17 CFR 275.203A-2.

<sup>4</sup> 15 U.S.C. 80b-3(h).

<sup>5</sup> See section 308(a) of the Coordination Act. The effective date of the Coordination Act was originally April 9, 1997. On March 31, 1997, President Clinton signed into law Pub. L. No. 105-8, which postponed the effective date of the Coordination Act to July 8, 1997. See 111 Stat. 15 (1997).

<sup>6</sup> See Rules Implementing Amendments to the Investment Advisers Act of 1940, Investment Advisers Act Release No. 1633 (May 15, 1997) [62 FR 28112 (May 22, 1997)] ("Adopting Release").

<sup>7</sup> See rule 203A-5(c) [17 CFR 275.203A-5(c)]; Instruction 6 to Form ADV-T.

<sup>8</sup> See Adopting Release, *supra* note , at text accompanying notes 17 and 23. The instructions to Form ADV-T contained a similar statement. See Instruction 1(f) to Form ADV-T.

<sup>9</sup> The Commission mailed the Form ADV-Ts to the address provided by each investment adviser on

Commission mailed additional copies of Form ADV-T to the 5,426 advisers that had not filed Form ADV-T, accompanied by a letter notifying them that they must file Form ADV-T by December 15, 1997 or their investment adviser registrations with the Commission would be cancelled without further notice.

As of February 20, 1998, the 5,092 Commission-registered investment advisers listed in the Appendix have not filed a Form ADV-T with the Commission. Based on the facts above, the Commission finds that these registrants are no longer in existence, are not engaged in business as investment advisers, or are prohibited from registering as investment advisers under section 203A. Accordingly, at any time after April 30, 1998, the Commission may issue orders cancelling the registrations of any or all of the investment advisers listed in the Appendix.

Any investment adviser listed in the Appendix that has previously filed a Form ADV-T with the Commission and believes its name has been included in the Appendix in error must make a formal written objection to the cancellation of its registration prior to April 30, 1998. Written objections must be mailed to: Investment Adviser Cancellation Objections, Task Force on Investment Adviser Regulation, Division of Investment Management, Stop 5-6, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549, or sent via facsimile to (202) 942-9659, Attention: Investment Adviser Cancellation Objections. Written objections must be received by the Commission by April 30, 1998.

Any investment adviser listed in the Appendix that wishes to file a Form ADV-T may do so by April 30, 1998. The registrations of advisers whose Form ADV-Ts are received by the Commission by April 30, 1998 will not be cancelled.<sup>10</sup> Copies of Form ADV-T may be obtained by contacting the Commission's Publication Office at (202) 942-4046.

Dated: March 9, 1998.

their Form ADV. These addresses were assumed to be current, as investment advisers are required to update Form ADV promptly for any address changes. See *Instruction 10 to Form ADV*.

<sup>10</sup> The registrations of investment advisers that indicate on Form ADV-T that they are no longer eligible to register with the Commission will be withdrawn.

By the Commission.

**Jonathan G. Katz,**  
*Secretary.*

**APPENDIX**

80132230 1ST PRIORITY PLANNING ASSOCIATES INC  
80139160 33 WALL STREET ASSET MANAGEMENT INC  
80135556 833 FINANCIAL ENTERPRISES INC  
80134874 900 TRADING INC  
80131605 A B ASESORES BURSATILES SA  
80130671 A&M WINTON ASSOCIATES LTD  
80145319 AARON SUSAN SANDRA  
80152696 AB INVESTMENT ADVISERS  
80131102 ABACUS FINANCIAL CONSULTANTS LTD L  
80149095 ABBE FINANCIAL SERVICES INC  
80140402 ABEL BEHNKE CORP /HI/  
80139029 ABERDEEN FINANCIAL CORP /GA/  
80128864 ABERDEEN GOVERNMENT SECURITIES CORP  
80126421 ABODEELY GEORGE S V  
80137081 ABRAHAM & SONS INC /IL/  
80143390 ABRAMS LITTLE GILL TISHMAN & WITTY PC  
80116102 ACA PRUDENT INVESTORS PLANNING CO /NJ/  
80138004 ACACIA REALTY ADVISORS INC  
80139660 ACADEMY OF MEDICAL ECONOMICS  
80137171 ACCI WORLDWIDE SA DE CV /MEXICO/  
80126734 ACEBAL INVESTMENT SERVICES INC  
80138498 ACEVEDO LOUIS ANTHONY  
80127120 ACHETS CORP  
80141307 ACHIEVEMENT COUNSEL INC /NJ/  
80143422 ACKERMAN GERALD EDWARD  
80137112 ACKERS ANDREW FRANKLYN  
80119309 ACORN FINANCIAL SERVICES INC  
80140302 ACORN INVESTMENT MANAGEMENT INC  
80133985 ACTIVE FINANCIAL SERVICES  
80141308 ACTIVE MANAGEMENT ADVISORS INC /NY/  
80132047 ACU FINANCIAL SERVICES INC  
80138142 ADAMS GEOFFREY PAUL /TX/  
80122110 ADAMS INVESTMENT ADVISORS INC  
80128832 ADAMS INVESTMENT COUNSEL CORP  
80133398 ADAMS RICHARD LEE  
80138346 ADAMS RICHARD VARIAN  
80136317 ADAMS SALVATORE CHARLES  
80110651 ADAMY JOSEPH FRANCIS  
80124186 ADLER COLEMAN & CO INC  
80129184 ADLER RICHARD ALLEN  
80136087 ADMINISTRADORA DE CAPITALES SA  
80128255 ADORIAN FINANCIAL LTD  
80134781 ADQ INC /MA/  
80142539 ADS & CO INC  
80127600 ADVANCE ASSET MANAGEMENT LTD  
80135150 ADVANCED ADVISORY GROUP INC /MD/  
80153282 ADVANCED ADVISORY SERVICES INC  
80145192 ADVANCED FINANCIAL ADVISORS INC  
80130311 ADVANCED INVESTMENT MANAGEMENT INC/CT/  
80138729 ADVANTAGE ADVISORY & INVESTMENT MANAGEMENT CO INC  
80143921 ADVANTAGE FINANCIAL CORP /MN/  
80146181 ADVANTAGE RESEARCH & TRADING INC  
80151567 ADVENT CAPITAL MANAGEMENT PARTNERS INC  
80144789 ADVISERV CO  
80104911 ADVISOR  
80109089 ADVISORS MUTUAL SERVICE CENTER INC /MI/  
80151658 ADVISORY ASSOCIATES INC  
80132758 ADVISORY FINANCIAL ASSOCIATES  
80146520 AEGIS INVESTMENT CO INC /GA/  
80141754 AEGIS RESEARCH & MANAGEMENT INC /NY/  
80134185 AEGIS SELECT ASSET MANAGEMENT CORP  
80143665 AFFILIATED FINANCIAL GROUP INC /UT/  
80151874 AFFILIATED INVESTMENT ADVISORS INC /UT  
80129115 AFFILIATED PLANNERS REALTY INC  
80146875 AFFINA BROKERAGE SERVICES INC  
80153551 AFFINITY INVESTMENT ADVISORS INC  
80109917 AFFIRMATIVE INVESTMENT MANAGEMENT INC  
80139699 AFIN INTERNATIONAL MANAGEMENT S A DE C V  
80136774 AFM ADVISORY SERVICES INC  
80139943 AFM INVESTMENTS INC /NJ/  
80151383 AFZAL IQBAL OMAR  
80133122 AGINCOURT INVESTMENT ADVISERS INC  
80133749 AHART WAYMON ELDRIDGE  
80145986 AHLQUIST RONALD ALAN /MA/  
80141005 AHMADI HAMID /CA/  
80147901 AIFG CONSULTANTS LTD  
80150353 AIM FINANCIAL GROUP INC  
80140984 AINSWORTH MONEY MANAGEMENT INC  
80141566 AJELLO MICHAEL C  
80151456 AKIENSEN INC /FL/  
80132142 ALAMANA ASSET MANAGEMENT COUNSELS INC  
80140512 ALBAYYA FINANCIAL SERVICES INC /MI/  
80147417 ALBERTSON DARREN MATTHEW  
80139296 ALBRITTON CAPITAL MANAGEMENT CO /GA/  
80153501 ALCAR CAPITAL LLC  
80142526 ALCOM MANAGEMENT & BROKERAGE INC  
80142521 ALCOM MANAGEMENT & BROKERAGE INC /AZ/  
80131977 ALDERSON MANAGEMENT INC  
80117868 ALDINGER JOHN STERN  
80117868 ALDINGER JOHN STERN  
80116049 ALDRICH EASTMAN & WALTCH INC  
80138782 ALDRICH EASTMAN & WALTCH L P  
80136746 ALEXANDER CLINNON  
80151516 ALEXANDER JAMES PETER

80130853	ALEXANDER JOHN R	80140333	AMERICAP REALTY GROUP /CA/	80141868	ARDIZZONI DENNIS MICHAEL /TX/
80112923	ALFANDARY ALEXANDER MARK	80140996	AMERIVET DYMALLY SECURITIES INC	80132434	ARENSMAN WAYNE EARL
80143758	ALFORD ASSOCIATES INC /MA/	80131005	AMIC ADVISERS INC	80133055	ARENSON PAUL JOSEPH
80150017	ALFORD R L & CO INC	80147094	AMIC INC	80147500	ARENZ DON L
80141791	ALIGEN INDEPENDENT LABORATORIES INC /WY/	80138572	AMIN AL HALEEM MUSLIM	80143906	ARGENT SECURITIES INC /GA/
80146756	ALKER ROBERT	80135378	AMP FINANCIAL PLANNERS INC	80135522	ARI EL ADVISORS INC
80132459	ALLEGHENY ASSET MANAGEMENT INC	80144098	AMPTON INC /NY/	80138794	ARIS CAPITAL MANAGEMENT INC /CA/
80153723	ALLEN CAROL MAY	80137700	AMRO SECURITIES INC /NY/	80149847	ARISTOCRAT CAPITAL MANAGEMENT LTD
80121990	ALLEN DANIEL & CO PC/GA/	80139090	AMT CAPITAL MANAGEMENT INC	80117934	ARIZONA GROUP FINANCIAL PLANNING INC
80128574	ALLEN ELLIOTT & ALEXANDER INC	80153733	ANDERSEN R FINANCIAL INC	80146900	ARIZONA INVESTMENT ADVISORS INC
80147657	ALLEN GERALD VINCENT	80139544	ANDERSEN TERRY WARD	80139337	ARKA FINANCIAL SERVICES INC
80135987	ALLEN JAMES DALLAS	80150881	ANDERSON BRIAN WAYNE	80135389	ARMANINO ROBERT CARL /CA/
80147460	ALLEN JEFFREY NELSON	80128940	ANDERSON BRIERLY W & ASSOCIATES INC	80138386	ARMOUR CAPITAL ASSOCIATES INC
80119487	ALLEN WILLIAM CHARLES	80147377	ANDERSON CAPITAL CORP	80132581	ARMOUR ROBERT CLINE
80120829	ALLEN WILLIAM VICTOR	80150937	ANDERSON CHARLES PATRICK	80147093	ARMSTRONG CAPITAL MANAGEMENT LTD
80151636	ALLIANCE FUND MANAGEMENT GROUP LTD	80141921	ANDERSON DONALD KING /CA/	80149430	ARNETTE MACK LUSTER
80133097	ALLIED COMPENSATION PLANNING INC /MI/	80123679	ANDERSON FRANK EDWARD	80140878	ARNOLD KASHYAP & CO /MD/
80122839	ALLIED EQUITY GROUP	80144586	ANDERSON GARY WILLIAM	80130049	ARON EQUITY INC
80142644	ALLOCATION ASSOCIATES	80143096	ANDERSON JOHN PATRICK	80149745	ARRINGTON CHARLIE ROBERT
80139416	ALLY CAPITAL MANAGEMENT INC	80154363	ANDERSON STEPHEN JEFFERY	80117898	ARROL SECURITIES INC
80145607	ALPERT WILLIAM BALFOUR	80142320	ANDREWS KYLE CRAIG /MI/	80148434	ARROYO CONRADO
80151345	ALPHA ANALYTICAL ADVISORS INC	80143595	ANDREWS MICHAEL ANTHONY /PA/	80120822	ARUNDEL SECURITIES INC
80141361	ALTAMIRA CAPITAL CORP /CA/	80149410	ANDREWS ROBERT INC	80136478	AS CAPITAL MANAGEMENT INC
80150477	ALTERNATIVE INVESTMENT ADVISORS INC	80110487	ANDRON MCNEIL & CO INC	80142335	ASA FINANCIAL PLANNING INC /NY/
80121867	ALTSHULER BENSON MAYER ADV	80147658	ANDSAR INC	80154619	ASCEND CAPITAL MANAGEMENT INC /NJ/
80124591	ALTSHULER KENDALL JAY	80147295	ANEJA BHOLA NATH	80126237	ASF INC
80153873	ALTVEST LTD	80119102	ANGELES INSTITUTIONAL ADVISORS INC	80114009	ASH RICHARD J ASSOCIATE INC
80142567	AMAN SIMON JOHN /NY/	80148001	ANGELIC ASSET MANAGEMENT INC	80150049	ASHLAR FINANCIAL GROUP LTD
80143369	AMBER ASSET MANAGEMENT CORP /FL/	80118239	ANGELOCCI RONALD ERNEST	80152658	ASHLEY PATRICK MICHAEL
80133034	AMBROSE JOHN CHARLES	80134120	ANSAR CAPITAL MANAGEMENT INC	80139364	ASHOOH ELIAS E INC
80129834	AMERI VEST PLANNING INC	80128456	ANTELO LOPEZ LUIS FERNANDO	80131516	ASHWORTH ASSOCIATES INC
80147617	AMERICAN ASSET ADVISORS	80148236	ANTHONY INVESTMENTS LP	80143827	ASI SECURITIES INC /PHILIPPINES/
80146136	AMERICAN ENTERPRISES INC /MA/	80137459	ANTONUCCI GARY LOUIS	80151804	ASIAN CAPITAL ASSET MANAGEMENT INC
80151317	AMERICAN EQUITY MANAGEMENT GROUP INC	80150285	APEIRON CAPITAL MANAGEMENT INC	80135494	ASMAR ALEJANDRO GUILLERMO
80131785	AMERICAN EQUITY SECURITIES OF DELAWARE INC	80145273	APEL DANIEL JOSEPH /CA/	80129891	ASPEN FINANCIAL SERVICES INC
80147540	AMERICAN FINANCIAL CENTER INC	80151035	APEX ASSET MANAGEMENT CO	80130599	ASPETUCK INVESTMENT MANAGEMENT CORP
80129738	AMERICAN FINANCIAL CORP INTERNATIONAL INC	80153980	APODACA GROUP LLC	80142901	ASSET & LIABILITY MANAGEMENT SERVICES INC
80142122	AMERICAN FUND ADVISORS INC /CA/	80150644	APOGEE ASSOCIATES LLC	80148898	ASSET ADVISORS INC /TX/
80149244	AMERICAN GBEX CAPITAL MANAGEMENT INC	80149487	APOLITO STEPHEN C LP	80142634	ASSET ADVISORY CO /CA/
80152833	AMERICAN GROWTH CAPITAL CORP /NV/	80152932	APPLE JAMES TERRY	80115956	ASSET ADVISORY SERVICES INC /NY/
80147638	AMERICAN HERITAGE FINANCIAL SERVICES LTD	80140006	APPLETON MARLYS MARIE	80142069	ASSET ALLOCATION ADVISORS INC /MN/
80146207	AMERICAN HERITAGE INVESTMENT ADVISER CORP	80133780	APPLETREE FINANCIAL SERVICES INC	80147881	ASSET ALLOCATION STRATEGIES INC
80128010	AMERICAN INVESTMENT ADVISORS INC /GA/	80133715	APPLIED CAPITAL CONCEPTS INC	80132533	ASSET MANAGEMENT & INSURANCE CONSULTANTS INC
80118082	AMERICAN PROPERTY MORTGAGE INC ADV	80146732	APPLIED DECISION SERVICES & CO INC /CA/	80122645	ASSET MANAGEMENT ADVISORS INC /OH/
80130203	AMERICAN SECURITIES & RESEARCH CORP	80133017	APPLIED FINANCIAL MANAGEMENT INC	80130727	ASSET MANAGEMENT ASSOCIATES /MO/
80139130	AMERICAN SECURITIES & RESEARCH CORPORATION	80134769	APPROVED MANAGEMENT INC	80118772	ASSET MANAGEMENT GROUP /NY/
80146025	AMERICAN WEALTH MANAGEMENT INC	80140303	APS ADVISORY SERVICES INC	80111444	ASSET MANAGEMENT INC /AZ
		80140658	APT INVESTMENT MANAGEMENT INC		
		80150013	AQUEDUCT ADVISERS LLC		
		80101415	AQUINO MICHAEL ANGELO		
		80129475	ARAB MALAYSIAN CONSULTANT SDN BHD		
		80153390	ARCADIA FINANCIAL GROUP LLC		
		80151247	ARDETH HOLLO & ASSOCIATES INC		
		80128471	ARDIS THOMAS JOHN		

80139070 ASSET MANAGEMENT SERVICES /TX/	80131702 BALAZIK JOSEPH CONRAD JR	80148497 BAY DONALD MAXWELL
80126776 ASSET MANAGEMENT SYSTEMS INC	80152807 BALDINGER PRASAD FINANCIAL ADVISORS INC	80126222 BAYBANKS INVESTMENT MANAGEMENT INC
80140688 ASSET MANAGEMENT SYSTEMS INC /NY/	80137005 BALLANTINE ASSET MANAGEMENT /VT/	80145558 BAYNE JAMES ROBERT
80132754 ASSET PLANNING LTD	80154430 BALLEH HOWARD LEON	80118853 BAYSTATE INVESTMENT ADVISORS INC
80123116 ASSETMANAGEMENT INC /CT/	80142940 BALLIN MICHAEL SETH /NY/	80113974 BAYUK ANNE MARIE
80130784 ASSOCIATED PLANNING GROUP OF COMPANIES INC	80128606 BALSTON EDELTRAUDE HERMINE	80113138 BAYUK DENNIS JOHN
80133965 ASSOCIATED REAL ESTATE ADVISORS INC	80153569 BAMCO INC /NY/	80113382 BAYUK LINDA ELIZABETH
80124625 ASSOCIATES IN FINANCIAL PLANNING	80151162 BANCAL INVESTMENT SERVICES INC	80142804 BAZAN GUY
80121201 ATAP FINANCIAL SERVICES INC	80131511 BANCO ICATU SA	80120314 BAZZLE KENNETH LEE
80147685 ATHENA CAPITAL CORP	80128979 BANKERS SYSTEMS INC	80137221 BBC FINANCIAL PLANNING SERVICES INC /IL/
80144269 ATHENA GLOBAL INVESTMENTS LP /CT/	80145647 BANNER GARY SPENCER	80143104 BCF CAPITAL ADVISORS INC
80121557 ATHENE CORONADO MANAGEMENT CORP ADV	80131913 BANQUE WORMS MANAGEMENT CORP	80130981 BDK ASSOCIATES INC
80128961 ATHERLY LAVERNE FRANCIS	80145420 BANTAM MANAGEMENT INC	80143953 BEACONCAP INC
80135962 ATHERTON REAL ESTATE ADVISORS INC	80143523 BARABAN SECURITIES INC	80129725 BEAM HENRY HERRINGTON
80136526 ATLANTA CAPITAL MANAGEMENT CO /GA/	80137654 BARAJAS LOUIS	80153422 BEASLEY DENNIS LEE
80152179 ATLANTA CAPITAL MANAGEMENT CO L L C	80125435 BARBANELL JERRY FRED	80148026 BEATIE WILLIAM EDWARD
80118349 ATLANTIC ASSET MANAGEMENT INC	80124140 BARBANELL & ASSOCIATES LTD	80134320 BEATTY CAPITAL MANAGEMENT INC
80149370 ATLANTIC FINANCIAL GROUP INC /NJ/	80136591 BARBETTA JOSEPH ANTHONY	80152464 BEATTY HUGH BRIAN
80152914 ATLAS ASSET MANAGEMENT INC	80134674 BARCLAY GROUP INC	80133727 BEAVERS GARY LEE
80134881 ATLAS INVESTMENT ADVISORS	80118863 BARCLAY TEAM INC	80108893 BECHARD PAUL FRANCIS
80147869 ATLASHEAD INC	80142003 BARD HARRY /CA/	80141751 BECK INVESTMENT ADVISORY INC /OK/
80147092 ATM FINANCIAL GROUP INC	80152155 BARGER ROBERT VINCENT	80142085 BECK JAMES FRANKLIN /TX/
80142316 AUDUBON ASSET MANAGEMENT INC /LA/	80115646 BARING ADVISORS INC /NY/	80150112 BECKER JESSE ELI
80138164 AUGUST INVESTMENT MANAGEMENT INC	80139031 BARKATE ANTHONY HAROLD	80151038 BECKER-WEIDMAN ARTHUR ALAN
80150181 AUGUSTUS ENTERPRISES INC	80138778 BARKER GREGORY WAYNE	80118269 BECKMAN MARVIN LEROY
80149129 AUSTEN GOODWIN INC	80135033 BARKER PAUL EDWARD	80144187 BECNEL MAURICE EMMETT /CA/
80114424 AUSTIN CHARTISTS INC	80136812 BARKYOUNB WILLIAM LOUIS /CA/	80145430 BEEBE THOMAS STEWART
80149592 AXA ASSET MANAGEMENT PARTENAIRES	80140912 BARLEBEN RAYMOND JOHN	80146269 BEECHTREE CAPITAL INC /NY/
80149594 AXIOMETRICS INC	80142899 BARNES ALLIANCE INC	80136167 BEER JEFFERY SINCLAIR
80122334 AYALA ISAAC	80151503 BARNES CHARLES BENJAMIN JR	80126007 BEERS & CO INC
80113398 AYLES JAMES H INVESTMENT CONSULTANT	80142449 BARNES HARRY MARVIN JR	80150828 BEH ADVISORY GROUP INC
80151721 AZZARA ROBERT C	80142337 BARNETT LESLIE MARC /CA/	80125751 BEHAR NORMAN
80127614 B & M CAPITAL CORP	80115516 BARNEY WILLIAM RAYMOND JR	80151657 BEHREN FINANCIAL STRATEGIES INC
80138457 B T ASSOCIATES INC	80141870 BARONE EDWARD FRANCIS /NY/	80135896 BELANGER & CO PC /MA/
80137979 B&B PROPERTY INVESTMENT DEVELOPMENT & MGMT CO INC /CA/	80142243 BARR GEORGE BORIS /PA/	80122161 BELARMINO FRANCASIO INTUD
80125008 BA GROUP INC	80148861 BARR RIVER GROUP	80120708 BELEN REGOLO CALISEN
80129188 BACA INC	80142850 BARRE HENRI LOUIS	80150926 BELFORD PARTNERS INC
80154125 BACCAM OAI DAN QUANG	80150239 BARREIRO SCUDDER & STEVENS	80147882 BELKIN LTD
80148541 BACCUS MELINDA DIANE	80126620 BARRETT PATRICK J & ASSOCIATES LTD	80125824 BELL I A FINANCIAL & ECONOMIC PLANNING INC
80143466 BACKOFF JAMES STUART	80142212 BARRINGTON INVESTMENT GROUP INC /IL/	80149998 BELL JAMES GLEN
80140154 BADURIA MICHAEL DANIEL	80125557 BARRONS JAMES ROBERT	80144071 BELL THOMAS WILLIAM /NY/
80136417 BAGGE RONN R INC	80147425 BARROW STREET RESEARCH INC	80154106 BELMONTE BRADLEY STEPHEN
80145381 BAGNARDI ALBERT VICTOR /MA/	80144267 BARRY JOHN ALOYSIUS /FL/	80142303 BELMONTE FRANK RICHARD /
80125111 BAIKIE & ALCANTARA INC	80154222 BARSANO EDWARD JOSEPH	80117593 BELSEN GETTY INC
80140106 BAILEY ERNEST LAWRENCE III	80132514 BARTELS BRIAN DESMOND	80154012 BELTRAN FRANK GAMMANIEL
80150188 BAIN DAVID WILLIAM	80147713 BARTHELS ROBERT PAUL	80129528 BENCHMARK ADVISORY SERVICES LTD
80151864 BAIRD CAPITAL MANAGEMENT LLC	80128948 BARTHMAIER JAMES EUGENE	80134640 BENCHMARK INTERNATIONAL INVESTMENT CORP
80145193 BAKER BRIAN COURTNEY	80139163 BARTLETT STEPHEN JAMES	80144901 BENDER GREGORY CHRISTOPHER /KS/
80132678 BAKER DONALD DAVID	80149664 BARTON PETER WILDEY	80134952 BENDETOVITCH RUTH /NY/
80123164 BAKER JOEL R INC	80120297 BASOM FRED VERNOR ADV	80140549 BENEFIT & INVESTMENT CONCEPTS INC
80129005 BAKER JOHN A	80129219 BATALION INVESTOR SERVICES INC	80133690 BENEFIT ALTERNATIVES INC
80133980 BAKER MARC LEE	80148979 BATES FINANCIAL SERVICES INC	80120324 BENEFIT PLAN SECURITIES INC
80152933 BAKER WILTON WADE	80150759 BAU ANNETTE MARION	80145675 BENEFIT PROFESSIONALS LTD /VA/
	80154038 BAUER CAPITAL MANAGEMENT	80136188 BENINGHOF JOSEPH MICHAEL
	80121751 BAUER HAROLD GARRISON JR	80126440 BENNETT & KAHNWEILER REALTY ADVISORS INC
	80133116 BAUER LEO	80147273 BENNETT JAMES EDWARD
	80122195 BAVERO FINANCIAL SERVICES	80137055 BENNETT MICHELE CLEMENTS
	80153199 BAXTER BANKS & SMITH LTD	80120745 BENSON ASSOCIATES INC ADV
	80121150 BAY COLONY LTD	80142174 BENT TREE GROUP INC /NC/

80144440	BENTLEY FRANK ARTHUR	80152684	BLANDO PROCULO BRINGAS	80104399	BRANDON & CO
80130464	BENZ ROGER HAROLD	80127633	BLATT BARRY CHARLES	80144074	BRANDSTATTER JOHN
80145175	BERG INVESTMENT MANAGEMENT CORP	80146871	BLEEDEN ANDREW MARC		RICHARD /MI/
80140597	BERG JEROME BERNARD	80137346	BLEKICKI RONALD JAMES	80121576	BRANDYWINE INVESTORS INC
80153134	BERG MICHAEL EUGENE	80130060	BLOCK CHARLES SEYMOUR/ PA		ADV
80150798	BERGSMA ERIC ROSS	80147475	BLOHM HELEN	80148625	BRANTLEY CAPITAL MANAGEMENT INC
80133370	BERGTHOLD DONALD EUGENE	80127709	BLOOM RICHARD J	80135552	BRATTON HENRY WILLIAM
80148114	BERKELEY INVESTMENTS INC	80153283	BLOOMBERG ASSOCIATES INC	80143826	BRAUN CAPITAL SERVICES INC
80143885	BERKSHIRE INVESTMENT ADVISORS LP /MA/	80138409	BLOSSOM CHARLES ALAN		/NY/
80138505	BERMAN HENRY S /IN/	80132851	BLUE CHIP CAPITAL MANAGEMENT INC	80145398	BRECEK & YOUNG FINANCIAL SERVICES GROUP INC
80115238	BERNARD JAMES A	80142021	BLUE PAGE PUBLISHING INC /IL/	80134344	BREEN JAMES WILLIAM
80138840	BERNARDO JOSEPH	80121213	BLUTSTEIN ASSOCIATES LTD	80147095	BREGER MARTIN LEROY
80150612	BERNSTEIN STANLEY LLOYD	80122608	BLYTH & DONOVAN PARTNERS	80122938	BRENNAN DAVID MICHAEL
80124005	BERRY TOMS & ASSOCIATES	80126549	BOARDMAN ARTHUR GRAHAM	80149755	BRENNAN JAMES FREDERICK
80154476	BERTOT PETER GARCIA	80128599	BOBAL MICHAEL JOHN JR	80131053	BREWER MELVIN CHARLES
80143192	BERTRAM WILLIAM KEITH	80119915	BOBBE MYRON	80153056	BRIGHAM DAVID ELMER
80120455	BERUBE JOHN SCOTT	80145045	BODOW SUE LANDESMAN	80130963	BRILL STUART
80149038	BEST ADVICE CORP	80127736	BODZIN GEBEL & CO INC	80149330	BRISTOW GLENN
80135866	BETBADAL VICTOR ELIA	80147871	BOGER LIONEL HOLT	80134858	BROAD & WALL ASSET MANAGEMENT INC
80141511	BETER ALEXANDER MATHIAS /MD/	80133614	BOGGS KEITH S INC	80121964	BROCK MARY STONE
80141113	BETER JOSEE MARIE ELIZABETH	80144666	BOLDEN ASSET MANAGEMENT /OH/	80127658	BROCKELBANK THOMAS ATTWOOD
80110012	BETHANIS CONSTANTINE JAMES	80122734	BOLE BEVERLEY ANN	80149796	BROCKMAN DANIEL
80116502	BETTINGER & LEECH INC	80145194	BOLIN SCOTT HAMILTON	80134292	BRODIE FREDERICK PETER
80122777	BEVANS THOMAS REED	80120696	BOMBERA BENEDICT BERNARD	80143348	BRODSKY MICHAEL SCOTT
80150129	BEVER GLENN WAYNE	80137399	BOMGREN WALTER ROY /MN/	80126330	BRODY ALBERT
80128562	BEVINGTON RICHARD CARL	80139377	BOND MICHAEL THOMAS	80150896	BRODY CLIFFORD LLOYD
80132545	BFM ASSET MANAGEMENT INC	80125324	BONDURANT EVERETT HARRY JR	80135850	BROE PATRICK DENNIS
80147868	BFM INC	80142783	BONECK CHARLES OSCAR JR /CA/	80133568	BROKERS EDGE INC
80137629	BGP ADVISORY INVESTMENT SA	80131162	BONIN JOSEPH STECKLER LUKE	80150219	BRONSTEIN RICHARD SCOTT
80132483	BIANCO PETER JOSEPH	80152560	BONSHAW ADVISORS INC	80146447	BRONTE RONALD ALAN
80119306	BICKEL HENRY JOSEPH ADV	80116100	BOOTH WILLARD CLAUDE	80148598	BROOKFIELD WUNDERLICH INC
80152906	BIGELOW ASSET MANAGEMENT LLC	80138235	BOOthe ASSET MANAGEMENT INC	80134793	BROOKS CHRISTIAAN ARTHUR
80146543	BILIS JOHN /FL/	80126929	BORRIS KURT JOHN	80139535	BROOKS TED ALAN CPA
80149509	BILTMORE ADVISORS INC	80149401	BOSCHEN FINANCIAL INC	80145110	BROSKA DENNIS /CA/
80125018	BINGHAM OSBORN & SCARBOROUGH	80127729	BOSSOLA ANTOINETTE	80135891	BROUS H D ADVISORS INC
80144625	BINN EVAN LEONARD	80116346	BOSTIAN RESEARCH ASSOCIATES INC	80141306	BROUSSARD & DOUGLAS INC /DE/
80142595	BIRAM GEORGE ANTHONY /WA/	80127440	BOSTON INTERNATIONAL FINANCE CORP	80136219	BROUSSARD CHERYL DENISE
80128525	BIRCHTREE FINANCIAL ADVISORS INC	80133427	BOTNICK ASHLEY HOWARD	80145109	BROUSSARD JERRY JAMES /LA/
80136977	BIRD CHRISTINE INC CFP /GA/	80126797	BOTTOM LINE INC	80143097	BROWER INSURANCE AGENCY INC
80149355	BIRD STEPHEN VANCE	80118714	BOURGON ROSEMARY	80132939	BROWN CALVIN JONES
80125270	BISCEGLIA GROUP INC	80116861	BOURNE MARK HOWARD	80125347	BROWN CAPITAL MANAGEMENT INC /CA/
80123979	BISHIN JANE SHARLEE	80138952	BOVE RICHARD XAVIER SR	80120105	BROWN CECIL DEMORRIS JR
80119194	BISHOP ROBERT MICHAEL	80143722	BOVEY DON VICTOR	80122726	BROWN DONALD HOWARD
80136111	BISHOP SAXONY CORP	80141583	BOWE JACQUELINE ANN /NY/	80138366	BROWN FLORENCE EVELYN
80128755	BISHOP TERRY MELVIN	80126551	BOWEN GROUP INC	80143242	BROWN GREGORY MILLARD /GA/
80130233	BISSONETTE THOMAS EDWARD	80135367	BOWER ASSET MGMT CORP	80130103	BROWN JOHN LEO
80138354	BJT ASSOCIATES GROUP INC	80132265	BOYD FINANCIAL PLANNING SERVICES INC /MA/	80141634	BROWN JR DOYLE RHEA /MO/
80139643	BLA ADVISORS INC	80114333	BOYD JOHN K III	80149206	BROWN MICHAEL CRONIN
80142680	BLACK DAVID EUGENE	80111552	BOYLE WALTER OTT	80126333	BROWN MICHAEL W
80128311	BLACK DOG INVESTMENTS INC	80133010	BOYLE WILLIAM J /NJ/	80125207	BROWN RICHARD LAWRENCE
80146179	BLACK MICHAEL ROBERT	80114734	BOYLE WILLIAM JAMES	80149670	BROWN THOMAS WALTER
80146590	BLACK RIVER CAPITAL INC /SC/	80125280	BP ENTERPRISES INC	80127284	BROWN VERNON J
80134639	BLACK SHERRY JOE	80143828	BRAATEN ARTHUR PETER /FL/	80142960	BROWN W H & CO INC
80132206	BLACK WATCH FINANCIAL INC	80128613	BRADFORD DAVID LYONS	80129905	BROWNE BRIAN
80136920	BLACK WILLIAM ARCHIBALD	80113028	BRADFORD J C & CO	80110271	BROWNE HARRY
80137663	BLACKWELL BANKS /AR/	80146262	BRADLEY & BOHANNON INC /FL/	80134760	BROYLES & ASSOCIATES INC
80126366	BLAKE CHARLES MOWRY JR	80142645	BRADLEY CLIFTON BLAIR	80126866	BRUCE DAVID & CO
80133588	BLAN SANTITO BALTAZAR	80127306	BRADWELL MIDWEST LTD /IL/	80149630	BRUDERMAN M J & CO INC
80146254	BLANCHE LEE M /CT/	80148377	BRAHMANDAM KRISHNA MURALI	80148089	BRUINSMA GARETT DALE
80128824	BLANCHET ROBERT DAVID	80133119	BRANCH T A ASSOCIATES INC	80146400	BRUNING ROBERT MACKENZIE III /CO/
80120353	BLANDO PB & CO INC			80140336	BRUNS BRUCE LOUIS /PA/
				80138215	BRYAN DAVID EUGENE
				80115536	BRYANT CONAN WILSON & ASSOCIATES INC

80154021 BRYANT GROUP LLC	80111396 CALIFORNIA WESTERN STATES LIFE INSURANCE CO /CA/	80132150 CAPITAL MANAGEMENT GROUP LTD
80137655 BRYNER MAURICE CLAIR	80149852 CALLAHAN CHARLES WILLIAM SR	80150818 CAPITAL MANAGEMENT PARTNERS
80149305 BRYSON GREGORY MICHAEL	80149853 CALLAHAN PAUL RICHARD	80142089 CAPITAL MARKET CONSULTANTS INC
80132717 BT FORECAST	80143077 CALLAN LAURENCE BERNARD /HI/	80154488 CAPITAL MARKETS CORP OF PUERTO RICO /PR
80148359 BUCHANAN KEITH WAYNE	80110242 CALLARD MADDEN & ASSOCIATES INC ADV	80148431 CAPITAL ONE CORP
80149391 BUCK LESLIE SIMPSON	80124951 CALNEVARI CAPITAL MANAGEMENT INC	80132964 CAPITAL PLANNERS RESOURCE LP
80137694 BUCKLEY BERNARD JAMES /IL/	80129560 CAMBRIDGE FINANCIAL MANAGEMENT INC	80149709 CAPITAL PRESERVATION ADVISORS INC
80137953 BUCKMAN WAYNE THOMAS /CA/	80147467 CAMBRIDGE FINANCIAL SERVICES CORP /NY/	80146083 CAPITAL PRESERVATION ASSOCIATES INC /NJ/
80147804 BUCKSHADOW CORP	80121040 CAMBRIDGE REALTY CAPITAL LTD	80145289 CAPITAL PRESERVATION OF AMERICA INC/
80128118 BUDNY KENNETH J	80152818 CAMERON BRIAN AGENCY INC	80124038 CAPITAL RESOURCES GROUP INC
80133375 BUIE ELISSA PAULINE	80143112 CAMERON CAPITAL MANAGEMENT INC /CA/	80131499 CAPITAL SEARCH & MANAGEMENT INC
80146162 BUJOK KAREL	80130798 CAMERON MARY CLAUDIA	80141744 CAPITAL TRANSACTION RESEARCH INC
80148673 BUMBALO ANTHONY	80119130 CAMMAROTA MICHAEL C	80150667 CAPITAL WEST INVESTMENT HOLDING CO INC
80146037 BUONO THOMAS /NY/	80129294 CAMP H L & CO INC	80109635 CAPITOL GROWTH SELECTIONS
80135967 BURACK SEYMOUR SHELDON	80139691 CAMPA J D & ASSOCIATES INC	80126906 CAPLAN BRIAN LOUIS
80134182 BURCHAM JAMES SAMUEL JR	80149440 CAMPBELL BRIAN DAVID	80145129 CAPPELLA WORLDWIDE LTD /NY/
80142965 BURCHETT KEVIN TODD	80129213 CAMPBELL DEAN GEORGE	80147186 CAPSTONE ASSET MANAGEMENT INC
80136435 BURDELL WILLIAM MANAGEMENT CO	80133218 CAMPBELL JAMES ROY	80142550 CAPSTONE INVESTMENT COUNSEL INC
80122319 BURDICK D LAWRENCE	80152622 CAMPBELL JANET LOUISE /CA/	80129413 CAPUTO MICHAEL ANTHONY
80149635 BURGER CAPITAL MANAGEMENT INC	80139233 CAMPBELL PLANNING ASSOCIATES INC /GA/	80120759 CARDAN CAPITAL MANAGEMENT CO INC ADV
80154025 BURGER GARY DEWITT	80136423 CAMPBELL RANDY LYNN	80144732 CAREY FIDUCIARY ADVISORS INC
80139666 BURGER MARTIN EDWARD	80143520 CAMPBELL ROBERT GERARD	80150668 CAREY INSTITUTIONAL ADVISORS LP
80131707 BURGER MATTHEW JOHN	80123746 CAMPBELL RONALD JOHN	80145038 CARLINI ADAM CHARLES /CA/
80122398 BURKE J B & CO	80143580 CANAVAN BRENDAN CONNOLLY	80137610 CARLINI JOSEPH MICHAEL
80151280 BURKE RICHARD MICHAEL	80110769 CANAVEST HOUSE INC ADV	80136917 CARLSON CRISTY MARIE /WA/
80114030 BURKHARDT GREGORY CHARLES	80143508 CANE JOHN ANTHONY /NJ/	80118964 CARLSON ENTERPRISES INC
80150159 BURKLY PETER JOHN	80136508 CANFIELD JAMES BARRY	80141935 CARLSON NATIONAL BROKERS LTD
80150693 BURLESON FINANCIAL STRATEGIES INC	80147579 CANFIELD THOMAS N	80149510 CARLTON FINANCIAL SERVICES INC
80153326 BURNETT WILLIAM JOSEPH	80150724 CANNER IRVING ELDRIDGE	80145705 CARNERO ANDY /CA/
80118175 BURNS FRY INC /NY/	80125135 CANON ARTHUR EUGENE	80149576 CAROLINA INSTITUTE FOR MONEY MANAGEMENT INC
80132838 BURNS LEO GERALD	80130389 CAPCORE PORTFOLIO MANAGEMENT INC	80141533 CAROLINA INVESTMENT ADVISORS INC/NC
80147605 BURNSIDE DANIEL JAMES	80133031 CAPERTON INVESTMENT CORP	80145367 CARPEDIEM CAPITAL ASSET MANAGEMENT INC /NJ/
80136217 BURNSTEIN SHAWN MICHAEL	80138554 CAPITAL ADVISORS GROUP INC	80139234 CARPEDIEM GROUP INC /NJ/
80140454 BURR WALTER JEFFREY	80146398 CAPITAL ADVISORS INC /OR/	80123172 CARPENTER JAMES FOY
80132507 BURROUGHS CAPITAL MANAGEMENT INC /NY/	80130975 CAPITAL ADVISORY CORP	80143099 CARR DONALD WAYNE
80154207 BURSON ROBERT THOMAS	80152117 CAPITAL APPLIED TECHNOLOGIES INC	80127511 CARR WILLIAM GEORGE
80132352 BURT FREDERIC HEWITT	80119816 CAPITAL APPRECIATION INVESTMENTS	80113454 CARRADO MARTIN E
80102833 BURTON ASSOCIATES LTD	80151281 CAPITAL ASSET ADVISORS INC	80129325 CARROLL CHRISTOPHER MICHAEL
80142127 BURTON TIMOTHY HUDSON /TX/	80152481 CAPITAL ASSET MANAGEMENT INC /VA/	80140834 CARSON DAVID W
80134063 BURTON WALTER LEE	80125977 CAPITAL ASSETS TIMING SERVICE INC	80153173 CARSON JOHN BERTRAM
80125841 BUSADA SAMUEL GEORGE	80131591 CAPITAL CONTROLLERS INC	80128656 CARSON THOMAS CLAUDE
80139680 BUSH DONALD GLENN II	80115477 CAPITAL DEFENSE GROUP LTD	80145551 CARTER CARL DOUGLAS
80145406 BUSINESS & ESTATE PLANNING SERVICES INC/IA	80154697 CAPITAL FORMATION ADVISERS LLC	80114404 CARTER CONWAY L JR
80138323 BUSINESS ARENA INC	80125982 CAPITAL FORMATION STRATEGIES INC	80123170 CARTER ROBERT WINFIELD
80120339 BUSINESS RESEARCH CORP ADV	80119265 CAPITAL IDEAS INC I/A	80127566 CARTER YOUNG WOLF DAVIS & DAHLHAUSER
80130855 BUTCHER TAX SERVICES LTD	80146956 CAPITAL INTERNATIONAL SECURITIES GROUP INC /FL/	80132633 CARTWRIGHT & WALKER SECURITIES INC /CA/
80144742 BUTLER & CO INC	80153956 CAPITAL INVESTMENT ADVISORS INC /PA/	80151082 CASA DE CULTURA LATINA INC
80136986 BUTLER JAMES LANCE /MS/	80129587 CAPITAL INVESTMENT PLANS OF WEST ORANGE NJ LTD	
80144216 BUTTONWOOD REPORT LTD /WV/	80133778 CAPITAL MANAGEMENT ADVISORS CORP	
80134093 BYRD RALPH E	80144796 CAPITAL MANAGEMENT CONSULTANTS GROUP INC	
80144070 BYRNE JOSEPH LEO /KS/	80137635 CAPITAL MANAGEMENT GROUP /IL/	
80133591 BYSZKO ANTONIO FEDOR		
80142589 BYZICK NEIL ROBERT		
80109780 C&L SECURITIES CORP		
80126511 CA STRATEGIES INC		
80136648 CABELLO GARY ALLEN		
80133637 CAD FINANCIAL SERVICES INC		
80146808 CAFFERKY ANDREW EMMETT JR		
80126128 CAHILL TERRENCE STEPHEN		
80124756 CALDEIRA MARY KATHRYN /OH/		
80140874 CALDWELL MICHAEL WILLIAM		
80138587 CALDWELL WILLIAM T & ASSOCIATES INC		
80132332 CALIBER ASSOCIATES INC		

80145482	CASCADE FINANCIAL MANAGEMENT INC /WA/	80147134	CHANT DENNIS M	80142596	CHORNEY STEWART HOWARD /CA/
80138768	CASE CHARLES ALFRED	80144424	CHAPMAN JOHN HOWARD JR	80144676	CHOU JOHN TSU HAN
80139668	CASE SAMUEL	80136744	CHAPMAN LEE MANUEL	80144135	CHOY SING INVESTMENTS USA LTD /NY/
80138362	CASE W LYMAN & CO /OH/	80145923	CHAPMAN SECURITIES INC /KS/	80147176	CHRISCOE IRMA K
80150990	CASEBIER KEVIN WAYNE	80126544	CHAPPELLE PERRY KENT	80142678	CHRISTENSEN NIELS BARRON
80154545	CASEY FRANCIS JOSEPH JR	80132326	CHARLEBOIS GARY THOMAS	80145132	CHRISTIAN DAVID INC
80130735	CASH FLOW INVESTORS INC	80143025	CHARLESTON PLANNING CONSULTANTS INC /SC/	80125688	CHRISTIAN INVESTMENTS
80125602	CASHMAN RAYMOND LEO SR	80136843	CHARTER ASSETS INC	80148087	CHRISTOPHER JOSEPH T ADVISOR INC
80136963	CASO TIMOTHY PAUL	80153969	CHARTER INVESTMENT GROUP INC	80133999	CHRYSALIS INVESTMENTS LTD PARTNERSHIP /MA/
80124102	CASSEL EDWARD ROY	80147730	CHARTER INVESTMENT GROUP INC /OR/	80118969	CHRYSSOSTOMIDES PANDELIS P INC
80145832	CASSIDY CONSULTING CORP	80130860	CHARTER INVESTMENT SERVICES INC	80149145	CHU INVESTMENT COUNSEL INC
80147353	CASTALDI RAPHAEL JOSEPH	80128812	CHARTERED FINANCIAL PLANNERS	80144630	CHUA CHRISTINA YEE WAI /CA/
80140468	CASTLE ROCK CAPITAL INC	80127481	CHARTERED FINANCIAL PLANNERS INC	80136237	CHURCH STREET ASSET MANAGEMENT
80147854	CASTORIA JERRY JAMES	80128156	CHARTERED FINANCIAL SERVICES INC	80149798	CHURCHILL ASSET MANAGEMENT INC
80150259	CATALANO JOHN DENIS	80154015	CHARTWELL TREASURY MANAGEMENT	80150983	CHURCHILL CAPITAL MANAGEMENT INC
80142286	CATHAY ASSET MANAGEMENT LLC	80132770	CHASE CHARLES AYER JR	80141485	CHURCHILL JOSEPH L & CO PC
80140737	CATLI VANDEN JOSEPH /NJ/	80141097	CHASE DISTRIBUTION INC	80124049	CIANO DARREL J
80144454	CATTARUZZA LOUIS FRANCIS	80141444	CHASE FUTURES ADVISORS INC	80121804	CIMINO GERALDINE
80129428	CATTELONA RICHARD ANTHONY	80138849	CHASE INVESTMENT RESEARCH INC /IN	80142415	CINA & VELCOFSKY ASSOCIATES INC
80129781	CAUDELL DANIEL MARION	80136650	CHASE JAMES O SECURITIES INC	80135459	CIOFALO ROBERT CHARLES
80122159	CAVILL & CO	80138319	CHASE MANHATTAN CAPITAL FINANCE CORP	80147212	CIRCLE INVESTMENT COUNSELORS LLC
80137838	CAZENOVE INVESTMENT MANAGEMENT LTD	80146125	CHASE MANHATTAN GLOBAL TRADING STRATEGIES INC /NY/	80152715	CIRRUS FINANCIAL GROUP INC
80154294	CBL EQUITIES INC	80135227	CHASE RACHELLE DOCKMAN	80133768	CITIZENS INVESTMENT SERVICES INC
80133901	CBS TRUST	80146220	CHATEAU VILLAS INC /MO/	80151243	CITY FINANCIAL GROUP INC
80123241	CCF INTERNATIONAL FINANCE CORP	80145130	CHATHAM GARRET INC /NJ/	80139431	CJ&J FINANCIAL GROUP INC
80147038	CCM ASSET MANAGEMENT INC	80141543	CHATMON ASSET MANAGEMENT INC /NJ/	80154539	CJS INVESTMENT ADVISORS INC
80126857	CDA INVESTMENT TECHNOLOGIES INC /MD/	80143599	CHAU RAYMOND TUNG /CA/	80114476	CLAIRTON FINANCIAL INC
80112283	CECCHERINI RONALD FREDERICK WILLIAM	80129672	CHAUVEAUX BERT LAWSON	80148314	CLAREMONT BEAL ACQUISITION LP /MA/
80123099	CEDRO FRANCISCO ALIPAO	80148325	CHAYKA JOHN W	80112311	CLARENS ASSOCIATES INC
80124175	CEFALU SALVATORE J	80117564	CHECHAK BENJAMIN WALTER	80152399	CLARION AMERICAN SECURITIES INC
80153889	CELIA DANIEL JOSEPH	80134800	CHEDCO INVESTMENT PLANNING SERVICES INC /MN	80141179	CLARION FINANCIAL GROUP INC /CO/
80118642	CENTENNIAL ADVISORS INC /CA/	80149804	CHEN MING JU	80146333	CLARK CANDISE LISA /CA/
80149617	CENTER FOR FINANCIAL EDUCATION /MD/	80149997	CHENG STEPHEN HSU	80149332	CLARK CAPITAL MANAGEMENT INC /CA/
80122139	CENTER FOR FINANCIAL PLANNING INC /NH/	80105234	CHERITON INC	80140701	CLARK DENISE DIANE LANNING
80137331	CENTER FOR FINANCIAL PLANNING INC /GA/	80134616	CHERRY EVAN LEE	80140281	CLARK JACK GERALD
80146551	CENTRAL EUROPEAN FINANCIAL GROUP LTD /NJ/	80142330	CHESAPEAKE FINANCIAL ADVISORS INC /VA/	80133890	CLARK MICHAEL OLIN
80142305	CENTRE FINANCIAL GROUP INC /PA/	80149343	CHESAPEAKE TRUST FINANCIAL ADVISORS LTD	80149008	CLASSIC ASSET MANAGEMENT INC
80123758	CENTURION CAPITAL MANAGEMENT CO INC	80128985	CHESAPEAKE VILLAGE INVESTMENTS INC	80138172	CLASSIC INVESTMENT MANAGEMENT INC
80127788	CENTURY FINANCIAL SERVICES OF CENTRAL ILLINOIS INC	80146478	CHIANG GARY SONG HAW /CA/	80133811	CLEAR LAKE TAX & FINANCIAL PLANNING GROUP
80130739	CENTURY FINANCIAL SERVICES OF THE HEARTLAND INC	80136555	CHICAGO INVESTOR INC	80149921	CLEARVIEW TIMING SERVICE CORP
80128776	CERNERO NUNZIANTE ENRICO	80154208	CHICAGO MANUFACTURING CENTER	80149522	CLEARY PHILIP JOSEPH
80145819	CEROS PORTFOLIO MANAGEMENT CO	80137439	CHICAGO MATHEMATICAL FINANCE CO	80152471	CLELAND TODD
80150825	CETINSKI ADI JOHN	80150827	CHIEN FINANCIAL GROUP & CO INC	80141537	CLEMENTE FUND MANAGEMENT INC /NY/
80124311	CFM ASSOCIATES INC	80146688	CHILDRESS GARY ALAN /AZ/	80154301	CLIFFORD STEVEN D
80123608	CFP ADVISORY GROUP	80141544	CHIUSANO MICHAEL JOSEPH /MA/	80127198	CLINARD JOSEPH HIRAM JR
80152908	CFP4NE1 INC	80140221	CHIVAS CAPITAL MANAGEMENT INC	80141068	CLINE JERRY L /OH/
80114972	CGR CONSULTANTS LTD	80151041	CHODER BRUCE DAVID	80136859	CLINE LYNDA ALYCE
80151898	CHACE THOMAS ROBERT	80143098	CHOI BRIAN YOUNG	80121648	CLINGER ARTHUR HERBERT
80128704	CHADWICKS FINANCIAL SERVICES INC	80151389	CHOI DUCKSANG	80140815	CLOSE LINES REPORTS INC
80139901	CHAIKIND LEONARD STANLEY	80134077	CHOI J W K & CO INC	80140800	CMC & ASSOCIATES INC /CO/
80138636	CHAMBERLAIN ROBERT WAYNE			80134839	CNB INVESTMENT SERVICES INC
80147855	CHAMPION RI				
80139235	CHAN LARRY C /NY/				
80139929	CHANCELLOR GROUP LTD				
80137874	CHANIN CAPITAL PARTNERS INC				

80133393	COASTAL CAPITAL MANAGEMENT	80145351	COMMONWEALTH INVESTMENT SERVICES INC	80150051	CONTEMPORARY FINANCIAL ADVISORS INC
80140871	COATES & SHERER INVESTMENTS INC	80154663	COMMONWEALTH TRUST CO	80130995	CONTINENTAL FIDUCIARY CORP
80143027	COBB KENNETH BERNARD II /FL/	80143653	COMMUNIK INC	80129420	CONTINENTAL INVESTMENT SERVICES INC
80119890	COBEY JACOBSON & GORDON INC	80133015	COMPASS FINANCIAL PLANNING INC /NJ/	80125857	CONTRATTO WESTERHOLM & ASSOCIATES INC
80130825	COCHRANE FLANNIGAN & HOLLENDER ADVISORS INC	80150685	COMPENSATION PLANNING CORP OF ROCHESTER INC	80129994	CONVERSE CHARLES MORSE
80151042	CODY JEAN M CPA PC	80129354	COMPLETE FINANCIAL SERVICES INC	80129383	CONWAY JAMES W
80145462	COELHO LUIS MANUEL /MA/	80120693	COMPREHENSIVE FINANCIAL PLANNING INC /IL/	80112063	CONWAY WILLIAM AUGUSTINE
80149344	COFNAS ABRAHAM	80125247	COMPREHENSIVE FINANCIAL PLANNING LTD	80121853	COOK JAMES J INVESTMENT COUNSEL INC
80149265	COGHILL CLINT D	80137564	COMPREHENSIVE FINANCIAL SYSTEMS INC /CA/	80151791	COOK PETER WARE
80130643	COGHLAN JEREMY MASON	80141903	COMPREHENSIVE INVESTMENT COUNSELING INC /NJ/	80149114	COOKE ROBERT ALLEN JR
80150657	COGSWELL INVESTMENT RESEARCH INC	80129174	COMPREHENSIVE RESEARCH & ANALYSIS CORP	80139727	COOMBE O BRIEN & CO
80148849	COHEN EQUITY CONSULTING INC	80140865	COMPU PICK INC	80148944	COOPER ALLAN DAVID /MS
80137246	COHEN JACK ORRIN /NH/	80129520	COMPUTER ASSISTED PENSION INVESTORS INC	80140814	COOPER ASSET MANAGEMENT INC
80142869	COHEN JED	80144968	COMPUTER RELIANCE CO INC /MD/	80116483	COOPER MELVYN
80143746	COHEN JERRY /CA/	80105965	COMPUTERIZED INVESTMENT MANAGEMENT INC	80123447	COORDINATED ASSET PROTECTION INC
80139674	COHEN LESTER MELBOURNE	80142063	COMPUTIME INSTITUTIONAL SERVICES INC /NY/	80114491	COORDINATED CAPITAL ADVISORY
80138775	COHEN LOLA ANN	80141687	CONA FRANKLIN JOHN	80133907	COORDINATED FINANCIAL PLANNING OF GREENSBORO INC
80130986	COHEN NORMAN JAY	80130354	CONANT JAMES ELIOT	80119088	COORDINATED FINANCIAL PROGRAMMING INC
80127612	COHN CHARLES MARCUS	80141789	CONAWAY ROBERT WAYNE JR /TX/	80153095	COPIC INSURANCE AGENCY
80146382	COHN RICHARD JAY /CA/	80150120	CONCEPTS & MANAGEMENT INC	80139725	COPKO JOSEPH PAUL /NJ/
80154716	COLBERT INVESTMENT MANAGEMENT CO	80140866	CONCEPTUAL FINANCIAL PLANNING INC	80129509	COR PRO INC
80147772	COLBURN LEZLIE ANN	80123866	CONCEPTUAL FINANCIAL PLANNING INC /IN/	80130766	CORBETT DENNIS PATRICK
80126723	COLDIRON OTTO GREEN JR	80144111	CONCILIUM FINANCIAL INC /CA/	80137944	CORCOS ALAIN SIMON /CA/
80144601	COLE VENTURES INC	80136239	CONDON & FILLMORE PC	80136685	CORDER MAX GEORGE
80109768	COLEMAN CLARENCE WILLIAM	80143448	CONDOR ASSET MANAGEMENT INC /CT/	80110637	CORDRY THOMAS WALLACE JR
80116941	COLEMAN GAINES FINANCIAL SERVICES INC /IN/	80149050	CONE JAMES BAILEY	80149952	CORE UTILITY CONCEPTS
80139392	COLEMAN LUCILLE	80131372	CONFIDENTIAL PLANNING CONSULTANTS INC	80128927	CORKILL ASSET MANAGEMENT INC
80144945	COLEMAN TERRY LANE	80121913	CONGER TERRY WARREN ADV	80131669	CORKINS WILLIAM HERMAN III
80149303	COLEMAN VERNAL JR	80143238	CONGRAVE ROBERT HOWARD	80146963	CORMIER M ASSOCIATES INC
80151706	COLERIDGE GROUP INC	80152021	CONLEY JOHN J LTD	80126080	CORMIER MICHELE JUANITA
80141332	COLL ASSOCIATES INC /PA/	80121464	CONNECTICUT FINANCIAL CONSULTANTS	80148978	CORNERSTONE ADVISORY GROUP LTD
80129190	COLLEGE FINANCIAL PLANNING SERVICES INC	80140971	CONNELL & ASSOCIATES/CA	80150984	CORNERSTONE ASSET MANAGEMENT INC /NJ
80137098	COLLEGE SECURITIES GROUP INC	80139524	CONNER CAPITAL CORP	80153810	CORNERSTONE ASSOCIATES TECHNOLOGY SERVICES INC
80135401	COLLEY DENNIS OREN	80133520	CONNER FINANCIAL ADVISORY INC	80141036	CORNERSTONE FINANCIAL ADVISORS INC /MA/
80147937	COLLIER CAPITAL MANAGEMENT INC	80146746	CONNOR MICHAEL FRANK	80118904	CORNERSTONE FINANCIAL ADVISORY SERVICES INC
80126250	COLLINS CAROLYN /CA/	80142604	CONNORS CAPITAL MANAGEMENT INC /CT/	80133948	CORNERSTONE FINANCIAL CONSULTANTS INC /MN/
80145666	COLLINS J D INVESTMENT MANAGEMENT INC	80146935	CONRATH VIVIAN COSIO	80149653	CORNERSTONE INVESTMENT ADVISORS CORP
80129914	COLLINS JAMES W	80153777	CONSERVATIVE ASSET MANAGEMENT CO INC	80139315	CORNERSTONE INVESTMENT MANAGEMENT INC /GA/
80110821	COLLINS JOHN CARLTON	80129426	CONSOLIDATED INVESTMENT SERVICES INC	80146430	CORNERSTONE PLANNING ASSOCIATES INC /OH/
80138238	COLLINS JOHN CHARLES JR	80127448	CONSORT FINANCIAL CORP	80114698	CORNERSTONE RESOURCES INC /TX/
80142287	COLOMBIAN RESEARCH & INVESTMENT SERVICES SA /COLOMBIA/	80149198	CONSTELLATION FINANCIAL MANAGEMENT CO LLC	80149208	CORNETT CHARLES EDMONDSON
80148594	COLONY FINANCIAL ADVISORS INC	80145814	CONSULTATIO ASSET MANAGEMENT INC /NY/	80121992	CORPORATE BENEFIT PLANNERS INC
80149636	COLOSIMO SANDRA L	80142741	CONSULTING ACTUARIES INTERNATIONAL INC /NY/	80136031	CORPORATE FINANCIAL SERVICES INC
80133966	COLOSIMO SANDRA LEE	80131833	CONSULTING SERVICES GROUP INC	80116058	CORSAIR ASSET MANAGEMENT INC
80150000	COLUMBIA CONSULTING GROUP INC /OR	80138918	CONSUMER FINANCIAL PLANNING NETWORK INC/WA/	80148757	CORSAIR CAPITAL ADVISORS LLC
80150255	COLUMBUS GROUP INC			80115335	CORSARO JOSEPH RICHARD
80151052	COLUMBUS INVESTMENT ADVISORY INC			80136446	COSTIGAN THOMAS EDWARD
80123439	COLUNI WILLIAM JAMES				
80146897	COMBIAS JOHN ANTHONY				
80145531	COMBS KENNETH HARRY				
80140094	COMEFORD NEIL JAMES				
80137300	COMFORT MIRIAM HAMMER /CA/				
80148804	COMMON TRUST FINANCIAL NETWORK				
80149945	COMMONWEALTH CAPITAL INC				

80132469	COTSWOLD MANAGEMENT INC	80144687	CULBERT READ SHEPARD	80126563	DAVIS KINARD & CO
80141042	COTSWOLD MANAGEMENT PARTNERS LP /NY/	80123993	CULBERTSON KEITH & ASSOCIATES INC	80132583	DAVIS R FINANCIAL SERVICES INC
80136818	COTTER THOMAS JOSEPH /NY/	80134545	CUNNINGHAM ADVISORY SERVICES INC	80126203	DAVIS RICHARD DUANE
80133842	COTTLE & SWANSON CPA	80153961	CUNNINGHAM DOYLE RAY	80102506	DAVIS ROBERT CHARLES
80140791	COTTRELL JONATHAN LONG /MA	80152987	CUNNINGHAM GEORGE ROBERT	80154608	DAVIS SCOTT ALAN
80123157	COUGHLIN ASSET MANAGEMENT GROUP LTD	80130597	CUNNINGHAM HENDERSON & PAPIN INC	80133406	DAVIS THEODORE M
80128167	COUGHLIN CHRISTOPHER PAUL	80140937	CURCURUTO ROBERT VICTOR	80136047	DAVIS WILLIAM JAMES
80132932	COUNSEL FINANCIAL INC	80133434	CURKENDALL FINANCIAL PROGRAMS INC	80111907	DAWIS
80152829	COUNTERPOINT ADVISERS CORP	80152714	CURRAN ROBERT EVAN	80147935	DAWKINS JAMES PHILIP
80129800	COURTNEY DAVENPORT & KISSLING	80141757	CURRAN THOMAS JOSEPH	80151811	DAWSON CAPITAL MANAGEMENT
80144999	COURTNEY FINANCIAL MANAGEMENT INC /MO/	80136411	CURRIER RONALD CLARENCE	80152440	DAWSON CAPITAL MANAGEMENT /DE/
80143558	COVERT CRISTEL MCLAREN	80133109	CURTIS FINANCIAL CORP /CA/	80146161	DAWSON DOUGLAS ARLIN
80125589	COVINGTON FINANCIAL CORP	80131007	CURTIS ROGER WARD	80143720	DAWSON INVESTMENT ADVISORS
80148544	COWAN ASSET MANAGEMENT INC	80138585	CUSHING CAPITAL CORP	80142228	DAY MICHAEL FORTNER /CO/
80149148	COWARD NEVILLE SHURLAND	80147621	CUSHING MICHAEL ROY	80145136	DAY MILTON SHERMAN /MO/
80153651	COX & BRENNAN FINANCIAL SERVICES LLP	80132005	CUSHNER GARY DAVID	80111937	DAY ROBERT
80143903	COX BARBARA LYNN /NY/	80147563	CUSTOM DIVERSIFICATION FUND MANAGEMENT INC	80148441	DBS ADVISORS INC
80147542	COX DAVID EARL	80140777	CUTLER & ROTH CAPITAL MANAGEMENT	80118431	DE LA TORRE JOSE DIAZ
80124974	COX JAMESON WINTHROP	80137594	CUTUGNO & ASSOCIATES	80122309	DE RANIERI JOSEPH THOMAS
80113996	COY JOHN OLIVER	80149101	CVO GREATER CHINA PARTNERS LP	80118857	DE VOU JAMES LAIRD
80137138	COYOTE ADVISORY GROUP INC	80142537	CWI PARTNERS LTD	80148449	DEADMAN ROBERT JAMES
80143452	CPR WEALTH STRATEGIES INC /GA/	80117962	CYBER SCAN INC	80149435	DEAL RICHARD ALLEN
80140734	CPW ADVISORS INC	80112974	CYCLIC FORECAST	80131527	DEAN C W & CO INC
80153069	CRAFT JOHN D	80140938	CZESCHIN ROBERT W	80126133	DEAN MILES INVESTMENT ADVISOR FINANCIAL PLANNER
80145360	CRAIG DAVID MCKEE /OH/	80148022	D MARK VENTURES INC	80140240	DEARBORN INVESTMENT ADVISORS INC
80101734	CRAIG HALLUM INC	80127382	DABBAH ASSET MANAGEMENT CORP	80136623	DEARNLEY LARSEN & SCHRAGE
80124083	CRANDALL & SCOTT ASSOCIATES	80142583	DAE YU INVESTMENT MANAGEMENT CO LTD	80145760	DEASY DONALD JOSEPH
80137161	CRANE FINANCIAL GROUP INC /IL/	80145501	DAEHAN INVESTMENT TRUST CO LTD	80125536	DEBOCKLER KEVIN JOSEPH
80146020	CRANE RICHARD ALAN	80143029	DAGUIO KAWIKA MIKAELE /MD/	80150278	DECISIONWARE INC
80147577	CRAW GARRETT SUMNER	80148961	DAHER ANTHONY JOHN	80131035	DEEB & ASSOCIATES INC
80104758	CRAWFORD G H CO INC	80137027	DAHM ALFONS G & CO INC /NY/	80129488	DEEL ROBERT PAGE
80126211	CREATIVE INVESTMENTS INC	80141879	DAL SANTO JOHN QUENTIN /CT/	80154321	DEEP LAKE CAPITAL MANAGEMENT LLC
80138442	CREATIVE TAX PLANNERS INC	80148961	DAHER ANTHONY JOHN	80151484	DEFINED INVESTMENTS INC
80107392	CREDIT LYONNAIS SECURITIES USA INC /NY/	80137027	DAHM ALFONS G & CO INC /NY/	80127144	DEFORREST CO INC
80139314	CREDIT RESEARCH MARKETING CORP /CT/	80141879	DAL SANTO JOHN QUENTIN /CT/	80154234	DEFRANCESCA PETER FRANCIS
80121482	CREDIT SUISSE ASSET MANAGEMENT INC	80138033	DALTON J & CO INC	80145028	DEHGHAI HAIDEH M /VA/
80141819	CRESAP INC /PA/	80126082	DALTON JOHN & ASSOCIATES	80113112	DEJARDIN DONALD ARTHUR
80148592	CRESCENT BANK & TRUST CO	80140752	DAMIANO ANGELO /NJ/	80134458	DEJOHN FINANCIAL CORP
80128425	CRESTVIEW INVESTMENT ADVISORS INC	80134790	DANIEL E L LTD	80130640	DEKKER ROBERT GERALD
80114075	CRICK MICHAEL ASSOCIATES /WA/	80142725	DANIEL FRANCIS MASIH /WI/	80147999	DEL MAR FINANCIAL SERVICES INC
80131327	CRISANTI MICHAEL JOSEPH	80146336	DANIELS JONATHAN & CO INC	80148977	DELAMBILY ROBERT WALTER JR
80137023	CRISWELL ROBERT D /CA/	80131469	DANIELS THEODORE ROOSEVELT	80131056	DELANEY THOMAS GUNNAR
80145633	CRITERION INVESTORS INC	80128348	DANNIN JORDAN ELLIOT	80114600	DELAWARE SECURITIES & INVESTMENTS INC
80153048	CRITTENDEN STEVEN EVERETT	80151412	DARDEN JAMES WALTER III	80143059	DELCO FINANCIAL SERVICES INC /DE/
80141601	CROMER WILLIAM J JR /NY/	80126926	DARDER MARIO CARMEN	80126758	DELEHANTY DANIEL ALBERT
80134732	CRONIN JAMES JOHN /NY/	80129594	DARIEN CAPITAL MANAGEMENT INC	80130458	DELISIO JEFFERY SCOTT
80131191	CRONIN LEO	80143715	DARTBOARD PLUS INVESTMENTS	80147003	DELLING LEONARD VERNE
80138070	CROSBY ASSET MANAGEMENT US INC/	80147137	DASTE TAYLOR & ASSOCIATES INC	80119159	DELNOCE THOMAS PETER
80138884	CROSSMAN DANNY EDWIN	80135402	DATZ ASSOCIATES INC	80118824	DELPHI ASSET MANAGEMENT/CA
80138921	CROSSON JOHN FRANCIS /MI/	80137856	DAUGHTY RICHARD BEN	80129549	DELPHI CAPITAL PRESERVATION INC
80133851	CROUCH BERLAN I INC	80134349	DAVENPORT DAVID ANTHONY	80134352	DELPHI ECONOMICS INC
80128299	CRUICKSHANK ROBERT ALFRED	80139167	DAVID CHARLOTTE GERTRUDE	80150691	DELTA EQUITY SERVICES CORP /MA
80149920	CTIBOR FREDERICK JOSEPH	80130198	DAVIDSON & SAURBAUGH ASSOCIATES INC	80130110	DELTA INVESTMENT SERVICES INC
80141848	CUDIHY JOHN JOSEPH	80142488	DAVIDSON JAMES EDWARD JR /IL/	80148007	DEMARCO FRANK
		80116651	DAVIDSON ROBERT N	80137494	DEMATTIA MARK ALEXANDER
		80125655	DAVIES JOHN DAVID /	80120269	DEMOS JOHN
		80119834	DAVIS DAVID GOTTEN	80148138	DENIETOLIS MARK
		80149701	DAVIS INTERNATIONAL CONSULTANTS INC /NY/	80109515	DENNER JOHN WINSLOW
				80126645	DENNING RICHARD PAUL

80142043	DENTON NEVIL LLOYD /NY/	80138981	DODSON MARY JEANNE	80119822	DUNN & ASSOCIATES ADV
80150424	DEPEW MICHAEL WILLIAM	80139037	DOHAR MICHAEL J	80152032	DUNN JAMES WILLIAM
80137073	DERUTAM B V	80142487	DOHERTY & STUART PC /MA/	80139232	DUNN TIMOTHY /MA/
80138811	DESANTIS ANTHONY	80138095	DOMINION BOND RATING SERVICE LTD	80140183	DUNNINGTON NANCY WORKMAN
80153446	DESANTO KEITH LEWIS	80147279	DOMRES ROGER WILLIAM	80146078	DUPONT INVESTMENT ADVISORS INC
80142817	DESIO CAPITAL MANAGEMENT INC /NY/	80151762	DONALD ROBERT LEE	80126972	DURAND JEFFREY C
80154717	DEUTSCHE FUND MANAGEMENT INC	80144077	DONELON THOMAS PA /FL/	80129286	DUVALL RANKIN POWERS III
80149559	DEVILLIER LYNELLA ANN	80137835	DONGWON INVESTMENT TRUST MANAGEMENT CO LTD	80140396	DW MULTIEMPLOYER PLAN ADVISORS INC /CA/
80141099	DEVRIES GROUP	80139805	DONLAN MCMAHON & CO INC /MA/	80128269	DWYER KENNETH M
80125314	DEWEY ALLEN LEONARD	80152541	DONNELLY WILLIAM JAMES JR	80129880	DYE ANTHONY WARD
80135959	DF ADVISORS INC	80135005	DONNER AVRUHUM M	80141799	DYER JAMES JOSEPH
80125401	DFG INVESTMENTS INC	80144160	DONOGHUE SUSAN PAULETTE /KS/	80139780	DYER MARK EDWARD /WA/
80131665	DHL FINANCIAL SERVICES INC /MA/	80135312	DONOVAN JOHN KEVIN	80124795	DYER ROBERTSON & LAMME INC
80139690	DI LORETO MICHAEL JOHN	80151476	DONOVAN JOHN ROY	80127764	DYHOUSE CLIFFORD WILLIAM
80112604	DIAMOND JOEL RENN	80147112	DOOLE BRUCE WILLIAM	80116457	DYM CHARLES HAROLD
80130307	DIAZ JOSE OWEN REQUIZ /MI/	80139563	DORIAN GEORGE KEVORK	80153521	DZE INC
80149784	DIAZ MARK BALDWIN	80140052	DORVALL WILLIAM ALLEN	80147451	E C S ASSOCIATES
80149123	DICK WILLIAM EDWARD	80139977	DOTEY ROBERT LEE	80144343	EAGLE ADVISORS INC /CA/
80143679	DICKER TIMOTHY CHRISTOPHER /CA/	80147036	DOUGHERTY ADVISORY SERVICES INC	80146556	EAGLE INVESTMENT AGENCY INC /CA/
80150368	DICKERSON THOMAS EARL	80154607	DOUGHERTY JOHN ARCHER	80140610	EAGLE RETIREMENT & INVESTMENT PLANNING INC /NJ/
80146843	DICKEY MICHAEL GEORGE	80141102	DOUGLAS MICAH CALVIN	80115989	EAKER THOMAS WILLIAM
80119768	DIEDERICHS JOHN KUENSTING	80126710	DOWELL DOUGLAS RICHARD	80140839	EAS FINANCIAL CORP /TX/
80118788	DIETRICH HOWARD NELSON JR	80149292	DOYLE PHILIP CRAIG	80130384	EAST BAY FINANCIAL SERVICES INC
80148332	DIETZ ALFRED EDWARD	80137208	DOYLE WILLIAM RANDALL /UT/	80145523	EAST COAST ADVISORY SERVICES INC
80118931	DIETZ JOSEPH ROBERT	80123261	DOZIER WHELAN ASSOCIATES INC	80130116	EAST FINANCIAL PLANNING SERVICES INC
80146851	DIGGLE CAPITAL MANAGEMENT & RESEARCH INC	80139311	DP TRADING INC /MI/	80129803	EAST WEST ADVISORY CORP
80145704	DIGIOVANNI JOSEPH	80138079	DR Z INVESTMENTS INC	80126256	EASTPAC SECURITIES GOLD INVTs & FINANCIAL SERVICES
80140660	DIGN DOUGLAS ALLEN	80143781	DRAIN CHRISTINA LYNN /FL/	80144794	EATON MAURICE ANTOINE /CA/
80140136	DIMENSIONAL FUND ADVISORS LTD	80129686	DRAKE BARBARA ANNE	80147936	EBENSTEIN CARLA JEAN
80146349	DION DAVID ARTHUR	80153923	DRAKE WILLIAM DONALD	80149665	EBERHARD INVESTMENT ASSOCIATES INC
80151234	DIRECT MARKETING GROUP INC	80148294	DRAKULICH MIKE T	80118234	EBERSBERGER ADVISORY CO INC
80132675	DIRECTED SERVICES INC	80139548	DRAPER COMPUTIME ASSET MANAGEMENT	80117331	ECA COS/AZ/
80135590	DIRLAM WILLIAM HENRY III	80142724	DRAPER DIVERSITIES LTD	80140146	ECHELON CAPITAL ADVISORS INC
80145353	DISCIPLINED INVESTMENT STRATEGIES CORP	80142824	DRAYER GROUP INC /TX/	80138987	ECKERT GARY MILES
80132711	DISCOVERY FINANCIAL PLANNERS INC	80151356	DREAMWORKS INC	80125946	ECKSTEIN STANLEY
80142584	DISCOVERY PARTNERS INC /NY/	80122598	DRESSLER CARL T	80140699	ECONOMIC & INVESTMENT INSTITUTE INC
80150675	DISCUS BAY GLOBAL INVESTMENTS LP	80136319	DREY MICHAEL WELSH	80111002	ECONOMIC ADVISORY CORP
80145951	DISOMMA ROBERT PAUL /NY/	80146722	DRIGGERS ROBERT S /AL/	80126299	ECONOMIC APPLICATIONS INC
80123756	DISTEFANO ROBERT MICHAEL	80135779	DRISCOLL CHARLES F /MO/	80149802	EDDY & EDDY CPAS PC
80123371	DISTINCTIVE FINANCIAL PLANNING INC	80139953	DRISCOLL EDWARD BENEDICT JR	80134867	EDEN & EDEN
80117173	DIVERSIFIED ADVISORY SERVICES INC	80112213	DRY MICHAEL POWELL	80135539	EDEN FINANCIAL CORP
80137819	DIVERSIFIED CAPITAL MANAGEMENT INC /IL/	80122218	DRYADS GREEN PROFESSIONAL ASSOCIATES	80136073	EDER GROUP
80125962	DIVERSIFIED FINANCIAL PLANNING INC /MI/	80144663	DRYB INVESTMENT ADVISORY INC /IL/	80154186	EDGAR WILLIAM HENRY
80124045	DIVERSIFIED FINANCIAL SERVICES INC	80144994	DS&P REORGANIZATION FUND LP	80124066	EDGERTON & HARPER INC
80135909	DIVERSIFIED FUND MANAGEMENT INC	80126540	DSI FINANCIAL SERVICES INC	80128995	EDWARDS E D CO
80138980	DIVERSIFIED WEALTH PLANNING INC	80143457	DUBROW DUKER & ASSOCIATES PA /FL/	80130523	EDWARDS HELEN WALLECK
80150800	DIXON & CO CPAS	80142616	DUCHALA JOHN STEPHEN /NC/	80137568	EGLSEDER SCOTT WHEATLEY /MD/
80139124	DIXON LANG & ASSOCIATES INC	80135043	DUDA PAUL ALLEN	80142290	EGS INVESTMENT ADVISORS INC /NY/
80131316	DIXON THOMAS DOUGLAS	80138770	DUDLEY LELAND POST	80148414	EHRENREICH & CO SECURITIES CORP
80127556	DIZINNO RONALD EDWARD	80141314	DUFFY DINAH CFP INC /CA/	80145763	EICHER JILL
80154538	DMR FINANCIAL PLANNING INC	80134751	DUFFY F J & CO INC	80141339	EICHNER JEFFREY H /NY/
80138967	DOAN DONALD WILLIAM	80130712	DUFRANE FINANCIAL SERVICES INC	80132481	EISMAN WILLIAM PERRY
80145856	DOBBS CORP /GA/	80117652	DUGAN & LOPATKA CPAS P C	80143651	EISNER MEYER W
80130575	DODD JOHN DAVID	80135677	DUKE TIMOTHY ROBERT	80133289	EISS MITCHELL HOWARD
80108457	DODGEN JOHN DORSEY	80148973	DUMAS ROBERT ANDRE JR	80123385	EK CAPITAL MANAGEMENT INC
80129326	DODSON BRIAN DAVID	80123800	DUMAS THEODORE SIMON	80131068	ELER & LUBIN ASSOCIATES
		80128858	DUNDEE PARTNERS INC	80135065	ELGETHUN TERRY VAUGHN
		80124860	DUNEDIN FUND MANAGERS LTD		
		80132214	DUNHILL ASSET MANAGEMENT CO INC		
		80136183	DUNLAP EQUITY MANAGEMENT INC		

80146118	ELIAN DAVID MONSIEUR /HI/	80119345	ESTATE & FINANCIAL PLANNERS INC	80140330	FDG FINANCIAL SERVICES INC /IL/
80133718	ELKING VALERIE JEAN	80144221	ESTATE PLANS OF TEXAS INC /TX/	80147782	FDIS INC
80120073	ELLERBACH RICHARD JOSEPH	80134953	ESTES MICHAEL	80137652	FEASEL STEVEN WILBUR
80143805	ELLIOTT FINANCIAL SERVICES INC /LA/	80147648	EUCLID ADVISORS INC	80153153	FEHERVARI ELENA ANN
80152296	ELLIS DAVID VERON	80142360	EUI PUBLICATIONS /UT/	80112646	FEHRENBACHER JOHN JOSEPH
80145572	ELLISON RICHARD WAYNE	80140764	EUROMOBILIARE SIM SPA /ITALY/	80127282	FEINBERG LOIS KARLIN
80129363	ELLWOOD R S & CO INC	80137471	EUROMOBILIARE SPA	80126590	FEINBERG PAUL LLOYD
80154631	ELMOQADDEM SALAH	80146465	EUROPAVEST GROUP LTD /IL/	80135347	FEINER STEPHEN ASSOCIATES INC
80151137	EM FINANCIAL SOLUTIONS LLC	80141443	EVANS GERALD ALLEN	80147945	FELDMAN MONTE JOSEPH
80146073	EMERALD CAPITAL MANAGEMENT INC /PA/	80128098	EVANS JOANNA ELIZABETH	80131464	FELDSTEIN STEVEN
80139155	EMIC ADVISORS INC	80129689	EVANS THIEL MELISSA	80138060	FERI CORP
80126070	EMMETT FINANCIAL SERVICES INC	80122664	EVENSKY SIDNEY EARL	80153084	FERNWOOD CAPITAL MANAGEMENT INC
80140216	EMMONS CHARLES CLIFFORD	80139869	EVEREST FINANCIAL SERVICES INC /OK/	80139918	FERRANTE JOSEPH GEORGE
80122210	EMMONS HARLEY RAY JR	80146053	EVEREST FINANCIAL SERVICES INC /VA/	80137385	FERRARI PASQUALE
80122731	EMPIRE CONTRACT CONSULTING INC	80133515	EVEREST INVESTOR SERVICES LTD	80145865	FERRIN FINANCIAL ADVISORS INC
80135854	ENDICOTT INVESTMENT ADVISORS INC	80143687	EVERGREEN FINANCIAL SERVICES INC	80139876	FERRIS HERBERT CURTIS
80141472	ENERGY EQUITIES INC /NJ/	80131975	EVERHART GEORGE G	80128928	FERTEL MITCHELL
80130709	ENERGY RECOVERY PARTNERS LIMITED PARTNERSHIP	80126521	EVERTS NELSON TOWER	80129013	FERTIG FINANCIAL SERVICES INC
80136903	ENFIELD MANAGEMENT CORP /MA/	80124234	EVERY TIMOTHY LAWRENCE	80119138	FERTIG LEONARD MARTIN
80132334	ENG ALBERT	80120985	EWING WILBUR R	80150426	FIALKOW GAIL ANN
80154323	ENGDAHL MICHAEL BRIAN	80125745	EXCALIBUR FINANCIAL GROUP INC	80132525	FICKE WILLIAM CRAIG
80143476	ENGEL STEVEN PETER	80146907	EXCHANGE CAPITAL MANAGEMENT INC /IL/	80124514	FIDDLE JOEL HOWARD
80147129	ENGLEMAN DAVID ANDREW	80143937	EXECUTIVE FINANCIAL RESOURCES LLC /UT/	80141358	FIDUCIARIES ASSET MANAGEMENT /NY/
80130524	ENGLISH HARRY GORDON	80130089	EXECUTIVE FINANCIAL STRATEGIES INC	80133312	FIDUCIARY CAPITAL MANAGEMENT CO LP
80131782	ENGLISH JAMES LARUE	80121137	EXECUTIVE GROUP ADV	80139633	FIDUCIARY MANAGEMENT INC /CA/
80132955	ENGLISH JOHN WILLIAM	80142622	EXECUTIVE MONEY MARKETS INC	80145237	FIDUKA PORTFOLIO MANAGEMENT INC /NY/
80138624	ENGLISH PETER GEORGE JR	80132070	EXETER RESEARCH INC	80140230	FIELDINGS DAVID LEVI
80142155	ENHOLM GREGORY BENTON /CA/	80139582	EXETER SECURITIES CORP /TX/	80143062	FIELDS JACKSON EDWARD JR /SC/
80137000	ENRIGHT & CO /NY/	80131096	EXIMA CAPITAL MANAGEMENT LTD	80136601	FIELDS TED FINANCIAL INC
80131012	ENSIGN FINANCIAL PLANNING GROUP INC	80136727	EXTEN VENTURES INC /CA/	80136589	FIEN ANTHONY BARRY
80152361	ENSWORTH BRANT A	80144607	FAC INC	80143528	FILLMORE MERCANTILE INC
80143474	ENTRUST PLANNING CONCEPTS INC	80133173	FACCHETTI LOUIS FRANCIS	80134404	FILLMORE NEAL & DUNN
80140882	ENVANI HAMID REZA	80148854	FAERMAN DONALD STEPHEN	80146754	FIMSA INVESTMENT ADVISORS INC
80139531	ENVIRONMENTAL ALLIES MANAGEMENT INC	80137321	FAGAN INVESTMENT GROUP INC /NY/	80115196	FIN INC
80152031	ENVIRONMENTAL BENCHMARKER	80140040	FAGERSTROM BRADLEY BERT	80147480	FINANCIAL & INVESTMENT MANAGEMENT ADVISORS INC
80129067	EPHRAIM & MILLER CONSULTING INC	80130764	FAGGIO JOHN ANTHONY /	80119886	FINANCIAL ADVISORY CO
80144780	EPSTEIN ADAM JONATHAN	80133029	FAILLA & FAILLA FINANCIAL SERVICE INC	80120885	FINANCIAL ADVISORY CORP /MA/
80143324	EPSTEIN ANDREW ROSS	80124209	FAIRBANKS HOWARD TERRY	80121110	FINANCIAL ADVISORY GROUP INC /MS/
80148515	EQUITY ADVISORS CORP/OK	80122118	FAIRFIELD ADVISORS INC	80125539	FINANCIAL ADVISORY SERVICES /CA/
80111440	EQUITY FINANCIAL PLANNING CORP	80148682	FAIRWAY CAPITAL MANAGEMENT LTD	80126207	FINANCIAL ADVISORY SERVICES INC /CO/
80140588	EQUITY PARTNERS GROUP INC /NV/	80152244	FALCON REALTY INVESTMENT COUNSELORS INC	80141776	FINANCIAL ADVOCATES INC /NE/
80122929	EQUITY PLANNING OF NEW ENGLAND LTD	80121314	FALVAY DAVID KEEFE	80142571	FINANCIAL ALTERNATIVES ADVISORY CORP
80139949	ERICHSEN CHRISTIAN EMIL	80135403	FALZONE & CO INC /NY/	80141716	FINANCIAL ANALYSIS INC/UT
80125707	ERISA MORTGAGE CO	80154260	FAMILY WEALTH COUNSELORS INC /TX/	80138817	FINANCIAL ANALYTICAL STRATEGIC TRADING
80144958	EROLGAC YILMAZ	80145505	FANNING FINANCIAL SERVICES INC	80131901	FINANCIAL BASIC TRAINING INSTITUTE INC
80152240	ESCANDELL KELLY & BYRNE INC	80141026	FARLEY THOMAS KALIEL /KS/	80124774	FINANCIAL BUSINESS SERVICES CORP
80133291	ESCF CAPITAL CONSULTANTS GMBH	80143513	FARRAR MICHAEL EDWARD /AZ/	80148339	FINANCIAL COMMUNICATIONS INC
80125812	ESCH ROBERT W /IL/	80119149	FARRELL GLENN PETER	80135547	FINANCIAL CONSULTANTS INC WV
80151945	ESCOFFERY RONALD GEORGE	80151229	FARRELL JOHN C	80128805	FINANCIAL CONSULTANTS OF MICHIGAN INC
80118358	ESKEW WILLIAM JOEL	80119836	FARRINGTON ASSOCIATES INC	80111866	FINANCIAL CONSULTING SERVICES INC /LA/
80152783	ESPARZA ALEX EUGENE	80152819	FAUTH WILLIAM WESTBROOK		
80146490	ESPOSITO RICHARD STEPHEN /NY/	80113906	FAVRET BERNARD ALPHONSE		
80134031	ESSEX INTERNATIONAL MANAGEMENT CO	80133799	FB CAPITAL INC		
80145459	ESTATE & CORPORATE ADVISORS INC /MN/	80135396	FBF FINANCIAL SERVICES LTD		
		80145506	FCF FINANCIAL ADVISORY INC		
		80137418	FCG INVESTMENT COUNSEL INC		

80146593	FINANCIAL CONTROLS INC /CO/	80143426	FINANCIAL RESOURCE GROUP INC	80135611	FIRST VERMONT CAPITAL MANAGEMENT INC /VT/
80129859	FINANCIAL COUNSELORS INC /IL/	80123684	FINANCIAL RESOURCE MANAGEMENT INC	80138147	FIRST WASHINGTON GROUP INC /DC/
80134528	FINANCIAL DESIGN ASSOCIATES INC	80142628	FINANCIAL RESOURCES MANAGEMENT INC	80144719	FISAM EQUITY INC
80124024	FINANCIAL DESIGNS INC /NC/	80140925	FINANCIAL SECURITY SYSTEMS INC	80141825	FISCAL PLANS INC /IL/
80112507	FINANCIAL DESIGNS LTD	80120179	FINANCIAL SERVICES ADVISORY INC	80145509	FISCHBACH ELLWYN/CA/
80121693	FINANCIAL DEVELOPMENT ASSOCIATES	80131290	FINANCIAL SERVICES INVESTMENT ADVISORS INC /FL/	80146033	FISH GARY ROBERT /WA/
80119650	FINANCIAL DIMENSIONS PLANNING CORP ADV	80139786	FINANCIAL SERVICES SOUTH INC SERFISUR	80141993	FISHE GERALD RAYMOND AYLMEER
80135299	FINANCIAL DIRECTIONS GROUP /AZ/	80151144	FINANCIAL SOLUTIONS INC	80129424	FISHER THOMAS GERARD
80114705	FINANCIAL DISCIPLINES INC	80140868	FINANCIAL SOLUTIONS INC /CT/	80149325	FITZEKAM DOUGLAS BRIAN
80117410	FINANCIAL EDGE CORP	80126826	FINANCIAL SOUNDINGS INC	80152284	FITZGERALD INVESTMENT MANAGEMENT LLC
80153412	FINANCIAL EDUCATION INSTITUTE OF NEVADA INC	80133795	FINANCIAL STRATEGIES INC /WV/	80140593	FLANAGAN & ASSOCIATES INC
80135551	FINANCIAL FOUNDATION ADVISORY CORP	80106233	FINANCIAL STRUCTURES INC	80151145	FLEMINS FINANCIAL SERVICES LLC
80120328	FINANCIAL FOUNDATIONS INC	80145446	FINANCIAL SYNTHESIS INC /MN/	80138984	FLINT FINANCIAL SERVICES INC
80122484	FINANCIAL GAME PLANS INC	80125517	FINANCIAL TACTICS INC	80141139	FLORENCE FINANCIAL MANAGEMENT INC
80125119	FINANCIAL GROWTH ASSOCIATES INC	80132264	FINANCIAL TRAINING GROUP INC /NC/	80151340	FLORENCE JOSEPH BRAD
80134474	FINANCIAL GUARANTY CORP	80121701	FINANCIAL TRUST CORP /MA/	80135016	FLORES MICHAEL DAVID
80140676	FINANCIAL INFORMATION CENTER	80142723	FINANCIAL VIEWS INC /CT/	80153361	FLORES RICHARD ANTHONY
80125415	FINANCIAL INSIGHTS INC /TX/	80153754	FINANCIAL WORLD ASSET MANAGEMENT LLC	80147575	FLOYD GREGORY WAYNE
80125533	FINANCIAL INTEGRATION SERVICES INC	80126638	FINCH BRADFORD D	80144206	FLYNN PATRICK W /CA/
80134789	FINANCIAL LINC CORP	80113544	FINDELL GEORGE JR	80136536	FNW BANCORP INC /IL/
80132281	FINANCIAL MANAGEMENT ASSOCIATES /OR/	80124522	FINE EMILY HUGGINS	80119796	FOCUS FINANCIAL CONSULTANTS INC
80126378	FINANCIAL MARKET SECURITIES	80152063	FINER & CO INVESTMENT & FINANCIAL ADVISORS INC	80150163	FOCUS FINANCIAL PLANNING SERVICES INC
80144781	FINANCIAL MATTERS INC /CO/	80111640	FINNEGAN WILLIAM ADOLPH	80112490	FODEMAN LESLIE J
80150492	FINANCIAL NETWORK ADVISORY INC	80128877	FINNERAN JOHN PATRICK JR	80117531	FODEN ARVA E /VT/
80138132	FINANCIAL NETWORKS UNLIMITED /PA/	80148023	FIREMAN & ASSOCIATES INC	80140150	FOGG BRADLEY MARC
80148580	FINANCIAL ONE GROUP INC	80118999	FIRST ADVISORY CORP /OH/	80117625	FOLLMEYER CYRUS BROWN JR
80118739	FINANCIAL PLAN RESOURCE GROUP /CA	80134566	FIRST ALLEGHENY SECURITIES INC	80147642	FOLTA RAND GOODWIN
80136063	FINANCIAL PLANNERS INTERNATIONAL CORP	80145784	FIRST ASSET GROUP INC /GA/	80119893	FONDIE JOSEPH JACK
80130480	FINANCIAL PLANNING & MANAGEMENT INC /MA/	80150151	FIRST ATLANTIC INVESTMENT MANAGEMENT INC	80142776	FOPIANO RICHARD FRANCIS JR
80127763	FINANCIAL PLANNING & TAX SERVICE INC	80134102	FIRST CAPITAL FUNDING INC	80113002	FORBACH INVESTMENTS & ANALYSIS CO INC
80121328	FINANCIAL PLANNING CENTRE OF SAN DIEGO INC ADV	80126637	FIRST CAPITAL PLANNERS INC	80136880	FORBES ASSET MANAGEMENT INC /VA/
80149092	FINANCIAL PLANNING CONSULTANTS INC /GA/	80137077	FIRST COLONIAL INVESTMENT SERVICES INC	80152633	FORD JAMES MARVIN
80117385	FINANCIAL PLANNING CONSULTANTS INC /OH/	80128324	FIRST EASTERN EQUITY CORP	80144442	FORD JOHN THOMAS
80134948	FINANCIAL PLANNING DIMENSIONS INC	80136010	FIRST FINANCIAL GROUP OF COLORADO INC	80149004	FORD SCOTT TYRONE
80144354	FINANCIAL PLANNING GROUP INC	80128468	FIRST INTERSTATE CAPITAL MANAGEMENT INC	80119005	FORDE D H & CO
80130590	FINANCIAL PLANNING INSTITUTE INC	80140992	FIRST INVESTMENTS OF THE SOUTH INC /FL/	80142944	FORESTAL GROUP INC /IL/
80142462	FINANCIAL PLANNING SERVICES INTERNATIONAL INC /AUSTRIA/	80123073	FIRST LIBERTY SECURITIES INC	80116248	FORMAN INVESTMENT CO
80133489	FINANCIAL PLANNING SUITE INC/NY	80134530	FIRST LINCOLN FINANCIAL CORP /CO/	80112212	FORNEY CRAIG BRUCE
80137351	FINANCIAL PLANNING TRAINING INSTITUTE INC /PA/	80135098	FIRST NATIONAL INVESTMENT SERVICES INC	80135713	FORTE COMMODITIES INC
80136464	FINANCIAL PRODUCTS & SERVICES INC	80148930	FIRST NEW ENGLAND ADVISORS INC	80127459	FORTI RONALD RICHARD
80145893	FINANCIAL PROMOTIONS INC /CO/	80123938	FIRST OF PHILADELPHIA REGISTERED INVESTMENT ADVISOR CORP	80148800	FORTINE CHARLES T
80151558	FINANCIAL QUEST INC	80140557	FIRST PACIFIC ADVISORY GROUP INC /HI/	80120444	FOSS CHARLES NORMAN
80120479	FINANCIAL RESOURCE EXCHANGE INC	80131979	FIRST SAN FRANCISCO CORP /CA/	80148461	FOSTER & FOSTER INC /
		80149732	FIRST SAVANNAH CAPITAL MANAGEMENT LLC	80133416	FOSTER GEORGE EDWARD
		80149138	FIRST SOUTHEASTERN SECURITIES GROUP INC /FL/	80132708	FOSTIN INVESTMENT MANAGEMENT CO
		80134887	FIRST UNITED SERVICE SECURITIES INC	80110375	FOULK DAVID G
				80147393	FOULKE JOHN HOWARD
				80137122	FOWLER & CO PS CPA
				80138900	FRANCIS CYNTHIA DENISE
				80146709	FRANCIS DALE LEE /OH/
				80124642	FRANCIS EDGAR BURNETT
				80141417	FRANK ALAN R
				80141904	FRANK C R INC /OR/
				80153508	FRANK RONALD MELVIN
				80133694	FRANKEL GROSS FINANCIAL MANAGEMENT INC
				80129153	FRANKENHOFF WILLIAM P INC /NY/
				80141829	FRANKLIN MITCHELL HENRY
				80148650	FRANKLIN MORRIS CONSULTING SERVICES INC
				80132277	FRANKLIN SAVINGS ASSOCIATION
				80136539	FRANZ JACK EUGENE

80146035	FRAYSER WILLIAM ASHBY III /SPAIN/	80124141	GARDNER ROBERT H ASSOCIATES INC	80136813	GINSBERG SCOTT /MA/ GINSBERG TED CHARLES
80123782	FRE MAR ENTERPRISES INC	80134095	GARDNER TIMOTHY GARFIELD	80124478	GIROUX JOSEPH A
80108386	FREDERICK RESEARCH CORP	80149032	GARFIELD FRED CARY	80148366	GISSANDANER KEITH JAY
80132915	FREED ERIC ROBERT	80121966	GARFIELD GEORGE JOSEPH	80129360	GIVENS HALL CAPITAL MANAGEMENT INC
80128700	FREED SUSAN CAROL	80136990	GARLAND GARY D CPA /NY/	80139293	GLASS & WYLY CO V
80136751	FREEDOM INTERNATIONAL INVESTMENT MANAGERS INC	80148972	GARMAN RANDAL EARLE	80129964	GLASSBERG SAMUEL ZALMAN
80145792	FREEMAN DARRELL DELOS	80128070	GARNER JAMES OZRO	80130663	GLASSER ELLIOTT JON
80140773	FREEMAN MARC	80148384	GARNER MARY ALICE	80149441	GLAVES & ASSOCIATES INC
80153983	FREIDINGER TED L MBA CPA PA	80124364	GARST WILBUR GALEN	80117798	GLEASON JOEL PAGE
80146198	FREIDUS JACOB /NY/	80134256	GARZA & ASSOCIATES INC	80145728	GLENBOROUGH INSTITUTIONAL INC
80127062	FREITAS JEFFREY MICHAEL	80151487	GASSMAN BARRY GORDON	80129755	GLEYSTEEN PETER VAN
80143108	FREMONT PATRICK WOODS	80128817	GATEWAY ADVISORS INC	80138901	GLICK MICHAEL LYNN
80135390	FRENCH CHARLES EDWIN	80147484	GAUGHAN JOHN CHARLES JR	80154574	GLICKMAN MARK BARRY
80124431	FRENCH PAUL COMLY JR	80147757	GAULT JUDITH ROSEMARY	80151851	GLOBAL ADVISORS INC /AL/
80154252	FRENCH RICHARD JAMES /IL/	80128305	GAUNT BRENDA MCGRATH	80136136	GLOBAL ASSET MANAGEMENT
80131753	FRENCH ROBERT SIDNEY	80120697	GCG ASSOCIATES INC	80152654	GLOBAL FINANCIAL ASSOCIATES INC
80148836	FRICKS FINANCIAL ADVISORS INC	80138188	GEARY JAMES ANTHONY SR	80139265	GLOBAL INTERNATIONAL INC /NY/
80143284	FRIEDLER JOHN P /NY/	80136593	GEDZUN MICHAEL THOMAS	80150164	GLOBAL INVESTMENT ADVISORS INC
80140838	FRIEDMAN HERMAN	80137674	GEE & DRAGANZA /CA/	80152198	GLOBAL INVESTMENT ADVISORS INC /IL/
80143201	FRIEDMAN KENNETH STEPHEN /CO/	80124633	GEISBAUER JAMES REILLY	80132596	GLOBAL INVESTMENT ANALYSTS INC
80122669	FRIEDWALD DAVID CHARLES	80125168	GELFAND IVAN & ASSOCIATES INC	80139549	GLOBAL MANAGEMENT SERVICES INC
80130604	FRIGERIO GIOVANNI NEPOMUCENO	80125000	GELLER MARTIN ALAN	80149962	GLOBAL VENTURES LTD
80126580	FRITZ RONALD STEVEN	80120617	GELLIS EUGENE OWEN	80128460	GOGGINS ALFONZA R JR /GA/
80126503	FROELICH FREDERICK KARL /NC/	80126414	GELLY BRUCE S	80144280	GOLAN RAFAEL /FL/
80154246	FUCHS LONNI A	80139144	GEMINO FRANCIS P	80136004	GOLDBERG STEVEN HARVEY
80147486	FUERST KARL WILLIAM	80136039	GENERAL AESTHETICS CORP	80132501	GOLDEN GATE SECURITIES
80133821	FUHRER ROGER WURTH	80130282	GENERAL INVESTOR SERVICES INC	80120145	GOLDEN KENNETH HAROLD
80135321	FULFER DONNA KAY	80153200	GENESIS INVESTMENT ADVISORS INC	80146432	GOLDEN PRAIRIE INVESTMENT SERVICES INC
80112075	FULLER KERMIT	80143737	GENSER DAVID STEVEN /NY/	80127525	GOLDEN STATES FINANCIAL SERVICES CORP
80128835	FUND AMENTA LIST LTD	80128016	GENTSCH MADISON BRENT	80134009	GOLDMAN GEORGE THOMAS
80130482	FUND MANAGEMENT INC /IL/	80139785	GEOFINANCE LIMITED	80126918	GOLDMAN MAYNARD
80123234	FUNDAMENTAL FINANCIAL ADVISOR INC	80132813	GEORGETOWN GROUP LTD	80132687	GOLDMAN MICHAEL VICTOR
80139294	FUNDCAP MANAGEMENT CO INC	80144606	GERBER NICHOLAS DANIEL	80141239	GOLDMAN RONALD JAY
80135904	FUNDING THE FUTURE INC	80136616	GERBER TAYLOR ASSOCIATES INC	80134708	GOLDNER & HAWN INC
80126672	FUNKHOUSER BRADLEY SCOTT	80110601	GERBINO KENNETH JOSEPH	80144327	GOLDNER RUSSELL DALE
80118400	FURBEE CAROL ANN WIDMER	80139946	GERMAN VREELAND & ASSOCIATES /NJ/	80141976	GOLDSTEIN BONNIE /CA/
80146270	FURLIN DAVID LAWRENCE /NY/	80132204	GERRINGER WAYMON	80145219	GOLIATH FINANCIAL GROUP INC /KY/
80129211	FUTURE ANALYSTS INC	80126422	GETZ FEARNOW GLORIA	80125432	GOLLER JANET FRANCES
80129948	FUTURE GAINS INC	80153010	GETZEN GROUP INC	80137157	GOLLY ALBERT JOSEPH JR /NY/
80138044	FUTURE PROFESSIONALS INC	80123192	GEYER RICHARD LEIDY	80124448	GONCALVES CARLOS
80149991	FYI FINANCIAL PLANNING CORP	80146731	GEZA INVESTMENT MANAGEMENT LTD /LONDON/	80143930	GONZALES GEORGE ANTHONY /CA/
80128253	GABRIEL MARKET MOMENTUM SERVICES INC	80147830	GFC ADVISERS CORP	80123996	GOODING DANIEL EDWARD
80143365	GAFFNEY CHARLES MCCULOUGH JR /LA/	80126079	GGK FINANCIAL SERVICES INC	80123024	GOODMAN DAVID ALLEN
80130113	GAGNON CO	80117597	GIANGRANDE FRANK G	80142546	GOODMAN GREGORY SCOTT
80141624	GALES MICHAEL A /NY/	80143011	GIANNETTI SALVATORE III /NJ/	80138838	GOODMAN STEVEN MARTIN
80144404	GALLAHER KEITH ROBERT	80139222	GIBSON ROBERT DOUGLAS /AZ/	80142545	GOODMAN SUZANNE NAPOLITANO
80136632	GALLANT JAMIE INC	80147627	GIBSON ROYAL BRICKER	80150973	GOOZNER ALAN R
80153323	GALLIGAN STEPHEN CRAIG	80137233	GIC INVESTMENT ADVISORY INC /OR/	80135470	GOPPERT FINANCIAL SERVICES INC
80118981	GAMBA LOUIS F INVESTMENTS INC	80138148	GIERE SCOTT MICHAEL /IL/	80140739	GORDON ANDREW STEPHEN /MA/
80115015	GAMMA CAPITAL CORP	80141774	GILBERT GARY T /MA/	80125371	GORDON CARLA SUE CFP
80151168	GAMMAWEALTH CAPITAL MANAGEMENT INC	80146985	GILBERT JOHN WILLIAM	80149088	GORDON GROUP INC
80121784	GAMMILL & CO INC	80137030	GILBERT PETER ALAN /CA/	80138313	GORDON PETER J D INC
80145769	GAMUT ASSET MANAGEMENT INC	80153716	GILBREATH SYSTEMS INC	80135330	GOREY WALTER DAN
80145195	GANESAN GURUMURTHY	80119440	GILBRETH POLLARD MANAGEMENT INC ADV	80112973	GORGE WILLIAM JOHN JR
80148293	GARAFANO JOSEPH ALAN	80141947	GILBROOK JOHN FREDERICK	80144749	GORMAN THOMAS EDWARD
80136769	GARCIA ANTHONY	80147016	GILCHRIST RONALD JOSEPH	80152606	GOSS CLINT CONSULTANTS LTD
80150395	GARCIA FELIX	80142240	GILL CHARLES FAIRCHILD /CT/	80144146	GOSS DEAN COLVIN /TN/
80120662	GARDNER JOHN DAVID DDS	80138139	GILLASPIE B C INSURANCE AGENCY INC /OR/	80127560	GOTENSTEIN LOUIS PROFESSIONAL CORP
80148581	GARDNER REBECCA HEFFERNON	80146750	GILLIGAN JOHN TOM		
		80129718	GILLIS LOUISE MARGARET		
		80126054	GILMAN PLANNING SERVICES INC		
		80135166	GIMBLE HERMINE LEA		
		80150243	GIMPEL JAMES ADAMS		

80130169	GOTTL & LANDSBERG	80128538	GROVES RICHARD MELVIN	80137026	HAMM MICHAEL WAYNE /AZ/
80120493	GOUSSIOS THEODORE	80154707	GROWEALTH CORP	80119206	HAMMEL JOSEPH H
80151164	GRACY CAPITAL MANAGEMENT INC	80151925	GRP FINANCIAL CORP	80145732	HAMMOND TIMOTHY PATRICK
80132067	GRADY ROBERT NEILL	80150472	GRUEN DANIEL FREDERICK	80141997	HANDLEY LAURENCE OWEN
80113479	GRAEBER & CO INC ADV	80125177	GRUNDEN FINANCIAL INC	80125299	HANDSCHUH RONALD RICHARD
80129007	GRAHAM & ELLIOTT INC	80146793	GRUNER CARMAN GEORGE	80151328	HANIN FUNDS INC
80153680	GRAHAM BRADLEY THOMAS	80152442	GST PORTFOLIO MANAGEMENT CORP	80147190	HANKINSON MARTIN HOWELL
80146636	GRAHAM INVESTMENT ADVISORS INC /NY/	80144640	GUARDIAN CAPITAL MANAGEMENT INVESTMENT COUNSEL INC	80153713	HANLEY DANIEL ROBERT
80141241	GRAHAM JEFFREY S /NY/	80125947	GUARDIAN FINANCIAL CORP	80138181	HANLON JACK DOUGLAS
80124484	GRAHAM RUTH INC	80140795	GUARDIAN INVESTMENT CORP /NV/	80126404	HANNA RANDALL LESLIE
80150594	GRAICAP ASSET MANAGEMENT LLC	80145804	GUFFEY PAUL DANIEL /OR/	80153652	HANNA ROY SAID
80147609	GRANATA THOMAS JOHN	80135127	GUIDA FERDINAND J/PA/	80133517	HANNAH J A INVESTMENT ADVISORY SERVICE INC
80138856	GRANGER RESEARCH INC	80143845	GUILBAULT RICHARD EUGENE /CA/	80144254	HANNAN PAUL FRANCIS /NY/
80147121	GRANITE CAPITAL INTERNATIONAL MANAGEMENT LP	80125521	GUILFORD SECURITIES ADVISORS INC	80137248	HANNON BLAIR & ASSOCIATES FINANCIAL SERVICES /OH/
80142055	GRANT JEFFREY ROBERT /OH/	80117077	GULATI SURESH KUMAR	80142428	HANNON NICHOLAS PAUL /UT/ /AD
80144389	GRASSI RICHARD JOSEPH /TX/	80154662	GUNST ROBERT CURTIS SR	80135637	HANOVER ADVISORS
80121207	GRASSO ROBERT ALPHONSE	80124634	GURSAHANI KATHLEEN JEAN	80134944	HANOVER CAPITAL ADVISORS INC
80151128	GRAVES JEFFERY ROBERT	80119809	GUTOW SOL CLU	80124419	HANOVER INVESTMENT ADVISORY SERVICE INC
80153847	GRAY FINANCIAL GROUP /GA	80147989	GUZEK LISA JEAN	80142395	HANROW ASSET MANAGEMENT CORP
80148460	GRAY RICHARD SPERRY	80142115	GUZMAN OSCAR LUIS	80152397	HANSCH & HANSCH
80115974	GRAYLION INVESTMENTS INC	80149040	GUZMAN VALIENTE EDUARDO	80148370	HANSEN ERNEST ROBERT III
80141710	GREAT LAKES CAPITAL INC/ FL/	80144943	GUZZETTA MARIA CHRISTINA	80131228	HANSEN JOHN IVAN
80125865	GREAT PLAINS FINANCIAL DISTRIBUTORS	80136787	HABECK MARK	80120280	HANSEN RICHARD LEE ADV
80125074	GREAVES CAPITAL MANAGEMENT INC	80136492	HACK INVESTMENT ADVISORS INC	80145768	HANSON & CO
80146839	GREENBERG BARRY MARTIN	80127110	HACKER ALICE BERNICE	80127731	HARAM JAMES EDWARD
80129382	GREENBERG MICHAEL IRA	80154526	HADDAD & SCHMIDT FINANCIAL SERVICES INC	80146225	HARBISON GROUP INC /AL/
80127431	GREENE MARTIN HARVEY	80140632	HADLEY MARC C /MN/	80153744	HARBOR WEALTH MANAGEMENT CORP
80138563	GREENE ROGER ALLEN	80129439	HAFKIN ELIZABETH ELLEN	80128352	HARDESTY STEVEN MARK
80130342	GREENE STANLEY HAROLD SR	80141954	HAGAMAN THOMAS CARTER	80139179	HARDING SEYMOUR LINDLEY /FL/
80131830	GREENMORE PORTFOLIO MANAGEMENT INC	80133290	HAGEN MICHAEL JOSEPH	80144534	HARE JEFFREY AVERILL
80147263	GREENSPAN FINANCIAL ADVISORS INC	80136585	HAGERBAUMER JAMES BENNETT	80149334	HARGIS JOHN MICHAEL
80137841	GREENSTEIN ROSENTHAL CAPITAL L P /WA/	80142478	HAGERTY MICHAEL CHARLES /IA/	80148573	HARGRAVE ALEXANDER WILLIAM
80150525	GREENWICH FINANCIAL BENEFITS INC	80142136	HAGUE ROBERT FREMONT	80120273	HARLAN JOHN PETER
80136916	GREENWICH MONEY MANAGEMENT /CT/	80129912	HAGUEWOOD JERRY L	80141356	HARMAN GROUP CORPORATE FINANCE INC /OH/
80154158	GREENWOOD COLETTE YVONNE	80138019	HAIDER THOMAS FRANCIS /IL/	80124588	HARMATY EUGENE LUCAS
80139877	GREGG BRUCE SEYMOUR	80116731	HALBREICH STANLEY MAYNARD	80152556	HARNIK NOREEN
80123217	GREGOIRE WILLIAM GRANT	80127528	HALEY WILLIAM JERRY	80113361	HAROWITZ MARTIN WILLIAM JR
80132315	GREGOR MARTIN PETER	80110128	HALKETT JAMES ALEXANDER ELDER	80141090	HARRIES GARRY EUGENE /IL/
80130255	GREnda WALTER FRANCIS JR	80146924	HALL DONALD DENNIS	80148312	HARRINGTON JAMES DREW
80153482	GRESPINET INVESTMENTS INC	80120576	HALL GARY RUSSELL	80153523	HARRINGTON JAMES PATRICK
80150038	GREYSTONE CAPITAL GROUP INC /OH/	80124500	HALL ROBERT PUGH JR	80143009	HARRIS PARTNERS LP
80126962	GRIEF STEPHEN	80144405	HALL WILLIAM MICHAEL	80150862	HARRIS PETER
80143765	GRIES DAVID FRANKLIN /IL/	80126391	HALL WILSON W & ASSOCIATES INC	80143553	HARRIS RAYMOND JOSEPH/ MD/
80143874	GRIFFIN COMPANIES INC /MN/	80153984	HALLAQ MARK	80145866	HARRIS RICHARD WOLFE
80154008	GRIFFIN WYNVERN ASSET MANAGEMENT LLC	80133189	HALLMARK INVESTMENT COUNSEL INC	80124952	HART GEORGE RICHARD
80150574	GRIFFITH PORTFOLIO MANAGEMENT LLC	80148733	HALLOCK ROBERT DUANE	80139983	HART JOHN FRANKLIN /ID/
80129647	GRIMES ROBERTA ANN	80144355	HALLOWS TEDDY K	80138217	HART MAUREEN CLAIRE
80123600	GRISWOLD GEORGE HOWARD JR	80129772	HALPERN GROUP LTD	80145338	HARTFORD INVESTMENT ADVISORS INC
80136058	GRISWOLD JOAN KARSTEN	80138057	HALPERN STEVEN JAY	80125963	HARTMAN B C & ASSOCIATES INC
80143716	GROCE DUANE LOWELL	80137278	HAMACHER DIANNA KEY /OH/	80118757	HARTMAN JAMES L CLU & ASSOC
80134358	GROFF RONALD FRANCIS	80123783	HAMERSHLAG KEMPNER & CO LP	80118749	HARTMAN JAMES L CLU & ASSOCIATES
80123146	GROSS COLLINS & CRESS P C	80130098	HAMILTON CAPITAL MANAGEMENT INC	80104146	HARTWELL J M & CO INC /NY/
80145347	GROSS HARRY ROBERT /NC/	80135940	HAMILTON CONSULTING CORPORATION	80140760	HARTZ GREGORY PHILIP /AR/
80136894	GROSS MICHAEL SIMON /NJ/	80144239	HAMILTON GROUP INC /MA/	80136056	HARTZELL DAVID CORNELL JR
80146048	GROSS TOVIA /NY/	80141494	HAMILTON HERSHELL LANIER	80120059	HARVARD FINANCIAL ADVISORS INC
80119405	GROSSHANS HARLAN DELL	80138281	HAMILTON JOHN JOSEPH JR	80144292	HARVARD FINANCIAL PLANNING CO INC /MA/
80146290	GROSSMAN NEAL LEONARD /OH/	80134306	HAMILTON REALTY ADVISORS INC		
80154159	GROVER BRIAN L				

80138209	HARVEST FINANCIAL PLANNING INC	80135118	HENRY GARY NORMAN	80136698	HORD JACLYN MICHELE
80146933	HARVEST SPREWELL GROUP LTD	80144644	HENRY THOMAS ARTHUR	80148373	HORIZON AGENCY INC
80151901	HARVEY CAPITAL MANAGEMENT INC	80132781	HENRY WENDELL	80140340	HORIZON CASH MANAGEMENT INC
80138018	HARWOOD KATHLEEN CULLEN	80145993	HENSLEY DANIEL PAUL/OK/ HEPBURN BONNIE LEE	80122451	HORIZONS FINANCIAL ADVISORS INC /OH/
80146673	HASTINGS MARTHA LOU /WA/ 80131587 HASTON BROWN & CO	80133068	HEPNER FRED LEONARD JR	80144537	HORN JAMES DOUGLAS
80115197	HASWELL RICHARD WARREN	80134171	HERBERT THOMSON CO /WA/ 80146241 HERLIHY JOSEPH BRENDAN JR	80109116	HORSEY THOMAS CLAYTON JR
80148458	HATFIELD CHARLES HOWARD	80140288	/KS/ 80148214 HERON CAPITAL MANAGEMENT INC	80113228	HORSEY WADE H II
80128239	HATFIELD ROBERT EDWARD	80132984	HERRING SANDER	80132443	HORST ROGER EUGENE
80127410	HATTON JAMES EDWARD	80142785	HERSEY PETER WOODROW	80134390	HOSACK DON MERWYN
80146739	HAUPT BRADLEY LEE	80120032	HERSHEY & MILLER CO INC	80148958	HOSANG IAN RICHARD /
80139344	HAUSER MICHAEL ARTHUR	80134585	HERSHMAN STEVEN MARK	80147198	HOSKINS STREET ADVISORS LTD
80141949	HAUTLY GLENN	80146157	HERSKOWITZ DAVID SHEPHERD /CA/	80122825	HOSMER EMORY FLETCHER
80132036	HAVEN DOUGLAS FENNO GOSS	80149555	HERZBERG & KELLY PC	80136512	HOSTETLER CLIFFORD RAY
80140740	HAVENS VICCI DELORES /CA/ 80134308 HAVRE J B INC	80136132	HESSE WILLIAM EDWARD	80130460	HOUGH DAVID ALAN
80152822	HAWKES RUSSELL ASSOC INC	80111406	HEWETT OWEN MERRITT	80139589	HOURIHAN BARBARA JEAN /IL/
80125151	HAWKINS MARILYNN GERTRUDE	80126613	HICKEY HOWARD J JR LTD	80117248	HOUSTON LEONARD WILLIAM
80118482	HAWKINS RAYMOND JERRY	80139230	HICKEY JOHN LAURENCE /NY/ 80141811 HICKMAN & ECKARD CPAS	80154582	HOUTZ PATRICIA ANN/NV
80150606	HAWORTH INVESTMENT MANAGEMENT LTD	80137916	HICKMOTT MICHAEL JAMES	80150855	HOWARD ANDREW BRIAN
80118805	HAYDEN ASSOCIATES INC	80152671	HIGGINS CAPITAL MANAGEMENT INC /CA/	80136699	HOWARD FINANCIAL PLANNERS INC
80137400	HAYES JOHN BRUTON JR /CT/ 80118925 HAYES ROGER MATTHEW	80152332	HIGH PEAKS CAPITAL LLC	80136380	HOWARD LORRAINE MINETTE
80130503	HAYWARD ROBERT RODGER	80118370	HIGH YIELD MANAGEMENT INC	80139801	HOWERDD FINANCIAL CORP
80136630	HCL CONSULTING INC	80137596	HILBE JAMES JOSEPH	80143576	HOWLAND GEORGE FRANK
80148747	HEACOCK PAUL JOHN	80141786	HILDEBRAND GEORGE HARRISON /CA/	80141355	HPI REALTY PARTNERS /CA/ 80149507 HTL CO INC /CA/
80148731	HEADWATERS CAPITAL MANAGEMENT LLC	80138203	HILKER GLEN WILLIAM	80137954	HU KARIN GAIL /CA/
80135697	HEALTH FINANCIAL GROUP INC	80130162	HILL CLAUDE RYAN	80128154	HUANG SHI SHUNG
80150474	HEALY RICK ALLEN	80146597	HILL TIMOTHY SCOT /CA/ 80147271 HILLTOP CAPITAL MANAGEMENT INC	80128654	HUBBARD EDWARD EARL
80122592	HEARTLAND ADVISORY SERVICES LTD	80125214	HILSON DENNIS PAUL	80132655	HUBBARD RAYMOND LESLIE III
80146158	HEARTWOOD FORESTLANDS LTD PARTNERSHIP /NC/	80126167	HILT PRISCILLA WING LING	80128550	HUBBS JAMES ARLEY
80128187	HEATH GEORGE STANTON	80152672	HILTON FRED ARTHUR	80132373	HUBER ARTHUR ANDERSON
80117770	HEATH THOMAS M	80151454	HILTON GREGORY JAMES	80123876	HUBINGER HAROLD JOHN
80126215	HEDGE MANAGEMENT INC	80142884	HINES CAPITAL MANAGEMENT INC /MD/	80127016	HUBSHMAN RENE DJ
80132645	HEDGES BOB FINANCIAL SERVICES INC	80132169	HM SPECTRUM FINANCIAL CORP	80145745	HUCKABY CO INC
80119578	HEDGSPETH TERRY LEE ADV	80137174	HME INTERNATIONAL ADVISORY ASSOCIATES LP /NY/ 80150231 HOCHSPRUNG LEROY LAVERNE	80123081	HUDSON HAMILTON CAPITAL MANAGEMENT INC
80138670	HEDIN JUDY KAY	80148912	HODGES WILLIAM FLEMING	80129178	HUDSON HUME INDEX MANAGEMENT INC
80151324	HEE BRIAN HOWARD	80140901	HOEPPNER IONA RUTH /CO/ 80151165 HOFF CRAIG ALAN	80150632	HUDSON ROBERT W
80131514	HEGER LOUIS CHARLES	80146967	HOFFMAN JOHN DOUGLAS	80143320	HUFF JOSEPH DANIEL /OH/ 80148764 HUFFMAN MARK ALLEN
80119304	HEGGY COMPTON ERVIN	80129613	HOFFMAN PEDERSON & MCBRYDE	80142092	HUFFMAN SCOTT KEITH
80143398	HEIDEL ROBERT SCOTT /IL/ 80129157 HEIER RICHARD EDWARD	80126427	HOGAN ARTHUR JAMES	80143330	HUFFORD & ASSOCIATES PC
80129157	HEIER RICHARD EDWARD	80143892	HOLDERREED GLENN ELZIE /CA/	80145680	HUG CHARLES ROGER /CA/ 80148386 HUGHES CAPITAL MANAGEMENT L P
80135573	HEIBUTH DONALD ROBERT	80121946	HOLLANDER MYRON	80148386	HUGHES RICHARD ALBERT
80111154	HEILMAN JAMES M	80122429	HOLLEMAN JOSEPH SHERRAD	80134977	HUGHES RICHARD ALBERT
80136123	HEIM DENNIS JAMES	80132356	HOLLERITH DAWN	80110036	HULL JAMES WILLARD
80119343	HEINE MANAGEMENT GROUP INC	80134945	HOLLINGSWORTH & COMPANY	80148825	HULSE ALVIN DEAN
80147008	HEINLE LEONARD JOHN	80132580	HOLLINGSWORTH PAUL RONALD	80119814	HULSE CHARLES INVESTMENT SERVICES ADV
80142201	HELPER LOUIS ANTHONY /NJ/ 80142840 HELLIWELL GEOFFREY ERNEST	80134780	HOLMES GROUP /CA/ 80117836 HOLTZ THOMAS L ADV/ 80121954 HOME CAPITAL SERVICES INC	80128848	HUMPHREY MARK ANDREW
80143752	HELPER STEPHEN JOSEPH /CA/ 80144978 HENDRIX MARK GEORGE	80142600	HONCHELL BERT LEE II /NC/ 80145864 HONG VIVI WEIYU	80121495	HUNT PETER SANFORD
80125591	HENINGER ROBLEY DOUGLAS JR	80153947	HONOLULU VENTURE CAPITAL INC	80143882	HUNT R M & ASSOCIATES INC /CA/
80101339	HENNER SOLOMON	80143972	HOOD LEO FREDERICK	80139529	HUNTINGTON & ASSOCIATES
80134778	HENRICHS BRADLEY ALLEN /MO/	80136453	HOPKINS HERMAN LEE	80126081	HUNTINGTON ADVISERS INC
80140573	HENRICHSON CARL BERNARD /DE/	80141197	HOPKINSON BRIAN LEE /IL/ 80133728 HOPPER JACK /TX/	80109978	HUNTINGTON ASSET MANAGEMENT CO
80134698	HENRIQUES ALLAN INC			80131061	HURLEY PATRICK JOHN
80141706	HENRY DANNY EDWARD SR /MA/			80128120	HURLEY PAUL EDGAR
80132945	HENRY FINANCIAL PLANNING SERVICES INC			80143650	HUSSEY JOHN PATRICK

80135914	IBM CREDIT INVESTMENT MANAGEMENT CORP	80112193	INTEGRATED PROGRAMMING CORP	80123392	INVESTMENT ANALYSIS INC /OH/
80147401	ICARUS TRADING LTD	80119370	INTEGRATED STRATEGIES INC	80134607	INVESTMENT CENTER INC /IN/
80144662	ICATU ASSET MANAGEMENT INTERNATIONAL LTDA	80147639	INTEGRATED TAX & INVESTMENT SERVICES INC	80128371	INVESTMENT CO DATA INC
80132562	IFR SECURITIES INC	80140944	INTEGRITY MANAGEMENT INC	80150392	INVESTMENT CONSULTING GROUP LTD
80128514	IGNASIAS & ASSOCIATES FINANCIAL SERVICES	80144198	INTELLIGENT MARKET ANALYTICS INC /CA/	80107461	INVESTMENT CONTROLLED RESEARCH INC
80144981	ILIE MARIO MARIAN	80137218	INTER EUROPA BANK LTD	80151878	INVESTMENT ENGINEERING CORP
80121799	IMHOFF ROBERT NORMAN	80132880	INTERACT FINANCIAL ADVISERS INC	80145931	INVESTMENT FOUNDATIONS INC /MA/
80151557	IMMENSCHUH THOMAS ARTHUR	80151335	INTERACTIVE CAPITAL CONSULTANTS	80135707	INVESTMENT INSIGHT INC
80142231	IMPACT FINANCIAL CORP	80143240	INTERCAPITAL ASSET MANAGEMENT CO INC /NJ/	80150879	INVESTMENT INSIGHTS INC
80137753	IMPERATO ANTHONY J /NY/	80149062	INTERFIN CORP	80113153	INVESTMENT MODELS INC
80134523	IMS CPAS & ASSOCIATES /IL/	80148576	INTERFINANCE ADVISORY GROUP LTD	80120686	INVESTMENT PLANNING ADVISORY SERVICES INC ADV
80130029	INCADMIN LTD	80129657	INTERFINANCIAL SUCCESS INC	80135282	INVESTMENT RESEARCH & ADVISORY CORP /MO/
80144311	INCOME INVESTMENT ADVISORY /AD	80143260	INTERMARKET MANAGEMENT INC	80109770	INVESTMENT RESEARCH CORP /VA/
80124053	INCOME PLANNING ASSOCIATES INC	80144868	INTERNATIONAL ASSET MANAGEMENT SERVICES INC	80124724	INVESTMENT RETURN RESEARCH INC
80120331	INCOMM ASSOCIATES INC	80141853	INTERNATIONAL ASSETS & INVESTMENTS INC /GA/	80112207	INVESTMENT SPECIALISTS INC
80124353	INCORVAIA PHILIP R	80149695	INTERNATIONAL CAPITAL MANAGEMENT INC	80134285	INVESTMENT STRATEGIES INC /VA/
80138278	INDEPENDENT CAPITAL MANAGEMENT INC	80149013	INTERNATIONAL DERIVATIVE INVESTMENTS INC /CO/	80134259	INVESTMENT STRATEGIES UNLIMITED INC
80152267	INDEPENDENT EQUITY RESEARCH INC	80141969	INTERNATIONAL EQUI SOURCE LTD /CO/	80124168	INVESTMENT TAX PLANNING ASSOCIATES
80149731	INDEPENDENT FINANCIAL CONSULTING INC	80141854	INTERNATIONAL INVESTMENT MANAGEMENT INC	80113289	INVESTOR PLANNING SERVICES INC
80144373	INDEPENDENT FINANCIAL SECURITIES INC /NY/	80141699	INTERNATIONAL INVESTMENTS INC	80109024	INVESTOR RESPONSIBILITY RESEARCH CENTER INC
80138326	INDIALANTIC CAPITAL MANAGEMENT INC	80141699	INTERNATIONAL INVESTMENTS INC	80144014	INVESTORCORP INC /TX/
80129925	INDIANA CORPORATE FEDERAL CREDIT UNION	80140974	INTERNATIONAL MARKET STRATEGIES II INC	80109113	INVESTORS ASSOCIATES MANAGEMENT CORP
80149372	INDO US CONSULTANTS LTD CO	80134555	INTERNATIONAL MONEY MANAGEMENT INC	80129315	INVESTORS CHOICE FINANCIAL PLANNING INC
80152268	INFINITY CAPITAL MANAGEMENT INC	80137394	INTERNATIONAL SALES & CONSULTANTS INC /NJ/	80141576	INVESTORS DYNAMICS CORP
80143858	INFINITY SECURITIES ADVISORS INC /CO/	80129821	INTERNATIONAL WEALTH ADVISORS GROUP INC	80145498	INVESTORS EDGE INC /IL/
80143577	INGAR TITAI RAGHURMAN	80135545	INTERNET GROUP LTD	80153855	INVESTORS FINANCIAL ADVISORS INC
80153023	INGLIMA CARMELO BRIAN	80142082	INTERNET INVESTMENT RESEARCH INC	80113282	INVESTORS PLANNING SERVICES INC /HI/
80134725	INGRASSIA JOSEPH FRANCIS	80144711	INTERPHASE RESOURCE GROUP INC	80126898	INZER J S CO INC
80136944	INNES ASSOCIATES LTD	80140857	INTERSUISSE INC	80139576	IONE REAL ESTATE INC
80152772	INNOVA GLOBAL RESEARCH INC	80134563	INTERTRADE INC	80140367	IORIO RAYMOND SAMUEL
80138173	INNOVA MANAGEMENT CO	80153763	INTRINSIC VALUE CAPITAL MANAGEMENT LLC	80132757	IPEMA WILLIAM BYRON
80151473	INNOVATIVE ADVISORY SERVICES LTD	80127994	INVEST AMERICA INC	80143239	IPO FINANCIAL NETWORK CORP
80144154	INOVEST CAPITAL GROUP /CA/	80134000	INVESTTECH ADVISORY INC	80152150	IRA INVESTMENT SPECIALISTS INC
80142364	INSIGHTER FINANCIAL SERVICES /CA/	80135259	INVESTTECH CONCEPTS INC /PA/	80149047	IRIZARRY RAFAEL EUSTAQUIO
80137801	INSTITUTIONAL PROPERTY RESOURCES AN EMERSON/MILLER CO	80148168	INVESTTECH SECURITIES INC	80154563	IRONSIDE INVESTMENT MANAGEMENT LLC
80140842	INSTITUTIONAL PROPERTY RESOURCES AN IPR EMERSON DUNN CO	80143091	INVESTMENT & TAX PLANNING CONSULTANTS INC /RI/	80134909	IRVIN CHRISTOPHER TODD PHD
80140009	INSTITUTIONAL RESOURCE PARTNERS	80150821	INVESTMENT ADVISORS GROUP	80141050	ISENHOUR BARRY FOUTZ
80135418	INSYNC CORP INC	80127003	INVESTMENT ADVISORY & PLANNING SERVICES INC	80145437	ISGI ADVISORS
80140324	INTEGRA CAPITAL MANAGEMENT CORP /WA/	80145188	INVESTMENT ADVISORY ASSOCIATES INC /VA/	80145522	ISRAEL ALBERT MORRIS
80118065	INTEGRATED ADVISORY CORP & TRUST LTD	80144322	INVESTMENT ADVISORY GROUP INC /NY/	80143531	ISRAEL GROWTH INVESTMENT ADVISER LTD
80133350	INTEGRATED FINANCIAL SERVICES /CA/	80146361	INVESTMENT ADVISORY NETWORK INC	80140548	ITO DANIEL HENRY /WA/
80133507	INTEGRATED FINANCIAL SERVICES OF PRINCETON INC	80115636	INVESTMENT ADVISORY SERVICE INC	80117447	ITO HENRY HISAO
80129247	INTEGRATED MEDICAL VENTURE MANAGEMENT	80124208	INVESTMENT ADVISORY SERVICES INC /IL/	80151321	IVORY INVESTMENT MANAGEMENT
80132408	INTEGRATED MEDICAL VENTURE MANAGEMENT 2	80136537	INVESTMENT ALTERNATIVES INC	80132873	IXL DISTRIBUTORS INC
80145662	INTEGRATED MONEY STRATEGIES INC			80144869	J&J ADVISORS INC
80131761	INTEGRATED PLANNING SERVICES INC /NY/			80140163	JACKEL RICHARD

80147626	JACOBS CAPITAL MANAGEMENT INC	80115312	JOHNSON FRANK EDWARD JR	80140714	KANTER ROBERT ALAN
80126586	JACOBS GARY KENT	80147921	JOHNSON HERBERT INC	80118798	KANTER STANLEY SAMUEL
80133275	JACOBSON CHARLES MAY	80150822	JOHNSON INVESTMENT SERVICES INC	80119549	KAPLAN ALLAN HARRY
80127444	JACOBSON JOEL E & CO PC	80133234	JOHNSON JAMES ROBERT	80121704	KAPLAN CHARLES HOWARD
80128607	JACOBY AGENCY INC	80147247	JOHNSON JAMES TAYLOR	80103733	KAROLY KATHY LYNN
80138140	JACOY DANIEL PAUL/MA/	80127887	JOHNSON JEFFREY EUGENE	80133467	KASARJIAN KENNETH PAUL
80130758	JACQUES WILLIAM RAY JR /	80152724	JOHNSON KEITH FRANKLIN	80140256	KASEMIR WOLFRAM
80138686	JAEGER & GILL CERTIFIED PUBLIC ACCOUNTANTS	80150271	JOHNSON KENNETH DEREK	80144648	KASTEN MITCHELL JEFFREY
80132083	JAFFE LEONARD MAURICE /CA/	80147538	JOHNSON MARK ALAN	80118874	KATZ KENNETH L & CO INC
80132235	JAH INC	80145533	JOHNSON MARTIN V JR	80128778	KATZ MARC
80150036	JAI DEVANG	80148295	JOHNSON MICHAEL WAYNE	80130350	KATZ SAMUEL
80153890	JAMES JOHN FUTURES GROUP LTD	80129687	JOHNSON NICHOLAS MICHAEL	80134092	KATZ SAPPER & MILLER
80129601	JAMES MARIE RUPPERT CLU CHFC	80134547	JOHNSON ROBERT EDWARD	80105625	KATZ SYLVAN
80146481	JAMES MICHAEL GEORGE /CA/	80145411	JOHNSON SCOTT TOWNE	80144317	KAUFMAN ANNETTE ESTA
80139342	JAMES VICTOR C JR	80135814	JOHNSON WILLIAM CHARLES	80145535	KAUFMAN CAPITAL MANAGEMENT INC
80146253	JAMES WILLIAM CONRAD /GA/	80148056	JOHNSTON LARRY WAYNE /IN/	80153132	KAUFMAN EDWARD JAY
80140975	JAMIESON JOHN RICHARD JR	80144578	JOHNSTON WALLACE LAMONT /TX/	80128046	KAUFMAN NORMAN
80135399	JANCA GEORGE ALBERT	80140211	JOHNSTON WILLIAM DERLIN	80142893	KAUFMAN SIDNEY WALTER
80150222	JANE STREET ADVISORS INC	80136488	JOKSCH RALPH EDGAR	80140696	KAWAI TOMOO
80143166	JANSEN INVESTMENTS INC	80153988	JOLLY WINSTON HATHWAY & BOTTEN DAVID JOHN	80146504	KAY HERB LLC /AZ/
80105937	JANUS MANAGEMENT CORP /CO/	80123414	JONES AARON JR	80133190	KAY STEVEN ARTHUR
80153583	JARAMILLO ANDREW JUDE	80114037	JONES ADDIS THOMAS	80115521	KAY WILLIAM V
80119504	JARON EQUITIES CORP	80138017	JONES C TERRY CPA PC /AL/	80133293	KAYS HOWARD W /IN/
80146156	JARRELL WILLIAM GAMMON /CA/	80121396	JONES CARL MOUNSEY ENTERPRISES LTD	80153800	KAZANA NADILIFU CHRISTOPHER
80148607	JARRETT GLOBAL CAPITAL MANAGEMENT INC	80145695	JONES FINANCIAL CORP /UT/	80151741	KBP ADVISERS LLC
80122980	JASANSKY ANTONIN	80126398	JONES FLOYD M JR	80150033	KCM ASSET MANAGEMENT GROUP INC
80107047	JAUCH HEINZ	80151443	JONES HEWARD INVESTMENT COUNSEL INC	80129851	KEARNEY JOHN ARTHUR
80142365	JBC INSTITUTIONAL SERVICES CORP /IL/	80141745	JONES JOHN WESLEY	80143265	KEEFER DWIGHT EDWIN
80136754	JBL NEW ENGLAND LTD	80141696	JONES KENNETH AARON	80137396	KEELER R W & ASSOCIATES INC /NJ/
80135443	JBT MANAGEMENT INC	80117945	JONES MARVIN H	80127146	KEENAN TALMAGE L
80133775	JCW INVESTMENTS INC	80145594	JONES MICHAEL FRANCIS	80144330	KEESBURY GEORGE E
80134261	JEFFERIS JOSEPH WOODSON	80144328	JONES STEPHEN TODD	80113921	KEFAUVER JOHN MOODY
80126598	JEFFERS INVESTMENT MANAGEMENT CO INC	80148452	JORDAN NEAL VINCENT	80145797	KEHOE JAMES ANDREW III
80122057	JEFFERSON DAVID ROWE	80122421	JORGENSEN LEO NELS	80141383	KEKICH DAVID ALAN /PA/
80135471	JEFFRIES JOHN EDGAR	80151521	JOSEPH ANDRE FAOUR	80111901	KELLAR DAVID HALE
80146377	JEM FINANCIAL SERVICES INC /WI/	80125424	JOSEPH JAMES FRANCIS	80131794	KELLAR GREGORY RICHARD /GA/
80126290	JENKS PHILIP ARTHUR	80146982	JOYCE ROBERT MICHAEL	80148428	KELLER ANTONE PETER /AZ
80154191	JENNINGS ROBERT JAMES	80143198	JOYCE THOMAS MICHAEL	80135666	KELLER DOUGLAS NEIL
80123897	JENNINGS ROBERT MARTIN JR	80125516	JPI & ASSOCIATES INC	80131917	KELLER FINANCIAL CONSULTANTS INC
80148213	JEPPESEN THOMAS DALE	80142425	JRK ASSET MANAGEMENT INC	80136559	KELLOGG SECURITIES CO
80145449	JER ADVISERS INC /VA/	80135741	JRM ASSOCIATES INC	80138131	KELLY ADVISORS INC /IL/
80130107	JERNEGAN FINANCIAL MANAGEMENT INC	80136065	JRS MONEY MEN INC	80150101	KELLY COLLEEN JOSEPHINE
80147479	JESKE JERALD LEE	80141531	JSL FINANCIAL INC	80144066	KELLY DANIEL GERARD /CA/
80133941	JESUP JOSEPH THAL SECURITIES CO INC	80149419	JT SECURITIES INC /NY/	80126429	KELLY JAMES M
80146184	JFW TRADING /IL/	80120868	JUHL GARY ALAN	80147570	KELLY JOHN JEROME
80113524	JHAWAR SHIV RATAN	80140316	JUNG YOJIN	80120964	KELLY WILLIAM PAUL
80127513	JHW FINANCIAL PLANNERS INC	80122003	JUREK ENTERPRISES	80121395	KELMENSEN VICTOR A
80146212	JMC FINANCIAL CORP /CA/	80128104	JURY FREDERICK EARL	80153687	KELSO DOUGLAS SCOTT
80146462	JMR CAPITAL MANAGEMENT INC /CA/	80135430	JUST JAMES THRASHER	80135404	KEMPER BJORNSTAD & ASSOCIATES
80143648	JN INVESTMENT MANAGEMENT INC /FL/	80128283	JUSTIN ASSET MANAGEMENT INC	80141959	KEMPF & CO
80112077	JOFFE ARMAND	80130134	JUVENNELLIANO FINANCIAL SERVICES	80122616	KENDRICK & STIMPFIG FINANCIAL SERVICES CORP
80143856	JOHNSON & ASSOCIATES LTD	80135219	K&E INVESTMENT CO	80138926	KENDRICK DANIEL EDWIN /GA/
80143540	JOHNSON DANIEL BRUCE	80143199	KACOM INC	80132331	KENDRICK RICE MAUCERE CAPITAL INC
80153841	JOHNSON DANIEL THOMAS	80123653	KAEPPEL JAY ARTHUR	80122305	KENNEDY JAMES WILLIAM
80114357	JOHNSON DEAN K INC	80133158	KAESER ROLAND KARL	80147163	KENNEY JAMES F
80137515	JOHNSON DELBERT L JR	80114146	KAHN BROTHERS & CO INC	80137431	KENNINGTON CAPITAL MANAGEMENT INC
80147572	JOHNSON DONALD JAMES	80114830	KAILING CAPITAL MANAGEMENT INC	80129968	KENT RONALD E
80140698	JOHNSON EDWIN WILLIAM	80130748	KALAF BRIAN DONALD	80138072	KENTON FINANCIAL ADVISORS INC
80143947	JOHNSON FINANCIAL SERVICES LTD /IL/	80117697	KALEEL MICHAEL M /MA/	80152790	KERBER FINANCIAL SERVICES
		80134513	KAMANITZ UHLFELDER & PERMISON PA	80121805	KERRIGAN THOMAS JOSEPH
		80126417	KAMBOURAKIS PETER HARRY /NY/	80131887	KERRY STANLEY PETER
		80152997	KAMHI LAWRENCE MITCHELL	80144821	KESSLER KEITH KELVIN
		80138665	KAMSON SPORTS INC	80145863	KESSLER STEPHEN JOEDAVE TIMOTHY
		80124889	KANIA PAUL ALAN		
		80117193	KANKAKU RESEARCH INSTITUTE INC /JAPAN/		

80142485	KETTLER NEMEC REBECCA /MO/	80141970	KONA ADVISERS INC /CA/	80115932	LAKESIDE ASSET MANAGEMENT
80144650	KEY LATCH OF NEW YORK INC	80129277	KOPIETZ JAMES OTTO V	80129779	LALOGGIA CONSULTING INC
80105714	KEY VOLUME STRATEGIES INC	80145528	KORI ENTERPRISES INC	80133095	LAMAUTE FINANCIAL GROUP INC
80144853	KEYES WILLIAM AUGUSTUS IV	80145169	KORLIAN ROBERT RALPH /AZ/	80140909	LAMBERSON KNIGHT CAPITAL MANAGEMENT INC /NJ/
80117870	KEYSTONE SECURITIES LTD	80135213	KOROSEC MICHAEL ANTHONY	80141328	LAMBERT JAMES JEFFREY /CA/
80126851	KG EQUITY RESOURCES INC	80147761	KORTH JOHN ALAN	80149403	LAMOTHE ROBERT E /MD/
80145495	KH ADVISORY SERVICES INC /CO/	80145710	KOSHINSKI DAVID PAUL	80126977	LAMPARIELLO JOSEPH
80146791	KHAN TARIQ SAMAD	80152047	KOSLOSKE MICHAEL WAYNE	80148555	LAMPENFIELD RICHARD
80141810	KHANI FRED	80152008	KOSUBINSKY STEPHEN MICHAEL	80147305	LAMPAN GARY W
80147485	KHEMET FINANCIAL PLANNING INC	80152147	KOTHARE RAVI VIJAY	80140202	LANDAUER ASSOCIATES INC
80109703	KIDDER PEABODY ASSET MANAGEMENT INC /NY/	80131399	KOTLER MORTON	80136976	LANDMARK FINANCIAL SERVICES /MA/
80129767	KIELB DENISE JEAN	80123596	KOTSONIS PETER GEORGE	80143621	LANDOLT SECURITIES INC /WI/
80124617	KIESCHNIK & ASSOCIATES INC	80120746	KRAFFT FINANCIAL PLANNING CO	80133733	LONDON & CO INC
80127768	KILGORE DEBORAH ANN	80120104	KRAMER NOEL R	80139385	LANDOR INVESTMENT MANAGEMENT INC
80145106	KIMBALL & CO LTD	80141419	KRAMER NORMAN	80114284	LANG & ASSOCIATES
80135495	KINDER PINNEY & SCOFIELD	80136979	KRAUSE MARJORIE BAUTISTA /OH/ LV	80127702	LANG PATRICIA ANN
80122233	KING HINDSMAN & CO	80121176	KRCHAK DAN WARREN	80144215	LANGLEY MICHAEL JOE /KS/
80144212	KING JAMES JOSEPH II /NY/	80144285	KREDIETBANK GLOBAL MANAGEMENT LP	80145302	LANGSEN GROUP INC
80125475	KING JANE VIRGINIA	80148520	KREINBERG STEVE NEIL	80151694	LANGSETT GREGORY SUMMERLIN
80126263	KING JOSEPH EUGENE	80119579	KREINZ ROBERT LEE	80143744	LANIER CAPITAL MANAGEMENT INC /GA/
80134210	KING KENNETH RICHARD	80132384	KREMER DAVID JOSEPH G	80149445	LANSING GARY AUBIN
80134206	KING ROBERT S	80135980	KRIEGER MARK ROBERT	80129711	LANTZ LLOYD RANDALL
80135377	KING VICTOR LEROY JR	80146889	KRIGMAN HARRY MARC	80145377	LARIOS ROBERT CHARLES /AZ/
80125403	KING WALTER CARROL II	80127601	KRINKE CHARLES FRED	80112538	LARKIN EMMETT A CO INC
80154359	KINYON DOUGLAS A	80113877	KRISHER LAWRENCE CHARLES	80132267	LARKIN FINANCIAL GROUP INC /MN/
80139626	KIRK SECURITIES CORP	80151228	KRISHNA DIXIT JAGANNATH	80140042	LARRIVA ALFONSO ANTONIO
80153929	KIRKLAND ADVISORS INC	80143277	KRISSINGER LAWRENCE JOSEPH	80132164	LARSON ADVISORY SERVICES INC
80113710	KIRKLAND INVESTMENT MANAGEMENT INC	80153734	KROLL CHRISTOPHER BRIAN	80120128	LARSON PHILIP EMMET
80124099	KISSINGER ADVISORY INC	80139095	KROUSE ROBERT EUGENE	80150253	LARSON RICHARD EDWIN JR
80140929	KISSINGER FINANCIAL SERVICES INC	80136658	KRUEGER ASSET MANAGEMENT LTD	80141147	LARSON ROGER ERNEST
80153852	KIYOHIRO LAURENCE MAKOTO	80135549	KRUEGER CAPITAL MANAGEMENT	80115268	LATANE MORRIS INVESTMENT MANAGEMENT ASSOCIATES OF NC INC
80133661	KL ASSOCIATES	80132250	KRUGER JONATHAN SAMUEL	80141486	LATHAM BARBARA PRIVOTT /MD/
80140393	KLB INVESTMENT MANAGEMENT CO LTD	80135541	KRUPKOWSKI MARK DANIEL	80131626	LATIMER MANAGEMENT CO
80131222	KLEFFMAN JERRY LEE	80139607	KTB REALTY PARTNERS INC	80135045	LATOUR MARK LOUIS
80135531	KLEIN ANNA CATHERINE	80151806	KUAN PO CORP	80143435	LAU ROBERT C /FL ADV
80136669	KLEIN DENNIS PETER	80129655	KUBOTA EDWIN LESTER	80125498	LAUDATE ANDREA
80148043	KLEIN JEFFREY KEITH	80139807	KUIPERS JAMES A /IL/	80146930	LAUREN & MERLIN INC
80116673	KLEIN LAWRENCE R & ASSOCIATES	80118697	KULLBOM ADVISORY INC	80151079	LAURENT DAVID JEAN PIERRE
80148486	KLEIN LEON JAY	80153796	KUNZOG TED INC	80118025	LAVOIE ROBERT ARMAND
80123994	KLEYTEUBER WILLIAM R A III	80141625	KUO YADONG	80132639	LAWHORN MICHAEL JOHN
80127703	KLINE & KLINE INVESTMENT SERVICE	80146461	KURIYAMA STEVE TADAO /HI/	80131184	LAWLER FINANCIAL ADVISORY CORP
80142232	KLINE ALEX P /PA/	80149970	KUROVSKY VLADIMIR NIKOLAY	80127393	LAWRENCE DENNIS E & ASSOCIATES INC
80146867	KLINE LEON	80146977	KUSHNER JACK	80134577	LAWRENCE FIELD INC
80137767	KLINGENSTEIN MARKS & COHEN LP	80144521	KUTTAN ROGER	80146735	LAWTON ANNA FELMLY
80124546	KLITIN OSCAR ALEXANDER	80139050	KVI FEDERAL INC /IA/	80128584	LBA PROFESSIONAL FINANCIAL PLANNING LTD
80134967	KLITZBERG RICHARD /NJ/	80140612	KYLE RICK LEE	80153944	LC FINANCIAL INC
80144512	KLOSSNER SCOTT EDWARD	80143318	KYPARISIS JERZY /FL/	80144852	LCP GROUP LP
80145659	KMI REALTY ADVISORS INC	80145263	L&D ASSET MANAGEMENT INC /NY/	80141157	LEA WILLARD HARLON
80145056	KNELLER FINANCIAL ADVISORS INC /GA/	80122588	LA MAR BILLY RAY	80109230	LEADEM JOSEPH ANTHONY /CA/
80151856	KNIGHT DANIEL TAYLOR	80148246	LABBIE HERBERT GEORGE	80146701	LEADFORD & ASSOCIATES INC /MI/
80139022	KNOWLES AVERY REALTY ADVISORS	80128647	LABINE LAWRENCE MICHAEL	80138307	LEASURE JOHN HAYES
80149492	KNOX FINANCIAL SERVICES GROUP	80145879	LABOURDETTE LEO ALVIN JR /LA/	80146737	LEAVY MARC INC /OH/
80149163	KOCHERHANS THOMAS CROFT	80119467	LABREC SECURITIES INC	80122196	LECHNER EDWARD JAMES
80149009	KOENIG JERRY JAMES /DPRQ/ DPF	80152045	LACKEY AARON MICHAEL	80148847	LECOT CONSULTING SERVICES INC
80141341	KOERSELMAN JON D & CO /CO/	80119243	LACY WESLEY DALE	80152369	LEDERMAN HENRY SAMUEL
80113347	KOHLER FRED R & CO	80130296	LADCOR	80149179	LEE ALBERT JEN TA
80138116	KOHN FINANCIAL CORP /OH	80132970	LAFAYETTE FINANCIAL SERVICES CORP	80152863	LEE FRED M FINANCIAL CORP
80126815	KOKE WILLIAM LAWRENCE	80140888	LAFFER WARREN & CO INC /FL/		
80119916	KOLO FRANK JOHN	80138710	LAH JOHN JOON HO /OH/		
80133756	KOLTUN MICHAEL ALEXANDER	80151293	LAI ERIC J		
		80148250	LAICK MATTHEW ALOYSIUS		
		80135229	LAINO ROBERT ROYDEN		
		80146144	LAKE STREET INVESTMENT MANAGEMENT INC /CA/		

80139319	LEE KENNETH KC	80144535	LINCOLN FINANCIAL INC	80151502	LYNN BOYD & CO INC
80148846	LEE LAURENCE FREDERICK III	80129794	LINCOLN MYRON CARLTON JR	80145204	LYNX ASSET MANAGEMENT INC /CT/
80134968	LEE MICHAEL DAVID	80146506	LINCOLN PARK ASSOCIATES INC /IL/	80147130	LYON WILLIAM FRANK
80136940	LEEDHA INC	80142403	LINCOLN PROPERTY CO INVESTMENT ADVISORS INC /CA/	80146828	LYONS & HANOVER MANAGEMENT CO
80151908	LEEDY SLUSAR & CO LTD	80112008	LINCORP RESEARCH INC	80133699	LYVERS DOUGLAS BRUCE
80120636	LEER PFEIFFER WARD CORPORATION	80140803	LINDBERG DONALD JOHN /TX/	80147983	M O S A I C INVESTMENT ADVISORS INC
80139321	LEES CAPITAL MANAGEMENT INC	80145545	LINDSAY SANDBAK GROUP INC	80125968	M SECURITIES OF FLORIDA INC
80142218	LEGACY FINANCIAL PLANNING ASSOCIATES INC /CA/	80132346	LINDSAY WILLIAM DAVID	80136710	M&M CAPITAL MANAGEMENT INC /MI/
80151227	LEGACY RESOURCES LLC	80127489	LINDSEY DAVID ERLE	80146777	MAAS CLIFFORD ALBERT
80137137	LEGRAND RIGHT FINANCIAL GROUP INC	80142367	LINHART ROBERT WALTER /NY/	80120668	MABREY LEON ROY
80151570	LEHNER HARVEY SANDERS	80120214	LINK FINANCIAL CORP	80127422	MACDONALD THOMAS MARTIN
80113931	LEHRENS IRVING	80131560	LINVILLE PAUL EUGENE	80147090	MACFARLANE PARTNERS LTD PARTNERSHIP
80128384	LEIGH ARTHUR EDWARD	80135010	LINZMEIER OONAGH MARY	80131178	MACFARLANE REALTY ADVISORS INC
80131931	LEMIER ROYAL ROBERT	80147197	LITCHFIELD MANAGEMENT CORP	80144192	MACGEORGE MICHAEL JOSEPH /MD/
80133223	LEMMER PAUL ALAN	80136871	LITTLE LARRY G /AZ/	80149328	MACIQUES PABLO EDUARDO JR
80143918	LENHART SCOTT STEPHEN /CA/	80138592	LITTMAN ROBERT JACOB	80144064	MACKENZIE JASON ASSET MANAGEMENT INC /GA/
80151251	LENOX CAPITAL MANAGEMENT INC	80142131	LITWACK JEFFREY MARK /NY/	80144329	MACKENZIE JASON SECURITIES INC
80145471	LENZA MICHAEL JOSEPH /MA/	80142295	LITZLER LINDA ANN /OH/	80153238	MACKIE BRIAN CRAIG
80142958	LEONARD SCOTT ALAN	80117365	LIVON SECURITIES INC	80154590	MACKIE MATTHEW CARTER
80117150	LEOPOLD JONATHAN PORTER AARON JR	80121058	LJL INC	80128881	MACLEAN ASSOCIATES
80137883	LEPPERT NORMAN E	80127690	LJR ENTERPRISES INC	80150050	MACNEILAGE SCOTT DANIEL
80154444	LEARNER ERIC WILLIAM	80149176	LOCKE LARRY VAN	80138458	MACOBY INVESTMENTS INC
80144531	LEARNER LORI	80138108	LOCKE RICHARD KEITH	80135159	MACPHERSON ROBERT
80136927	LESLEIN JACK	80124744	LOCKHART ANGELO DRAKE	80131933	MACRO WORLD RESEARCH CORP /NC/
80149882	LESSIN JUDITH LOUISE	80126600	LOETZ GORDON HENRY	80131976	MADDOX CHARLES WESLEY
80141939	LETCAVAGE RANDALL	80131242	LOEWI MANAGED ACCOUNT SERVICES INC	80150194	MADISON CAPITAL MANAGEMENT CORP
80146993	LETSON ROBERT LEE JR	80144680	LOFGREN THOMAS EMIL /FL/	80118230	MADISON GROUP INC
80135910	LEVALLEY CURTIS RAY	80132666	LOFTON MYRON LIONEL	80154153	MADISON MONROE INC /PA/
80152082	LEVECK STEVE LEWIS	80154421	LOH JOHN	80128237	MADISON ONE DATA GROUP INC
80127482	LEVINE LAWRENCE EAGLE	80145592	LOMENZO MICHAEL	80136207	MAGASINN ARNOLD WEBBER
80135504	LEVINE RICHARD HARVEY	80145062	LONG KYLE JONES /AZ/	80140683	MAGEE JOHN INC /MA/
80145145	LEVY ESTHER	80151474	LONGVIEW INVESTMENT ADVISORS INC	80140784	MAGUIRE CHARLES DAVID
80139041	LEVY JOSEPH	80135224	LOPEZ J & M & ASSOCIATES INC	80146470	MAGUIRE WILLIAM JAMES /CA/
80146045	LEVY MOSES & ALBERT INVESTMENT ADVISORS INC /MD/	80154358	LOPEZ SAMUEL JR	80139465	MAHAN JON MARSHALL /MI/
80147457	LEVY PERRY ADRIAN & SPRINTZ HENRY	80123448	LORD MICHAEL PHILLIP	80145069	MAHAN ROBERT TYDE
80122392	LEWIS BROCK ASSOCIATES LTD	80142112	LORGB INVESTMENT ADVISORS INC	80141436	MAHER JAMES RILEY
80141101	LEWIS CRAIG EDWARD	80128981	LORING CHARLES S	80125662	MAHOUBI INVESTMENT STRATEGIES LTD
80106438	LEWIS DANIEL ROBERT	80146367	LOSCH MANAGEMENT CO	80139886	MAHROK CHARANJIT S
80126986	LEWIS DANIEL ROBERT /WA/	80151797	LOSOFF RICHARD FRED	80143210	MAIN STREET FINANCIAL CO
80146314	LEWIS ELLIOTT EDWARD /NY/	80144214	LOTT GERALD MAYNARD /CA/	80150311	MAIN STREET FINANCIAL PARTNERS LLC
80146145	LEWIS GORDON PHILIP /CA/	80144320	LOUGHRAN GERALD MORRIS	80147919	MAINLAND BRADLEY TIMOTHY
80128532	LEWIS RICHARD S	80148247	LOUISIANA ASSET MANAGEMENT POOL INC	80148052	MAINSTREET CAPITAL MANAGEMENT INC
80133930	LI HSIAO YUAN BRUCE	80125443	LOUX DAKOTAH JAKE	80148322	MALEKI ALEXANDER SCOTT
80143301	LIBERTY ADVISORY SERVICES CORP	80150431	LOVE MICHAEL GEORGE	80133986	MALKASIAN HENRY ARAM JR
80148860	LIBERTY CAPITAL MARKETS INC	80148157	LOVERN DAVID GEORGE	80124403	MALLAS GUSTAV JOHN
80119872	LIBERTY FINANCIAL MANAGEMENT CO OF NORTH AMERICA ADV	80149977	LOVETT RICHARD JAMES SR	80119079	MALLEY EDWARD FRANCIS
80152327	LIBRA	80127028	LOWELL INVESTMENT MANAGEMENT CORP	80115000	MALLINSON CONSULTANTS INC
80135758	LICA AMERICA INC	80125382	LOWENTHAL RODGER DANIEL	80126164	MALOOF RAYMOND EDWARD
80133959	LICHTER JOHN ROBERT	80132981	LOWN JEFFREY BARRY	80139012	MANAGED ASSET PROGRAMS INC /CO/
80145307	LIEBOWITZ L & CO INC	80122299	LUBARSKY NEIL ROBERT	80125923	MANAGEMENT BUSINESS AMERICA CO
80121212	LIEFER MARTHA	80128291	LUCAS DELEON SOLOMON	80123609	MANDELL INSTITUTE INC
80130660	LIEN RECOVERY SERVICE INC	80143132	LUCIA RAYMOND JOSEPH	80138716	MANETTA JOHN RAYMOND
80129469	LIFESTYLE FINANCIAL PLANNERS INC	80145031	LUCIE FINANCIAL SERVICES INC /GA/		
80154509	LIGHTHOUSE INVESTMENT ADVISORS INC	80141670	LUNA CARLOS MORENO		
80141435	LIGHTNING GROWTH ENTERPRISES INC	80146928	LUNN PARTNERS LP		
80129012	LIGHTSEY EDDIE LEE	80140169	LURIE JAMES L CERTIFIED FINANCIAL PLANNER LTD /IL/		
80128058	LIN GEORGE SEIN	80142507	LUSSIER ADELARD JOSEPH /RI/		
80106633	LINAM RONALD HAMPTON	80144956	LUTHER MICHAEL LOUIS /CA/		
80128469	LINCOLN FINANCIAL GROUP INC	80136014	LUTZ LARRY ALBERSON		
		80137129	LYMAN JOHN EDWIN		
		80151568	LYNCH DAVID ALAN		
		80137441	LYNCH E F & CO INC		
		80134214	LYNCH KENNETH NOLAN		

80145915	MANHATTAN CAPITAL PARTNERS INC /NY/	80113090	MASTRANGELI ALFRED JAMES	80148348	MCGOVERN LAWRENCE EDWARD
80139965	MANKAU HAROLD LEWIS	80119101	MATHES DOUGLAS A FINANCIAL CORP	80154602	MCGUIGAN KEVIN FRANK
80143872	MANN JOHN DAVIDSON /TX/	80129201	MATHIS WEST HUFFINES & CO	80130844	MCGUIRE DEBRA GLOVER
80142627	MANNING INSURANCE AGENCY INC	80143887	MATOFF RICHARD IRVING /CA/	80130843	MCGUIRE JAMES HARRISON
80142947	MANNING RICHARD JOHN /PA/	80132256	MATRAC GROUP INC	80130115	MCINTIRE FRANCIS EDWARD JR
80153243	MANSION HOUSE USA LLC	80118391	MATRIX FINANCIAL CONSULTING INC	80141897	MCINTOSH JOHN NICHOLAS /CA/
80122073	MARAM HARRY LEON	80134236	MATRIX GROUP INC	80122765	MCKAY JAMES BRUCE DOUGLAS
80128711	MARANT MICHAEL DAVID	80146352	MATRIX INVESTMENT ADVISORS INC	80140905	MCKEE W B SECURITIES INC /AZ/
80130178	MARANTETTE & CO	80123266	MATRIX PLANNING GROUP INC	80134315	MCKEEVER SECURITIES INC
80146690	MARATHON FINANCIAL GROUP INC	80137573	MATTHEW A G & CO /CA/	80140715	MCKENZIE GLOBAL INC /IL/
80116168	MARCH DARRYL VICTOR	80143911	MATTHEWS HARLAN STUART /NY/	80132841	MCKENZIE OBIE LEE
80132468	MARCUSSE JANET MAVIS	80115775	MATTHEWS LEONARD	80131693	MCKINLEY BELCHER /DC/
80120952	MARCY JOSEPH FREDERICK	80113444	MATYLEWICH THADDEUS DANIEL	80132391	MCKINNIE RAYMOND MICHAEL
80122485	MARDER BRIAN IRWIN	80145457	MAY DAVIS GROUP INC	80122491	MCLAIN LOVINS & CO PC
80141759	MARDER IRVING /NH/	80136282	MAYER GERALDINE THERESA	80119433	MCLAREN ROY BURTON STEPHEN
80127408	MARGAVIO MARK GERARD	80140682	MAYES GREG C FINANCIAL GROUP	80135706	MCMANN JOHN HATHAWAY STUART
80141574	MARICK CAPITAL MANAGEMENT INC /FL/	80138094	MAYES TRENDS INC	80152370	MCMASTER MARK ALAN
80138322	MARIOTTI MARK CARL	80147701	MAZZETTI INTERNATIONAL INVESTMENTS INC	80125641	MCNAIRY & CO INC
80149938	MARIUS ERHARD VICTOR	80132982	MAZZOLA EUGENE CORNELIOUS	80142580	MCNEELEGE MATTHEW KENNETH /CA/
80143427	MARKAS FINANCIAL SERVICES INC /NJ/	80150412	MBA FINANCIAL SERVICES INC /IL/	80141932	MCNEIL EDMUND COLWELL
80132641	MARKET MODEL CORP	80146418	MBS INVESTMENT RESEARCH /GA/	80139023	MCNEILL DON SCOTT
80124966	MARKET RESEARCH & MANAGEMENT CORP	80131428	MCALLISTER COOK ADVISORS INC	80133411	MCNEISH DAVID DIXON
80112185	MARKET STUDIES REPORT	80147607	MCC SECURITIES INC	80137930	MCPHILLIPS THOMAS PATRICK /OH/
80114322	MARKET TIMING & RESEARCH INC	80150924	MCCAFFERY PINDJAK & ASSOCIATES INC	80148011	MCRENA THOMAS ANTHONY
80128934	MARKETS ADVISORY INC	80143021	MCCALL & ALMY INVESTMENT ADVISORS INC /MA/	80113510	MD MANAGEMENT ASSOCIATES INC
80154678	MARKETS ADVISORY INC /AZ	80124605	MCCARTHY JOHN FRANCIS	80130846	MDE ASSOCIATES INC
80137375	MARKEY MICHAEL LYNN	80124755	MCCARTHY STEPHEN A	80120390	MDS INVESTMENTS ADV
80135296	MARKOFF JOHN GREGORY	80112492	MCCARTHY WILSON	80150590	MEAGHER BRIAN JAMES
80136826	MARKOSKY THOMAS WILLIAM	80146845	MCCAULEY DOUGLAS JOHN	80143139	MEAS INTERNATIONAL LTD
80140144	MARKWELL INC	80139340	MCCAULEY JOHN JOSEPH	80144009	MEC FINANCIAL GROUP INC /CA/
80144755	MARKWITH GERALD RALPH JR	80132657	MCCOLLUM TIM GORDON	80153146	MECHIGIAN KATHRYN KAY
80109943	MARQUETTE CAPITAL MANAGEMENT CORP /MN/	80137791	MCCONICO DAVID & CO	80123712	MECKFESSEL JOY COTTLE
80124813	MARSDEN MARGARET LOUISE	80129442	MCCORD RICHARD DAVID JR	80146165	MEDCOR
80148919	MARSH JAY KENNETH	80138509	MCCORMICK LAURIE BECKWITH /CA/	80137483	MEES & HOPE FUNDMANAGEMENT BV
80133607	MARSHALL & CO SECURITIES INC	80120431	MCCOURT PATRICK JOSEPH	80123549	MEGARIAN INC
80144982	MARSHALL & STERLING FINANCIAL CONSULTANTS INC	80134879	MCCRACKEN FLOYD A SECURITIES INC	80149685	MEHL PHILIP EDWARD
80129521	MARSHALL JAMES C PC	80145553	MCCRACKEN MARSHA JO DASENBROCK	80143334	MEIER RONALD EDWARD CFP
80143529	MARSHALL REALTY ADVISORS	80135103	MCCRARY CAPITAL MANAGEMENT INC	80139821	MEISTER LLOYD DUANE
80150002	MARTEL ERNEST LAURENT	80122427	MCCUISTION & CO	80127447	MELF VINCENT LEONARD
80139547	MARTIN ANDREW LEE	80112753	MCCUNE CHARLES ALEXANDER	80125265	MELLO CURTIS JOSEPH /MA/
80147763	MARTIN CHRISTOPHER /TX/	80127534	MCCUTCHEN THURSTON BEN	80140248	MENA CAPITAL MANAGEMENT CORP
80132613	MARTIN LINDA REDDEN	80137617	MCDANIEL CORP /SC/	80148163	MENDOLIA PETER RICHARD
80146781	MARTIN MICHAEL LYNN	80132228	MCDANIEL DAVID LEE	80130131	MENES MELVIN
80131793	MARTIN MICHELE KATHARINE	80147667	MCDEVITT CHRIS COLIN	80137569	MENTAS HARRY JOHN /MA/
80154405	MARTIN RALPH EDWARD	80128484	MCDONALD DEWEY WANDELL	80145346	MERAMEC INVESTMENT ADVISORS INC
80128911	MARTIN RICHARD JAMES	80152226	MCDONALD TIMOTHY JAMES	80140596	MERCHANT GROUP /MO/
80150001	MARTIN STEVEN EDWARD	80129366	MCDONOUGH JOSEPH RICHARD JR	80133889	MERCURY TRADING INC
80123725	MARTINDALE WIGHT JR	80136161	MCDOWELL FINANCIAL ADVICE INC	80140343	MEREL VINCENT GEORGE /NJ/
80144509	MARTINEZ JOHN LUIS	80127550	MCELROY FELIX PAUL JR	80129324	MERGER & ACQUISITION SCIENCES CORP
80137467	MARTINEZ LEONARD FRANCIS JR	80148770	MCELVEEN WILLIAM EDWARD	80146868	MERIDIAN ASSET MANAGEMENT INC /FL/
80123317	MARTINEZ STANLEY FRANK	80145488	MCEVOY CONSULTING PC /IL/	80121982	MERIDIAN FINANCIAL SERVICES INC
80121094	MARYLAND FINANCIAL GROUP INC	80134233	MCGEE FINANCIAL GROUP INC	80142989	MERJAN MONEY MANAGEMENT INC
80133783	MAS CONSULTANT SERVICES INC /NY/	80142656	MCGINNIS SEAN WILLIAM	80129251	MERLIN ASSET MANAGEMENT ASSOCIATION
80123473	MASSEY & CO INVESTMENT ADVISORS			80146009	MERRILL LYNCH PORTFOLIO SERVICES INC
80149161	MASSINGILL JAMES HORACE III				
80138939	MASTER FINANCIAL CONSULTANTS INC				
80136853	MASTER PLANNING SYSTEMS INC				

80136966	MERRITHEW LESLIE ROBERT /CA/	80130132	MINARD CHRISTOPHER MILTON	80129623	MOONEY JOAN MAXFIELD
80147363	MERRITT & CO INC /FL/	80149699	MINORITY FUND CORP INC	80134745	MOONEY WILLIAM STEVEN
80150627	MERRITT LESLIE SCOTT	80127031	MINUTEMAN FINANCIAL SERVICES INC	80106938	MOORE & SCHLEY CAMERON & CO
80147815	MERRITT THOMAS HAINES	80115209	MINUTEMAN PUBLISHING CO	80140058	MOORE ALEX JAMES
80148549	MESE JOHN CARL	80146080	MINX KATHRYN ANN /IN/	80134957	MOORE DAVID PAUL
80113258	MESENBURG J R & ASSOCIATES	80115026	MIRCHANDANI LAL NARAIN DAS	80146295	MOORE FINANCIAL GROUP INC
80123021	MESENBURG J R ASSOCIATES	80134787	MIRRAS DONALD ROBERT	80149098	MOORE KATHERINE ANN
80135913	MESIROW CAPITAL INC	80145808	MISCHLER LIBERTY INC /CA/	80126480	MOORE ROBERT ALONZO
80128937	MESSAM LEROY ANTHONY	80136584	MISSION CAPITAL INC	80153553	MOORE ROBERT DONNIE
80128968	MESSAM RUBY PATRICIA	80153000	MISSION FUNDING GROUP INC	80132425	MOORE ROBERT LEE
80153659	META CO INC	80153623	MISSION SHORES FINANCIAL MANAGEMENT LLC	80150519	MOORE SHEILA JANE
80143594	METIS CAPITAL MANAGEMENT INC	80146355	MITCHELL RICHARD EDWARD	80144245	MORA JOHN PAUL
80130848	METRO EQUITIES CORP /IL/	80144887	MITSI CORP	80148476	MORAN KEVIN VINCENT
80137981	METROPOLITAN CAPITAL ADVISORS	80151004	MIYASHIRO JED NORIO	80132339	MORAN MARY KATHERINE DEAN
80153613	METROPOLITAN FINANCIAL CLUB INC	80151572	MIYOSHI & KITAMURA INC	80133708	MORAN VIRGINIA FLYNN
80128158	METROWEST FINANCIAL GROUP INC	80116007	MIZRACHI JOSEPH	80139217	MORAND JEFFREY PETER /CO/
80127573	METZGER JEFFREY ROBERT	80148280	MIZRAHI JOSEPH	80134428	MORBANC FINANCIAL CORP
80141319	MEYER JAMES RODNEY /CA/	80143087	MIZUNO NORIHIRO	80119515	MORGAN CAPITAL MANAGEMENT INC /WA/
80143131	MEYEROWITZ MARK	80131698	MJB ASSOCIATES INC	80125723	MORGAN GENE FINANCIAL
80150470	MEYERS GEORGE WENDEL	80143481	MJC INVESTMENTS LTD	80137716	MORGAN HENRY OTIS
80150471	MEYERS GREGORY W	80147529	MJM PLANNING SERVICES INC /NY/	80135632	MORGAN WILLIAM BRYAN
80150146	MEYERS PATRICK JOHN	80138867	MJS ASSOCIATES INC /NY/	80144276	MORGAN WILLIAM FRANK /OH/
80105397	MEYERSON & CO INC	80128855	MKA FINANCIAL DESIGNS INC	80137855	MORGAN WILLIAM PAUL JR
80123001	MFG CONSULTING INC OF NJ	80128822	MLADJENOVIC PAUL JOSEPH	80147339	MORGENWECK WILLIAM FRANK
80138638	MFP FINANCIAL SERVICES AGENCY INC	80130095	MLM WORLDWIDE SECURITIES INC	80131735	MORIARTY DANIEL P & ASSOCIATES INC
80126525	MICHEL & DUFFY FINANCIAL PLANNERS /CA/	80120411	MNC MORTGAGE & REALTY ADVISORS INC ADV	80114845	MORIN VOLNEY F INC
80126213	MICHEL JOHN LOUIS	80137920	MO L ASSOCIATES INC	80134813	MORRE JOHN JOSEPH /CA/
80125613	MICHEL ROGER LEON	80129370	MOFIELD OWEN DEAN	80145119	MORRIS ALAN MILLER /UT/
80131231	MICHIGAN FINANCIAL PLANNERS INC	80136741	MOIDEI JACOB SOLOMON	80141911	MORRIS ANDERSON INVESTMENT ADVISORS INC /IL/
80146374	MID AMERICA CAPITAL ADVISORY INC /MI/	80150890	MOIR JAMES ANDERSON	80116495	MORRIS INVESTMENT COUNSEL INC
80133123	MID ATLANTIC FINANCIAL MANAGEMENT CORP	80151997	MOIR JOHN STIRLING	80133042	MORRIS LYNN EARL
80139600	MID ATLANTIC FINANCIAL MANAGEMENT CORP /VA/	80141614	MOLAMPHY PATRICK DECLAN	80137521	MORRISON MARC M
80125292	MID IOWA FINANCIAL SERVICES	80148684	MOLDOVAN GEORGE JOHN	80151266	MORROW MARK DARREN
80148772	MIDATLANTIC INVESTMENT ADVISORS INC	80123140	MOLINARI DONALD EUGENE	80143352	MORT STEVEN LINWOOD
80135687	MIDDLETON R J & CO	80146672	MOLINARI JAMES THOMAS /AZ/	80130140	MORTENSON MALENE PATRICIA
80139882	MIDWEST MORTGAGE ADVISORS INC	80143908	MOLITZ DAVID SAMUEL /CA/	80148316	MORTGAGE CAPITAL ADVISORS INC
80147931	MIELNICKI AMY LOUISE	80143353	MOLNAR ANTHONY ALLAN	80137538	MORTGAGE INDUSTRY ADVISORY CORP/NY
80141960	MIHATA KENNETH KIYOSHI	80144421	MOLOTSKY LEE STUART	80144969	MORTON RUPERT JAMES PHILIP /FL/
80135204	MILES MANAGEMENT INC	80138212	MONAGHAN MICHAEL JAMES	80149404	MOSCHIANO FRANK LOUIS
80149281	MILLAR JAMES RANDOLPH JR	80142440	MONCRIEF DAVID GUY	80139117	MOSES DANIEL PAUL
80143047	MILLENNIUM GROUP OF ILLINOIS INC /IL/	80120550	MONETA PLANNING CORP ADV	80127985	MOSES NORRIS & TROSTLE FINANCIAL PLANNING INC
80107311	MILLER ARTHUR & CO	80146495	MONEY CONCEPTS INC /FL/	80142032	MOSS CHRISTOPHER RICHARD /TX/
80110562	MILLER DAVISON & CO INC	80123893	MONEY FARMING INC	80117869	MOSS JOSEPH H INC
80144347	MILLER ENSIGN GIBSON & CO	80126548	MONEY GROUP INC	80112092	MOSS JOSEPH HENRY
80123730	MILLER FINANCIAL CORP	80141934	MONEY MAGAZINE SERVICES INC	80152237	MOSSE GEORGE EDWARD JR
80138396	MILLER GARY STEPHEN	80130117	MONEY MANAGEMENT & ANALYTICAL RESEARCH INC	80152625	MOTE EDWARD
80140766	MILLER GROUP	80122842	MONEY MANAGEMENT ADVISORS INC	80149888	MOULTON DOUGLAS DRISCOLL
80113185	MILLER LEONARD HANMER	80142144	MONEY MANAGEMENT INSTITUTE INC /NJ/	80129649	MOY GEORGE
80120593	MILLER LESLIE NOEL	80125370	MONEY MANAGER INC	80151581	MOYERMAN DAVID ROBERT
80116230	MILLER MARION KERR	80129094	MONEY MANAGER REVIEW	80148411	MPS CAPITAL MANAGEMENT
80113845	MILLER NATHAN	80116530	MONEY MARKET ADVISORS CORP	80143824	MRK CAPITAL MANAGEMENT INC /NY/
80149533	MILLER RICHARD//NY	80145294	MONITOR INVESTMENT GROUP INC /PA/	80141876	MSS ASSET MANAGEMENT INC /NY/
80145752	MILLER WYNN CASWELL	80149501	MONTANARY WILLIAM BRUCE	80147522	MSW INTERNATIONAL INC
80138479	MILLIAN ROBERT PAUL	80124136	MONTEREY BAY INVESTMENT CORP	80131972	MTH ASSET MANAGEMENT
80146601	MILLIGAN MICHAEL GEORGE /CA/	80131859	MONTOYA GONZALO	80142029	MTL INTERNATIONAL FINANCE INC
80136448	MILLS MEADOW MANAGEMENT INC	80142508	MONUMENT CAPITAL MANAGEMENT INC /WY/	80130264	MUDD RICHARD PEERS
80128882	MILLS ROBERT WADE			80130792	MUELLER HELEN GLADYS CFP
80146529	MILNE INVESTMENT SERVICES INC /FL/				

80131528	MUENCH WILLIAM RANDALL	80139641	NATIONSBANK PANMURE INVESTMENT MANAGEMENT LTD /ENGLAND/	80143914	NISSI DANIEL CORNELIUS /MA/
80136608	MUFFOLETTO MICHAEL D	80150328	NATIONWIDE FINANCIAL ADVISORS GROUP INC	80143557	NISSI JIREH & ROPHE
80126671	MUHAMMAD INVESTMENTS	80134414	NATL BANK OF SUSSEX COUNTY INVESTMENT ADV SERVICES INC	80131151	NIVETTE JAMES DEWAYNE
80128930	MULHALL THOMAS PATRICK	80116298	NATWEST INVESTMENT MANAGEMENT LTD	80148410	NIWOT CAPITAL GROUP LTD
80116767	MULLIGAN MARTHA JANE	80142864	NEAG FINANCIAL PLANNERS INC	80148010	NLV FINANCIAL GROUP INC
80146911	MULLIGAN ROBERT JAMES JR	80149956	NEFSKO	80140741	NNAJI GODSWILL IFEANYI /NY/
80141664	MULLINS DAVID JERRY /DC/	80134700	NEIDER FINANCIAL CONSULTANTS INC	80120471	NO LOAD TIMING SERVICE INC
80148983	MULTIPLEX FINANCIAL GROUP INC	80147722	NEIGHBORHOOD BANCORP /CA/	80154646	NOFELT ULF WOLLMAR
80141002	MUNDO DOMINIC PETER /NY/	80129476	NELKIN CAPITAL MANAGEMENT INC	80128501	NOHOWEL STEPHEN REHM
80136112	MUNI CALL INC	80153901	NELLANS GALE DEVON	80120712	NOLLER CARL WILLIAM III
80153192	MUNICIPAL BOND ASSET MANAGEMENT INC	80147362	NELLIGAN STEVEN THOMAS	80136767	NOMURA RESEARCH INSTITUTE AMERICA INC /NY/
80119448	MUNK FREDERICK LOUIS JR	80143283	NELSON CHARLES ROBERT /CA/	80111603	NOMURA RESEARCH INSTITUTE LTD
80122519	MUNOZ MANUEL ANTHONY	80127140	NELSON DALE WILLIAM	80141561	NORCROSS FINANCIAL ADVISORS CORP
80139779	MUNROE ROBERT GEORGE /AZ/	80141764	NELSON WILLIAM RICHARD /TX/	80129003	NORMAN & NORMAN INC
80142795	MURCHISON INVESTMENT ADVISORS INC /TX/	80139044	NEMCHIK JOSEPH T & CO AGENCY INC	80133553	NORMAN GROUP LTD
80135912	MURCHISON PATTI JEAN	80145357	NEO STRATEGIES MARKETING ALLIANCES INC /TX/	80117658	NORMAN M E & CO INC
80149933	MURDOCK STUART LAIRD	80140184	NET LEASE PARTNERS REALTY ADVISORS INC	80121098	NORRIS CURTIS PAUL
80125029	MURPHY & CO PC /VA/	80152526	NETGAIN ASSET MANAGEMENT INC	80115942	NORRIS T R CO
80145117	MURPHY DANIEL ROBERT /IL/	80154290	NETHERLAND SECURITIES INC	80147070	NORTH AMERICAN MARKETING CO
80132239	MURPHY DANIEL THOMAS	80146795	NETWORTH INC /MO/	80137444	NORTH AMERICAN REALTY ADVISORY SERVICES LP
80144078	MURPHY DEAN THOMAS /AZ/	80126865	NEUBACHER JUDITH BARBARA	80126216	NORTH HILL PLANNERS INC
80129437	MURPHY JAMES RICHARD	80140595	NEUMANN RANDOLPH ROBERT	80144908	NORTH SHORE FINANCIAL SERVICES INC
80146457	MURPHY PAUL THEODORE /CA/	80114328	NEW & ERA INVESTMENT MANAGEMENT CO	80154243	NORTHBRIDGE REALTY ADVISORS INC
80145333	MURPHY WALTER WILLIAM /NY/	80133030	NEW APPRECIATION INC	80146910	NORTHEAST CAPITAL MANAGEMENT INC
80126902	MURRAY MARY HOWARD	80141206	NEW LONDON FINANCIAL CONSULTANTS INC /GA/	80147646	NORTHSTAR INVESTMENT
80119094	MUSUMECI ANDREW ANTHONY	80150438	NEW MILLENNIUM ADVISORS	80132854	NORTHWEST CAPITAL MANAGEMENT INC
80136546	MUTEFF GEORGE MLADEN	80139203	NEW SOUTH ASSET MANAGEMENT INC	80146535	NORTHWEST INVESTMENT ADVISORS INC /WA/
80151002	MUTUAL FUND MANAGEMENT CO INC	80138566	NEW WORLD ADVISORS INC	80144900	NORTHWEST RETIREMENT PLANNING INC
80124430	MUTUAL FUND PATHFINDER INC	80139053	NEWBURY MARKET SOLUTIONS INC /MA/	80131136	NORTON RALPH G III
80114437	MUTUAL MANAGEMENT CORP	80129865	NEWCASTLE SECURITIES INC	80146456	NORTON THOMAS ASSOCIATES INC /NY/
80134533	MVL FINANCIAL CORP	80152493	NEWKIRK CRAIG WINFIELD	80144356	NOVA FINANCIAL CORP
80142582	MYERS GERALD EUGENE /OR/	80143209	NEWMAN ROBERT MARSHALL	80146210	NOVAK TODD JAMES /AK/
80135251	MYERS JAMES MILTON	80118814	NEWMARK CONSULTANTS INC	80129990	NOVAK TONY
80135357	MYGRANT STEVEN J	80119236	NEWMARKET FINANCIAL SERVICES INC	80120095	NOVEMBER SIDNEY MILES
80134040	MYLES MYRTIS YVONNE	80145751	NEWPORTFOLIOS LTD /CA/	80123069	NOVKOV MARK WILLIAM
80144277	MYRIN FOLKE ALARIK WILHELM II /RI/	80153100	NEWSOM CINDY R	80146632	NUBIAN ASSET MANAGEMENT INC /NY/
80141580	N & B CONSULTING INC	80132208	NEYREY RENE JEROME	80143952	NUBIAN CAPITAL MANAGEMENT INC /FL/
80129300	N A L ENTERPRISES CORP	80145823	NGO PIERRE NGOC /CA/	80147125	NUNEZ & HARRIMAN
80130625	NADEL WARREN D & CO	80141489	NGUYEN NGHIA XUAN /CA/	80124003	NUOPT ASSOCIATES
80141231	NAGLE INVESTMENT ADVISORS LTD	80154392	NIAGARA INVESTMENTS INC	80110833	NUSBAUM HARVEY MALCOLM
80147253	NAGLER WILLIAM MERLE	80151861	NICHI CAPITAL LTD	80145490	NYER LEONARD B /NY/
80147301	NALABOLU MALATHI REDDY	80154681	NICHOLAS APPLGATE CAPITAL MANAGEMENT HONG KONG LLC	80149574	NYLUND GERALD K
80132818	NALLEY GARY AND ASSOCIATES INC	80121072	NICHOLS INVESTMENT ADVISORY FIRM INC	80137190	OAK HARBOR FINANCIAL
80121713	NAMENSON RICHARD GARY	80134742	NIEKAMP ANDREW JOSEPH III	80150781	OAKHURST GROUP INC
80133104	NANCE VICTOR GILES	80127009	NIELSEN DAVID R	80121643	OAKLEY JAMES EDWARD
80138934	NANCE WAYNE ELTON	80138689	NIEMAN WILLIAM ALBERT	80143235	OAKPARK INVESTMENT ADVISERS INC
80137642	NASCO CONSULTANTS LTD /NY/	80141659	NIERMAN KENNETH ALLEN	80129556	OAKTREE EQUITY GROUP INC
80141126	NASH MCKINLEY MERCHAND /CA/	80132738	NILES JUDITH ELLEN	80133929	OAKWOOD ASSET MANAGEMENT INC
80145690	NATAPOFF MILTON /CA/	80138810	NIMS TERRY MICHAEL	80126878	OBERWEIS ASSET MANAGEMENT INC
80145948	NATIONAL CAPITAL MANAGEMENT CORP /TAIWAN/	80122877	NINE J CORP	80113291	OBERWEIS SECURITIES INC /IL/
80147170	NATIONAL CITY INVESTMENTS CORP /OH/			80112465	OBRIEN ALLAN ADRIAN
80120202	NATIONAL COMPUTER NETWORK CORP			80142088	OBRIEN FINANCIAL SERVICES CO /MI/
80137554	NATIONAL FINANCIAL CO /CA/			80138196	OBRIEN SHAWN THOMAS
80143039	NATIONAL FINANCIAL GROUP INC /CA/			80128428	OBRIEN THOMAS BOLTON
80132098	NATIONAL FINANCIAL PLANNING INC /IL/			80133867	OBRIEN WILLIAM H
				80145234	OCEAN STATE ADVISORY GROUP INC /RI/

80139628	OCONNELL MICHAEL THOMAS /MA/	80137186	PACIFIC INSTITUTIONAL ADVISORS INC /OR/	80144085	PECK THEODORE GORDON /NY/
80131524	OCONNOR FINANCIAL PLANNING INC	80146071	PACIFIC NORTHWEST PROFESSIONAL CONSULTANTS INC /WA/	80137933	PEGASUS PARTNERS INC
80113093	ODAY STANLEY RICHARD	80137698	PACIFIC SOUTHWEST PLANNING GROUP /CA/	80152993	PEISNER ROBERT N
80149838	ODELL PATRICK ALLEN	80149593	PACIFIC SUN FINANCIAL CORP	80143487	PELED ANAT /NY/
80144162	ODERBERG NATE /CO/	80153071	PADDEN & CO LLC	80143657	PELOSI MICHAEL JOSEPH /HI/
80134680	OEMIG FRANK HERBERT	80151060	PAINTER WILLIAM JACOB /MD	80127112	PENDLEY DON WILLIAM
80150361	OFFENBERG SHAR	80135806	PALFFY KAI	80117342	PENN CAPITAL ADVISORY INC /PA/
80136286	OGDEN DANIEL ALBERT	80137775	PALM BEACH CAPITAL CORP	80145286	PENN CENTER INVESTMENTS INC /PA/
80139215	OGNIBENE MICHAEL ANTHONY /NY/	80148635	PALUMBI ROBERT FRANCIS	80135555	PENNISI CONCETTO JERRY
80147965	OHAIRE RICHARD JOSEPH	80126575	PAN AMERICAN INVESTMENT ADVISORS INC	80141783	PENOBSCOT GROUP INC
80113770	OHIGGINS ASSET MANAGEMENT INC	80117205	PANAMINT STAR SURVEY	80112226	PENRYN INC
80124985	OHIO FINANCIAL GROUP /OH/	80134845	PARADIGM ASSET MANAGEMENT CO	80143469	PENSION & INVESTMENT MANAGEMENT SERVICES INC /IN/
80140810	OHMAN JERALD EARLAND	80152647	PARADIGM CAPITAL ADVISORS INC	80139826	PENSION & TRUST CAPITAL ADVISORS INC /MN/
80132314	OIS INC	80138478	PARAGON ADVISORY SERVICES CORP	80133021	PENSION FORTE INVESTMENT ADVISORY INC
80145664	OKSER LEWIS MICHAEL	80138899	PARIKH PRAGNESH	80140421	PENSION FUNDING CLEARINGHOUSE INC
80150489	OKUN ATH ART KINGSLEY	80149781	PARIS DOUGLAS EUGENE	80145392	PENSION INVESTMENT ADVISORS /IL/
80141325	OLD DOMINION ASSET MANAGEMENT LP /VA/	80146204	PARK AVENUE FINANCIAL INC /MI/	80136771	PENSION SCIENCES ASSOCIATES INC
80146763	OLDS DENNIS LEREY	80138300	PARK CAPITAL INC	80122619	PENTAGON FEDERAL CREDIT UNION
80142976	OLEIKO LINDA MARIE	80119171	PARKER LEE MERKEL	80119060	PENTAWAVE CORP
80127257	OLIN RON INVESTMENT MANAGEMENT CO	80150613	PARKER MICHAEL JOHN	80146510	PENTE INVESTMENT MANAGEMENT LTD /CANADA/
80145525	OLIVER DANNY EDWIN	80136694	PARKER WILLIAM NORMAN	80153708	PENTECOST CLAUDE DANIEL
80143554	OLLROGGE JOHN PAUL	80142176	PARKHURST STANLEY GORDON /CA/	80151974	PENTOLA BETTY JEAN
80135252	OLSEN JAMES LAWRENCE	80118936	PARKMAN SHAW & CO INC	80130366	PENTZ RAYMOND F & CO
80136660	OLYMPIA ASSET MANAGEMENT INC	80140988	PARKS TUTTLE FINANCIAL SERVICES INC /NH/	80129635	PEPIN PAUL ALFRED
80131439	OMALLEY JOHN CHARLES	80128193	PARRAMORE JOHN ANDREW HARTSFIELD	80149060	PEPPER FINANCIAL INC
80146468	OMANS ARTHUR LEROY /FL/	80129478	PARRISH ROBERT CLIFFORD	80139827	PERCOCO STEPHEN PAUL /NJ/
80151475	OMEGA FINANCIAL SERVICES INC/CT	80154203	PARSONS DAVID WILLIAM	80130142	PERCZEK VENTURES & RESEARCH INC
80137728	OMNI INVESTMENT ADVISORS INC	80117815	PARSONS WILLIAM RAYMOND	80141404	PERFORMANCE ANALYSIS & TRENDS INC/NY/
80139443	OMNI MANAGEMENT CORP /MA/	80137509	PART JOSEPH ANDREW /NC/	80136019	PERFORMANCE CAPITAL MANAGEMENT LTD LP /NY/
80130473	ONE FINANCIAL GROUP INC	80138350	PARTNERS ADVISORY SERVICES INC	80142018	PERFORMANCE EVALUATIONS INC
80135306	OPELLE WILLIAM ROBERT	80133191	PARTNERSHIP PROFILES INC	80120466	PERFORMANCE GROWTH INC ADV
80132175	OPR INVESTMENT & SERVICE CORP	80152168	PASCHAL JOHN PERRY	80104495	PERFORMANCE GUIDE PUBLICATIONS
80152975	OPSAHL THOMAS RONALD	80136554	PASCHKE GERALD CARL JR	80116421	PERFORMANCE MANAGEMENT INC
80147046	OPTIMAL INVESTMENT STRATEGIES INC	80145853	PASIONEK ROBERT ANTHONY /MI/	80144712	PERFORMANCE PROPERTIES CORP
80146438	OPTION ADVISERS INC /OH/	80139092	PATE SHARON LEE	80137665	PERKINS WILLIAM CREIGHTON /TX/
80133177	OPTIONS MANAGEMENT GROUP INC	80129342	PATEL RAMESH N	80137512	PERLMAN HARRELL M
80145034	ORACLE CAPITAL MANAGEMENT INC	80147969	PATRICK CAPITAL MANAGEMENT /IL/	80131025	PERPETUAL FINANCIAL PLANNERS INC
80151624	ORANGE CAPITAL MANAGEMENT CORP	80143907	PATTERSON CHARLES WALTER	80130205	PERRY LEONARD
80120067	ORCHARDS ACCOUNTING & TAX SERVICES INC ADV	80127497	PATTERSON JERRY LEE	80154312	PERRY MICHAEL JOHN
80102730	ORNEST IRVING	80142798	PATTERSON ROGER BRUCE /CA/	80144495	PERRY PETER SALVATORE
80137488	ORO FINANCIAL INC /LA	80144432	PATTON GEORGE RAY JR	80139738	PERSONAL ACCOUNTING SERVICES LTD
80151362	OROURKE BERNARD FRANCIS	80134082	PATTY RON J	80124995	PERSONAL ASSET MANAGEMENT INC
80146918	ORR BRUCE NEAL	80129532	PAYNE DAVID JR /IL/	80133508	PERSONAL CAPITAL MANAGEMENT INC
80147368	ORR CLIFFORD DUAYNE	80138809	PAYNE GEORGE ABIJAH JR	80146959	PERSONAL FINANCIAL PLANNING INC /MI/
80136814	OSBORN FREDERICK HENRY III /NY/	80144757	PAYNE MORRIS & ASSOCIATES INC	80130609	PERSONAL INVESTMENT CO
80133647	OSTER DAVID WAYNE	80128246	PAZ SECURITIES INC	80133656	PERSONNEL RESOURCES CONSULTANTS INC
80141936	OSTERLUND KARL AUGUST /MA/	80139905	PCM ASSOCIATES LTD	80146384	PERSPECTIVE FINANCIAL STRATEGIES INC /OH/
80127908	OTTO JUDITH M /AZ/	80133129	PDP INC /IL/	80140227	PESUT TIMOTHY SCOTT
80134471	OVERSTREET ROBERT LEWIS	80136688	PEALE DAVIES & CO INC	80151392	PETERS STEPHEN FOX
80130332	OXFORD REALTY ADVISORS CORP	80117845	PEARL & ASSOCIATES ADVISORY CORP /MI/		
80147071	PA REALTY ADVISORS INC	80141342	PEARLMAN FINANCIAL GROUP INC /NJ/		
80154549	PACE DAVID ALAN	80129216	PEARSON CATHERINE GAIL		
80128868	PACIFIC ASSET ADVISORS INC /CA/	80127656	PEARSON MICHAEL NOVEL		
80133155	PACIFIC EQUITY GROWTH & MANAGEMENT INC	80144345	PEAVY FINANCIAL SERVICES INC		

80134581	PETERSON ALBERT F III	80131924	PLAN ATLANTA FINANCIAL INC	80147764	PREMIER FINANCIAL MANAGEMENT INC
80114442	PETERSON DANIEL EDWIN	80124270	PLAN INC	80126186	PREMIER INVESTMENT ADVISORS LLC
80112529	PETERSON DAVID ERIC	80146905	PLAN IT CONSULTING SERVICES	80144450	PREMIERE CAPITAL CORP
80126751	PETERSON DONALD MARVIN	80130783	PLANNING ASSOCIATES INC /MD/	80143249	PRESERVE CAPITAL MANAGEMENT INC /PA
80125875	PETERSON LAVERLE CARL	80135966	PLANNING CONCEPTS FINANCIAL SERVICES INC	80128358	PRESTON MANAGEMENT INC
80138738	PETERSON SPENCER FANSLER CO /MN/	80141860	PLANNING INSIGHTS CORP /CA/	80124989	PREVILLE BARRY GREGG
80149497	PETRILLO EUGENE N LP	80133385	PLANNOW PERSONAL FINANCIAL PLANNING INC	80125038	PREVILLE GERARD RICHARD
80144819	PETROFF JOHN HENRY	80148336	PLASTRIDGE JOEL FLETCHER	80133574	PREVITI BARBARA ANN
80113965	PETROLEUM ANALYSIS LTD	80116416	PLATER ZYBERK JOSAPHAT JR	80139272	PRICE DENNIS GEORGE /CO/
80135864	PETRONE ELAINE	80116442	PLATNER & ASSOCIATES /PA/	80125726	PRICE FINANCIAL INC
80145210	PETRONE PETRI & CO	80143373	PLATZ FREDERIC BAKER	80150321	PRIDE DOUGLAS JEFFERSON
80154009	PETRUS INC	80125633	PLAZA COMMUNICATIONS INC	80152318	PRIESTER HORACE RICHARD III
80144906	PETTITT GARY JAY	80132597	PLOUS HARRY JAMES JR	80130745	PRIME ASSOCIATES INC
80144878	PETTY WILLIAM WALLACE	80115474	PM PORTFOLIO MANAGEMENT GMBH	80138688	PRIME INVEST CORP
80124015	PFA CONSULTING INC	80143364	PMC ASTROP CAPITAL MANAGEMENT INC /GA/	80152748	PRIME INVESTMENTS INC
80142533	PFAMCO INVESTMENT MANAGEMENT SERVICES CORP /CA/	80116172	PME CORP /NJ/	80148906	PRIME ONE
80135041	PFOHL PAUL J JR	80145063	PMJ FINANCIAL GROUP INC	80121342	PRIMELINE ADVISORY INC
80117190	PFS INSURANCE SERVICES INC	80144037	PNAMBIC INC /CA/	80146917	PRINCE ROGER PYNE
80113390	PHELPS GEORGE E CO	80129882	PONHREN CLIFFORD GEORGE	80128505	PRINCESS CITY SECURITIES INC
80135071	PHILBIN JAMES PATRICK	80119736	POLLAK ROBERT KENNETH ADV	80138127	PRINCETON ARBITRAGE CONSULTANTS INC
80146576	PHILIP J FUND MANAGEMENT INC /CA/	80146660	POLO GROUP LC /VA/	80143649	PRINCETON INVESTMENT TECHNOLOGIES CORP /NJ/
80105528	PHILIPS APPEL & WALDEN INC /NY/	80122219	POMEROY G W FINANCIAL SERVICES INC	80124367	PRINCETON J M CO INC
80152704	PHILLIPS & CO INC /MN/	80127160	POND JONATHAN DAVIDSON	80125167	PRINCETON MONTGOMERY CO INC
80129074	PHILLIPS JEFFREY JOSEPH	80130707	POONAWALA NADIR ABBAS	80133222	PRINCETON RESOURCE ADVISORS INC
80137839	PHOENIX MANAGEMENT SERVICES INC	80154316	PORCHETTA CORP	80133942	PRIORITY RESOURCES INC
80128645	PHYSICONOMICS INC	80152508	PORTER BRUCE ALAN	80146260	PRISM INVESTMENT CORP /TX/
80137184	PIAGGESI KATHLEEN /NY/	80151853	PORTFOLIO DESIGN SPECIALISTS INC	80121198	PRIVATE FINANCIAL ASSOCIATES
80145213	PIANOWSKI JOHN THOMAS	80142519	PORTFOLIO EVALUATIONS INC /NJ/	80142030	PRIVATE LABEL CAPITAL INC /CA/
80120993	PICKERING WILLIAM ANDREW	80148139	PORTFOLIO MONITOR CORP	80148070	PRO MANAGE CONSULTANTS INC
80150571	PICTET OVERSEAS INC	80133321	PORTFOLIO PERFORMANCE SYSTEMS	80145539	PRO PLAN
80119317	PIEDMONT REALTY ADVISORS INC /CA/	80130112	PORTFOLIO REVIEW CORP	80139253	PRO PLANNERS INC /TX/
80134003	PIEPER BEVERLY VIRGINIA	80140887	PORTFOLIO SECURITIES CORP INC /CA/	80146046	PROBITAS ADVISORS INC
80129340	PIERCE CHARLES R	80142854	PORTFOLIO TOTALS INC	80124004	PRODUCT MOMENTUM INDEX CORP
80149747	PIERCE DEXTER IRVIN	80138787	PORTFOLIOS INC /NM/	80148603	PROEMPTOR CAPITAL MANAGEMENT INC
80131710	PIERCE JOHN PATRICK /NE/	80131186	PORTLAND INVESTMENT RESEARCH INC	80133261	PROFESSIONAL ASSET PROTECTION INC
80153632	PIERCE SCOTT CALDWELL	80122434	POSITIVE MANAGEMENT INC	80150569	PROFESSIONAL CONSULTING ASSOCIATES INC
80114205	PIERSON CAPITAL MANAGEMENT INTERNATIONAL B V	80136100	POSMANTIER DAVID HOWARD /NY/	80134252	PROFESSIONAL FINANCIAL PLANNING GROUP INC
80144336	PIERSON RICHARD RAYMOND	80137109	POSPISIL JON STANLEY	80108245	PROFESSIONAL FINANCIAL PLANNING INC
80152681	PIETRI JOSE ALBERTO	80152164	POTOMAC INVESTMENT MANAGEMENT INC /VA/	80121534	PROFESSIONAL FINANCIAL SECURITY CORP
80151073	PILARO JOSEPH F	80120566	POWELL CHARLES MONROE	80135615	PROFESSIONAL INVESTMENT ADVISORS CORP
80134617	PILLETTE STEWART JOSEPH /CA/	80127696	POWELL DOUGLAS WOODROW	80127777	PROFESSIONAL INVESTMENT ANALYSTS INC
80148072	PILOT MUTUAL FUND SERVICES INC	80101119	POWELL EDITH HARLAN	80144678	PROFESSIONAL INVESTMENT MANAGEMENT SERVICES INC
80121723	PIMM ROGER GENE	80145928	POY ROBERT ALLEN JOE /CA/	80140977	PROFESSIONAL MANAGEMENT ST LOUIS INC /MO/
80129422	PINCH DAVID GORDON	80134162	POYNOR ANTHONY JAMES /IL/	80140099	PROFESSIONAL PLANNERS GROUP USA INC
80141225	PINE NEIL MARCELL /CA/	80150700	POYNTER ROBERT EUGENE	80129538	PROFESSIONAL PLANNERS INC /NV/
80139356	PINNACLE ASSET MANAGEMENT INC	80115880	PPS SECURITIES CORP	80119843	PROFESSIONAL PLANNING CONSULTANTS INC
80137994	PINNACLE CAPITAL MANAGEMENT INC	80148808	PRABHAKAR SATYA	80148292	PROFESSIONAL PLANNING STRATEGIES INC
80141988	PINNACLE FINANCIAL MANAGEMENT INC /FL/	80141861	PRATHER PERRY SCOTT /CA/	80153203	PROGRESS ASSET MANAGEMENT CO
80123795	PINNACLE FINANCIAL MANAGEMENT INC /VA/	80132056	PRECURSOR CORP		
80141111	PINNACLE INTERNATIONAL CAPITAL MANAGEMENT INC	80149078	PREFERRED ADVISORS INC /IL/		
80154624	PINNACLE INVESTMENTS INC	80136943	PREFERRED CAPITAL MANAGEMENT INC		
80138756	PINTER DAVID M	80152665	PREFERRED INVESTMENTS INC /NY/		
80144290	PIONEER FINANCIAL MANAGEMENT GROUP INC	80154445	PREMIER ADVISORS INC		
80110717	PIONEER FINANCIAL SERVICES INC	80129244	PREMIER FINANCIAL MANAGEMENT GROUP INC		
80136384	PITEO THOMAS ANTHONY				
80146237	PITKIN CHRISTOPHER ROCH /OR/				
80140167	PITTS JOHN FREDERICK				
80146252	PKG FOUNDATION CORP /MD/				
80126030	PLACIDO RICHARD ANTHONY				

80133071	PROGRESSIVE VENTURES INC	80131893	RANEY T J & SONS INC	80133346	REYNOLDS LLOYD LEWIS
80137851	PROKOP RUTH ELLEN	80138003	RANHOUSE CORP /RI/	80147876	RFCFA FINANCIAL SERVICES
80123306	PRONK RAYMOND THOMAS	80118249	RANKIN DIANNE MARY		INC /NV
80136227	PROPLAN /NY/	80132309	RANKINS DONALD	80133088	RG FINANCIAL LTD
80143754	PROSTROLLO DANNY RAYNO	80138629	RANSOM JOHN ALBERT II/MI/	80131375	RHODES DAN
	/SD/	80151216	RAPTOR INVESTMENTS PLC	80150290	RIA INC
80147683	PROTRUST CAPITAL INC	80133372	RASTOGI MANJU	80139271	RICCARDI ASSET
80153098	PROVIDENT FINANCIAL	80142390	RAYMOND MICHAEL D		MANAGEMENT CORP
	SERVICES INC	80135517	RDS FINANCIAL GROUP	80143478	RICE THOMAS GORDON
80140487	PROXY VOTER SERVICES INC	80147097	REAL CONSUL INC	80145886	RICHARD DONALD LEONARD
	/IL/	80132022	REALM ASSET MANAGEMENT		/ME/
80149108	PRUDENT INVESTMENT		CORP	80109302	RICHARDS JOHN LOFTES
	ADVISERS INC	80136686	REALTY CAPITAL ADVISORS	80145372	RICHARDS JON A LTD
80149212	PRUDENT INVESTMENT	80140197	REALTY CAPITAL	80152420	RICHARDS SCOTT ANDREW
	ADVISERS INC /CO		INVESTMENTS CORP	80138357	RICHARDSON G C INSURANCE
80110342	PRUDENTIAL MORTGAGE	80115410	REC INVESTORS INC		SERVICES INC
	BANKERS & INVESTMENT CORP	80134711	REDEGELD JOSEPH JOHN	80144653	RICHEY CYNTHIA DANETTE
80150873	PUBLIC & PENSION FUNDS	80149034	REDFIELD BRUCE IRVING	80117291	RICHLAND CO /CA/
	INVESTMENT SERVICES INC	80146047	REDMER ALFRED WILLY JR	80138395	RICHMAN GROUP INC
80138493	PUBLIC FUNDS ADVISORS INC		/MD/	80148212	RICHMAN JEFFREY BARRY
80152808	PUBLIC SECURITIES	80124609	REDWINE MORGAN ROBY JR	80137701	RICHMAR INVESTMENT
	MANAGEMENT CORP	80139212	REDWOOD ADVISORS INC /CA/		STRATEGIES INC
80146641	PUCCI WILLIAM J /MA/	80143257	REED GROUP /CA/	80112969	RICHTER FRANCIS ALBERT
80142551	PUGH STEVEN THEODORE /CO/	80143256	REED GROUP /CA//	80143548	RICKMAN JEFFREY J /OR/
80117327	PULS RICHARD JOHN	80129051	REED STRAWSER AGENCY INC	80148499	RICO NKEMENA INC
80135614	PUMA DEL MAR	80153240	REEDER & REEDER CPAS INC	80145486	RIDGELY CHARLES STUART
	INTERNATIONAL LTD	80148871	REEOG SECURITIES CORP		/RI/
80125175	PURDY JAMED D	80138599	REEVES DEAN MICHAEL	80123760	RIDING TIMOTHY W
80149277	PURPURA PHILIP	80154223	REFFETT MICHAEL W	80132814	RIECHERS SHIRLEY LOUISE
80122455	PUTNAM SUSAN PARKER	80134326	REGENT ASSET MANAGEMENT	80105449	RIFKIN SOL J
80143138	PYFROM JUAN ANDRE /FL/		INC	80119564	RIGGS FINANCIAL SERVICES
80135173	QAMATZ INC	80150699	REGENT FUND MANAGEMENT		INC
80147442	QPA CORP		LTD	80129446	RILEY MICHAEL VAIL
80150869	QUALITY GROWTH	80145903	REICH IRWIN MARTIN /CA/	80133135	RILEY WILLIAM C
	MANAGEMENT INC	80132611	REICHERT DAVID ALLEN	80147811	RIM ASSOCIATES INC
80146682	QUANTECH RESEARCH GROUP	80135849	REICHERT ROBERT ANDREW	80142714	RINER JAMES THOMAS
	INC /CT/	80126348	REIFMAN & ASSOCIATES LTD	80129629	RINGER ALLEN INC
80149345	QUANTITATIVE SOLUTIONS	80139522	REINGANUM MARC RICHARD	80138660	RINGGOLD JOHN WAYNE
	INC	80132767	REINKE STEVEN NOLD	80121388	RINK JOHN JOSEPH
80129460	QUANTUM CAPITAL	80139420	REIS ROBERT J	80146713	RINKER DAVID E /CA/
	MANAGEMENT INC	80147429	REISLER RONALD ALAN	80128714	RIQUEIR THOMAS TIRRELL
80136050	QUANTUM FINANCIAL	80129633	REISMAN BETTY LOU	80138658	RIVERSONG MICHAEL DORAN
	PLANNING SERVICES INC/WA/	80142496	REISS RONALD EDWARD /CO/	80127131	RIX JAMES AVERYT
80131413	QUATRIX INC	80140463	REITER PETER SCOTT	80119273	RIXE LAWRENCE THOMAS
80116154	QUEEN CITY ADVISORS INC	80137607	RELIANCE FINANCIAL	80150434	RMC FINANCIAL PLANNING
80143037	QUEST TRADING INC /CA/		ADVISORS		CORP
80128426	QUESTOR GROUP INC	80146860	RENCO FINANCE LTD	80137478	RMR PLANNERS INC
80121833	QUICK & REILLY INC	80141451	RENDE GIANDOMENICO JOHN	80127252	ROBBINS CO
80144503	QUINN IRVIN ASSOCIATES		A N	80143527	ROBELEN FJELD & ASSOCIATES
80124571	QUINN MARILYN LEE	80143980	RENFRO BILL		INC
80138829	QUINN TERRENCE M	80151479	RENO EDWARD JEROME JR	80119477	ROBERSON EDWIN EARL
80120890	QUIRK DENNIS MICHAEL	80140205	RENZ ALLAN CHESTER	80141681	ROBERT J E CO INC
80122600	R&M INVESTMENT	80153913	REPPLE G A & CO /FL/	80130649	ROBERTS DONALD KENT
	MANAGEMENT LTD	80154556	RESEARCH ONE INVESTMENTS	80142745	ROBERTS FINANCIAL GROUP
80134755	RADIGAN MICHAELS INC		INC		INC /AL/
80154679	RAFFERTY ASSET	80144334	RESERVES ASSETS	80147365	ROBERTS GLENN LEE
	MANAGEMENT INC		MANAGEMENT PARTNERS LP	80131553	ROBERTS JAMES MICHAEL
80106869	RAFKIND & CO INC	80147414	RESIO JOHN ANTHONY		/CA/
80136778	RAFTER WILLIAM RAYMOND	80139270	RESOURCE 2000 LTD /MS/	80143589	ROBERTS RICHARD JAMES /IL/
	JR	80132357	RESOURCE INVESTMENT	80104319	ROBERTS SCOTT & CO INC
80129295	RAGONE DEAN ANTHONY		ADVISORY SERVICES INC /IL/	80150899	ROBERTSON MARK ALAN
80123128	RAGUCCI ARNOLD JOHN	80120991	RESOURCE MANAGEMENT INC	80128587	ROBERTSON PRESSMAN &
80152206	RAHEL CORP		/LA/		MORRIS LTD
80139185	RAINEY COMPANIES INC /AL/	80132868	RESOURCE PLANNING	80126956	ROBINSON AUDREY SMITH
80145716	RAJENDRAN ANNAMALAI /CA/		SERVICES INC	80136708	ROBINSON COLEMAN ROGERS
80134464	RAJKOVICH J P & CO /CA/	80138990	RESSLER JOHN R /IA/	80136460	ROBINSON FARMER COX
80148702	RALLS ASSET MANAGEMENT	80137578	RESTON FINANCIAL SERVICES		ASSOCIATES
	INC /		INC /VA/	80130629	ROBINSON TIMOTHY RAY
80121115	RAMEE RESEARCH	80149918	RETIREMENT ASSETS	80133394	ROBISON STEPHEN VICTORY/
	CONSULTANTS LTD ADV		CONSULTANTS INC		FL/
80135672	RAMEY STEVE CPA PC	80132431	RETIREMENT INCOME	80143519	ROCKWELL CAPITAL
80139449	RAMOS MERLE A		SERVICES INC		MANAGEMENT INC
80121414	RANDALL ROGERS & LONG	80128596	REUBEN NATHAN	80135267	RODD CLIFFORD ARTEMUS
	INTERNATIONAL INC		ASSOCIATES LTD		/NY/
80153436	RANDOLPH FRANCIS	80139556	REYNARD ROBERT	80133040	RODERICK GONZER LEE
	RODERICK	80124780	REYNOLDS & REYNOLDS	80123904	RODGERS ROBERT D & CO INC
			FINANCIAL ADVISORY GROUP		

80117963	RODMAN ADVISORY SERVICES INC	80143880	RUMANA ROBERT H	80146137	SARRI SAMUEL DR /AZ/
80152253	RODRIGUEZ RICARDO MICHAEL	80151308	RUNYAN DAVID CLIFFORD	80108774	SASS M D & CO INC
80142405	ROE FINANCIAL PLANNING & INVESTMENT ADVISORY INC	80111114	RUSH M A & CO	80152616	SATELL ANDREW GLEN
80110205	ROE MARTIN & NEIMAN INC	80122833	RUSHTON GERALD E	80143971	SATELL INVESTMENT ADVISORS INC /CT/
80133834	ROEDEL FINANCIAL CORPORATION /MN/	80122332	RUSSELL BRUCE HARDY	80153452	SAUNDERS KEITH LIDDELL
80140279	ROGERS DAVID LEE	80117805	RUSSELL GEORGE EDWARD /IN/	80141128	SAUNORIS RONALD FRANCIS
80137123	ROGERS GEORGE ALFRED	80134008	RUSSELL JOHN C INVESTMENT MANAGEMENT INC	80139510	SAVINGS GROWERS INC
80136561	ROGERS HAROLD JAMES	80129992	RUSSELL ROY LEE	80121030	SAWYER GARY R
80136524	ROGERS JAMES JOSEPH	80134163	RUSTIC RIDGE FINANCIAL PLANNING INC	80144289	SAXENA SANJAY
80148881	ROGERS REPORT INC	80125192	RUTHERFORD CHARLES EDWIN JR CFP	80104393	SAY J B & RATLIFF CO
80118645	ROHAN EDWARD PATRICK	80136820	RUZICH JOYCE ANN /MD/	80139040	SAY YES MARKETING INC /NY/
80148856	ROLFES RICHARD JOHN	80125650	RXR CAPITAL MANAGEMENT INC	80142375	SAYER EDWARD JOSEPH /MA/
80143174	ROMEO ROSS VICTOR	80127171	RYALS MICHAEL DORSEY	80131110	SAYKES MARY KAREN
80148167	RONAN PAUL JAMES	80142492	RYAN BRUCE C & CO INC	80154517	SC FINANCIAL SERVICES CORP
80145816	RONE NINA REINHARZ	80119359	RYAN JAMES WILLIAMS	80128520	SCANLON J & CO INC
80117991	ROOF BRODNAX ASSOCIATES INC	80151208	RYAN ROBERT JOHN	80146972	SCANNELL TIMOTHY MARTIN
80135260	ROONEY FINANCIAL PLANNING INC /NJ/	80134378	RYE MANAGEMENT INC	80154164	SCHAEFER LAWRENCE STEVEN
80154555	ROSA JACK KEITH	80148718	RYKEL SECURITIES INC	80152323	SCHAEFER PAUL ADAM
80136470	ROSE JEFFREY MALCOLM & COHEN JERRY	80142618	SABA STANLEY /MA/	80142120	SCHAGRIN EDWARD
80129385	ROSELLI JOHN ANTHONY	80145989	SADDLE RIVER INVESTMENT ADVISORS CORP /NJ/	80117474	SCHAKNER RANDALL C
80124898	ROSEN LOUIS AARON	80111827	SAFFER & ASSOCIATES INC	80127328	SCHARDT GEORGE
80132933	ROSENBERG ARTHUR/PA	80146279	SAGE CAPITAL MANAGEMENT INC /CO/	80152574	SCHECHNER LIPSON ADVISORS LLC
80144770	ROSENBERG DANIEL JOSEPH	80148419	SAHLI PATRICK JAMES	80133061	SCHIEDLER & ASSOCIATES INC
80139291	ROSENBLATT MICHAEL ALAN	80140804	SAJE ASSET MANAGEMENT INC /NY/	80138002	SCHIEINER STEVEN MICHAEL /AZ/
80111538	ROSENBLUM JESSE	80144940	SAKAMOTO STANLEY NORITO	80112956	SCHIEINMAN WILLIAM X
80141012	ROSENDAHL STEVEN FREMONT /CA/	80140481	SALMONSON BRIAN KEITH /CA/	80140823	SHELL JEROME MATTHEW DR /NJ/
80146135	ROSENFELD DAVE /NY/	80142532	SALTER R T FINANCIAL SERVICES INC	80130009	SCHIFF H GERALD
80118588	ROSENSTIEL ROBERT LEON	80143588	SALUS CAPITAL MANAGEMENT INC /CA/	80144361	SCHLEGEL RICHARD LOTHAR
80144287	ROSENWALD ROGER WILLIAM	80136236	SAMARA PIETER SCHOONHEIM	80148760	SCHLITZER TODD WILLIAM
80133464	ROSKE MILDRED ELLEN	80126933	SAMMIS THOMAS COTRELL	80140845	SCHMERTMANN GARY MICHAEL
80151067	ROSKOPH DAVID JOHN /WA	80140543	SAMSON STEVEN RICHARD /NY/	80135088	SCHMID JOSEPH DEAN
80125372	ROSS RICHARD DAVID	80137627	SAMSUNG INVESTMENT MANAGEMENT CO LTD /KOREA/	80145988	SCHMIDT MICHAEL EUGENE
80154407	ROSS RONALD LORANCE	80132121	SAMUELS THOMAS EDWIN JR	80135311	SCHMIDT NEAL WADE
80131365	ROTANDO LOUIS MEHRTENS	80141965	SAN DIEGO ASSOCIATES INC	80117080	SCHMIDT R D INC
80134560	ROTHSTEIN STEVEN WARREN	80151774	SAN DIEGO EQUITY ADVISORS INC	80144580	SCHMIDT STEVEN JAMES /MN/
80142707	ROTRUCK RUSSELL ROYCE JR /MD/	80149257	SAN FRANCISCO FINANCIAL CORP	80138915	SCHMOLZE KENNETH LESTER /NJ/
80153965	ROULSTON INVESTMENT PARTNERS INC	80126382	SANBORN ADVISORY SERVICES INC	80139085	SCHNEIDER LOUISE MARTINEZ
80153215	ROUND HILL INVESTMENTS INC	80134860	SANCHEZ RICARDO JUAN	80135446	SCHNEIDER SIDNEY H
80129103	ROUTER PAUL GETTY	80129223	SANCHEZ WILLIAM JR	80149493	SCHNEYER DAVID JONATHAN
80123593	ROWE & ASSOCIATES INC	80134870	SANDEFORD SAMUEL ELMORE JR	80142149	SCHNIEBOLK EVE E
80119941	ROWE PETER LEE	80134247	SANDERS & SIZEMORE FINANCIAL CONSULTANTS	80138309	SCHOCK FINANCIAL SERVICES INC
80130780	ROYAL ASSET MANAGEMENT CO	80142767	SANDERS EDWIN ROSS	80151206	SCHOCK JASON
80130173	ROYAL JON DOUGLAS	80131905	SANDERS LEONARD LOUIS	80150420	SCHOETTNER MARK LEONARD
80104136	ROYCE LTD	80145887	SANDS BROTHERS ASSET MANAGEMENT LTD /NY/	80124707	SCHOFIELD BERNARD JOSEPH
80130391	ROZEN SHAREN NANCY	80124850	SANDY JOYCE HAMMOND	80146464	SCHOLTZ PETER D /NY/
80132853	ROZENCWAIG BRYAN LANCE	80147776	SANJANA ESPI	80144182	SCHONHORST MELVIN HERMAN JR /NY/
80132746	ROZENCWAIG STEVEN MICHAEL	80122199	SANNA MARK ANTHONY	80123407	SCHOTT INVESTMENT CORP
80134978	RSC FINANCIAL INC	80137296	SANTANDER MANAGEMENT INC	80135492	SCHREINER ROGER J /PA/
80148351	RUBY GEORGE MERRIMAC	80142384	SARAPPO JOSEPH PHILIP III /PA/	80132881	SCHRIMSHER JERRY JAMES
80152055	RUCKEL H ANTHONY	80140260	SARCOH REPORT INC /NY/	80119594	SCHRODERS ASIA LTD
80129960	RUDD CAPITAL CORP	80127203	SARKIS GEORGE JOSEPH	80126058	SCHUBACH JOSEPH BERNARD
80149658	RUDD LAUREN VONEGGERS	80145226	SAROFIM INTERNATIONAL MANAGEMENT CO /TX/	80133573	SCHUERMANN MICHAEL RICHARD
80152172	RUDDER EDWARD MITCHELL	80113773	SAROFIM TRUST CO	80130520	SCHULMAN MARTIN LEONARD /MD/
80147373	RUDDY CINDY CHOU			80140621	SCHULTZ CARL GOTTFRIED /NC/
80126856	RUDDY VINCENT WILLIAM			80153567	SCHULTZ ENTERPRISES INC
80141224	RUF INVESTMENT GROUP INC /CT/			80140275	SCHULTZ RICHARD BRYON
80147231	RUFF PAUL ROBERT			80136097	SCHULZE RONALD RAY
80147409	RUFFER CHARLES			80142454	SCHUMACHER INVESTMENT SERVICES INC /MA/
80140082	RUIZ LUIS ANTONIO			80126415	SCHWARTZ H B & COMPANY INC
80144025	RULE AUTHUR RICHARDS /CA/			80140846	SCHWARTZ LEE ARTHUR
80143969	RUMAN WALTER CHARLES /GA/			80128984	SCHWARTZ RICHARD

80125042	SCHWARTZ STEVEN F	80134051	SEYMOUR JAMES DUBOIS	80138914	SIFF JESSE ASSOCIATES INC
80119438	SCHWARTZBACH SAUL MARVIN	80145683	SHAFCO MANAGEMENT INC	80119927	/NY/ SIGMA ASSOCIATES INC ADV
80110121	SCHWARZ ROBERT INC	80137932	SHAFFER KENNETH CRAIG /CA/	80143084	SIGMA CAPITAL MANAGEMENT
80145096	SCHWEITZER SAMUEL /NJ/	80134574	SHAFFER MONEY MANAGEMENT INC	80147035	SILBY GUFFEY & CO INC
80139269	SCHWESER GILBERT CARL /IA/	80126284	SHALL JOHN M	80146571	SILVER ALAN JOHN /CA/
80130453	SCOFIN INTERNATIONAL INC	80154702	SHAMROCK ASSET MANAGEMENT LLC	80149722	SILVER GROUP INC
80148152	SCOTT BRIAN P	80150145	SHAMROCK FINANCIAL SERVICES INC	80134417	SILVER JERRY
80149450	SCOTT MARK ALLISON	80127413	SHANDLES IRA DAVID	80118992	SILVERMAN & CO INC
80136770	SCOTT MICHAEL DAVID	80145515	SHANNON CHARLES H	80139908	SILVERMAN HOWARD M /CT/
80153629	SCOTT NANCY JEAN	80145513	SHANNON THOMAS MICHAEL	80112300	SILVERMAN THOMAS
80145881	SCOTT RICHARD OLSON /CA/	80140490	SHAPIRO GARY MITCHELL /AZ/	80149826	SILVERSTEIN EDWARD SAUL
80141535	SCOTT ROBERT SECURITIES INC /CA/	80148122	SHAPIRO RACHEL CAROLYNN	80136292	SILVETTE CAPITAL MANAGEMENT CORP
80153862	SCOTT ROY ROBERT	80147874	SHARMA GAUTAM	80144689	SIMIC MICHAEL
80124319	SCOTT RUPERT INC	80147528	SHARPE ADVISORS LTD	80148759	SIMKINS DAVID & ASSOCIATES INC
80130870	SCOTTISH LIFE ASSET MANAGERS LTD	80117994	SHAUB LARRY NORMAN	80111501	SIMON BRUCE E
80126126	SCOTTSDALE FINANCIAL CONSULTING	80154584	SHAUGHNESSY STEPHEN J LTD	80127820	SIMON RICHARD MARK
80122577	SCRANTON VIDEO MARKETING INC	80146677	SHAVES FINANCIAL SERVICES INC	80117183	SIMON ROBERT DESMOND
80123361	SCREES WILLIAM RUSSELL	80138013	SHAW WALTER JOSEPH /CA/	80145003	SIMONS ERIC INC
80120350	SCS GROUP INC ADV	80135476	SHEAR MARSHALL & CO	80141660	SINCLAIR GROUP INC
80132313	SCULLY BROTHERS & FOSS	80131758	SHEARSON LEHMAN REALTY ADVISORS INC	80136082	SINCLAIR JAMES EDWIN /NY/
80116351	SEA INVESTMENT MANAGEMENT INC	80137500	SHEER ASSET MANAGEMENT	80146149	SINGER & FRIEDLANDER AMERICAS INC /FL/
80146716	SEARS THOMPSON RUSSELL ADVISORS INC /FL/	80125087	SHEETS ASSET MANAGEMENT	80142011	SINGER LINDA MAE
80133475	SEAUX LEROY	80129403	SHEETS PHILLIP LAMAR	80118664	SINGISER STEPHEN THOMAS
80139199	SEAWAY INVESTMENT MANAGEMENT CO /IL/	80125694	SHELLEY JOHN RICHARD	80137252	SINGLETON DOYLE MATTHEW /TX/
80129927	SECO & ASSOCIATES LTD	80119367	SHELLEY SEAN PATRICK	80154415	SIRCHIA VICTOR J
80129919	SECURE FINANCIAL MANAGEMENT INC	80119367	SHELLEY SEAN PATRICK	80132739	SISK ROBERT CHARLES
80146545	SECURITIES & INVESTMENT PLANNING CO INC	80133008	SHERIDAN RICHARD HARVEY JOHN	80153419	SISTO CAPITAL MANAGEMENT INC
80150433	SECURITIES ARBITRATION GROUP INC	80133305	SHERMAN RICHARD ALAN	80148909	SITTLINGER ALAN TODD
80133154	SECURITIES INTERNATIONAL LTD	80151603	SHERMAN VINING ALDEN JR	80125696	SIVASLIAN GREGORY K
80142408	SECURITIES PLANNERS INC	80142456	SHETH SECURITIES INC /PA/	80148901	SJS CAPITAL MANAGEMENT INC
80107782	SECURITY COUNSELING CORP	80131847	SHEVLIN EDWARD JAMES	80133793	SKAHAN JEAN LINNEA
80144931	SECURITY DEALERS GUILD INC	80153155	SHIELDS BRAD RANDALL	80151523	SKARIAH SANTHOSH
80120583	SEFERIAN RALPH ASSOCIATES INC	80134400	SHIN SUN KYUN	80133136	SKOCIR SANDRA MARIA /OH/
80145270	SEGARRA DANIEL /NY/	80148012	SHIOKARI DAVID	80136600	SKYLANDS FINANCIAL SERVICES INC
80139765	SEKTOR FINANCIAL GROUP INC	80121043	SHIPLEY FINANCIAL GROUP INC	80134709	SLACK RONALD /PA/
80118608	SELDNER ALVIN A	80126327	SHIPP FINANCIAL SERVICES INC	80122995	SLEAR JAMES ANTHONY
80146062	SELECT FINANCIAL SERVICES INC /WA/	80129104	SHOECRAFT TIM HENRY	80147836	SLOAN EDWARD ANDERSON
80116619	SELECTED OPTIONS SERVICE INC	80125644	SHOPP PETER FREDERICK	80145599	SLOAN WILLIAMS ASSOCIATES LTD
80128798	SELEEN DANIEL HOWARD	80133468	SHOUP JOHN RICHARD /ME/	80132531	SLOCUM CHUCK & ASSOCIATES INC
80152453	SELLAS JOHN ANTHONY	80138279	SHUBIN & CO INC	80119593	SLOVER RONALD EDWARD
80153262	SELLS M E INC	80147208	SHULEVITZ WILLIAM P	80143103	SMALTZ KENNETH FRANK /OH/
80127060	SEMANIK JOHN MATTHEW	80150967	SHUMATE & ASSOCIATES INC	80148420	SMARTSOFT INC
80116996	SENDER BERL & SONS INC	80138502	SHURGARD REALTY ADVISORS INC /WA/	80138296	SMD INVESTMENTS INC
80121026	SENDROW JERROLD BERNARD	80131393	SHWAB T W INVESTMENTS CORP	80130196	SMETEK VAN HORN & CORMACK INC
80125250	SENECA STANLEY JOSEPH	80132092	SIB ADVISORY CORP	80135716	SMITH & HOWARD FINANCIAL MANAGEMENT SERVICES PC
80142378	SENEFELDER MATTHEW GEORGE /NY/	80134020	SIBEL JEFFREY ALEN	80145771	SMITH ADAM & CO INC /NY/
80152535	SENIOR PLANNING GROUP LLC	80120979	SIBONI SYLVAIN	80128914	SMITH ADVISORY SERVICES INC
80154032	SENOWITZ ARTHUR GARY	80137857	SICHEL RICHARD IRA	80144122	SMITH AMZLER ELLEN MARIE /NJ/
80135243	SENSIBA & ASSOCIATES INC	80135205	SIEBAR ADVISORS INC	80147558	SMITH BISSELL JOSEPH
80153113	SENTRY ASSET MANAGEMENT INC	80126157	SIEGEL & DONNELLY ASSOCIATES	80150713	SMITH BRIAN MARSHALL
80132663	SERRANO KEITH MILTON	80132327	SIEGEL BART HOWARD	80150945	SMITH BURNELL RAYMOND
80140351	SESSIONS JEFFREY LYN /MN/	80145158	SIEGFRIED GARY DEAN	80142379	SMITH BUTLER RICHAL /WA/
80110305	SETLIN GEORGE STANLEY FINANCIAL INC	80143323	SIEGFRIED JEROME /NY/	80148069	SMITH CHRISTOPHER
80148532	SETTERS JAMES EDSSEL JR	80145247	SIELEWICZ LEONARD MARIAN	80139249	SMITH DALE ROBERT
80134044	SEWARD SECURITIES INC	80154178	SIENKIEWICZ MICHAEL ALEXANDER	80154655	SMITH DAVID HAYNES
80136681	SEXTANT ASSET ALLOCATION INC	80138068	SIERAWSKI MICHAEL ANDREW	80139484	SMITH DAVID L ADVISORS INC /TN/
		80149783	SIERRA CAPITAL MANAGEMENT INC /MN/	80114271	SMITH DENISON EVERETT
		80142374	SIERRA FIRST EQUITIES INC /CA/	80145268	SMITH DWIGHT ALBERT /CO/
		80121962	SIEVEWRIGHT ROBERT GEORGE	80123349	SMITH EDMOND MCVAY II

80120030 SMITH EDWARD FARRELLY	80146502 SOUTHERN FINANCIAL CORP /CO/	80130075 STEGALL LEA ROY JR
80150712 SMITH GARY ALLEN	80150314 SOUTHERN STATE UNIVERSITY INC	80149122 STEGE BARBARA COLLINS
80139391 SMITH GREG A ASSET MANAGEMENT CORP	80144003 SOUTHERN STATE UNIVERSITY INC /CA/	80123701 STEIN GARY H /MA/
80149406 SMITH GREGORY WILLIAM	80128176 SOUTHLAND ADVISORY CORP	80132266 STEINBERG CHARLES DAVID
80147435 SMITH JACOBS INVESTMENT MANAGEMENT INC	80143250 SOUTHPORT GROUP INC	80129436 STEPHANIAN DANIEL MARTIN JR
80105023 SMITH JAMES HEYWARD	80140159 SOUTHPORT PARTNERS L P	80110097 STEPHENS NEIL INVESTMENT CORP /RI/
80148559 SMITH JEFFREY SCOTT	80116527 SOUTHREN MARILYN	80140717 STERLING ASSET MANAGEMENT MD
80143984 SMITH KEITH BRADFORD /NJ/	80142391 SOUTHWEST INVESTMENT ADVISORS INC/TX/	80127071 STERN & STERN SECURITIES INC
80141863 SMITH KEVIN EUGENE /CA/	80147567 SOUTHWEST REAL ESTATE ADVISERS INC	80126567 STERN HERSH LEON
80126314 SMITH LEO LESTER	80118216 SOUTHWORTH & MCFAWN ADVISORY CORP	80151754 STERN MICHAEL WARREN
80143322 SMITH LEON FRANCIS /CA/	80142177 SOWINSKI J E INC /NY/	80135214 STERNBERG LAWRENCE NEIL
80114726 SMITH MILTON	80142417 SPACE RICHARD THOMAS	80125889 STEVENS INTERNATIONAL CORP
80134007 SMITH MITCHELL & ASSOCIATES INC /WA/	80146148 SPALA HENRY ANTHONY JR /CA/	80133639 STEVENS PHILIP ASHWORTH
80143444 SMITH MITCHELL ASSET MANAGEMENT SERVICES GROUP LTD /WA/	80124620 SPALLO JOSEPH PHILIP	80125310 STEVENSON MARY TYLER
80124164 SMITH PERRY LYLE	80128794 SPANOS CHRISTOPHER JAMES	80112430 STEVENSON O ROY
80116932 SMITH PETER E	80114317 SPECIAL SITUATION REPORT & STOCK MARKET FORECAST	80127708 STEVER KATHLEEN ANN
80154650 SMITH PETER E ASSOCIATES	80139456 SPECTRUM PLANNING SERVICES INC	80138627 STEWARD ANALYTICS INC /OH/
80121857 SMITH ROBERT GABAY	80149211 SPECTRUM SECURITIES INC /CA/	80152075 STEWART BEVERLY ANN
80145310 SMITH ROBIN WEEKS	80123710 SPEIRS GARRETT DEFORREST III	80119601 STEWART JOHN S PH D
80130664 SMITH STEVEN ABBA	80118794 SPENCER JACK BURTON	80143228 STEWART KENNEDY & ASSOCIATES /NY/
80153740 SMITH THOMAS WILLIAM	80129551 SPERBER ADAMS & CO INC	80122656 STEWART NANCY HOPE
80140844 SMITH TOWNSEND & ASSOCIATES LTD	80139553 SPERGEL MARTIN JAY	80123011 STEWART PAUL ASSOCIATES INC
80141387 SMITH WADE ALAN	80145402 SPINELLA DOMINIC	80111191 STEWART ROBERT
80114586 SMITH WARREN LEE	80150506 SPIRANAC CORP /CO/	80123707 STEWART ROBERT MITCHELL
80137049 SMITHERS LISA BUCK	80128502 SPRABERRY & ASSOCIATES INC	80120260 STILLMAN JOEL ELLIOTT
80148929 SMITHLINE CAPITAL ADVISORS INC	80152414 SPRINGER DREW ALAN	80118802 STITSKY MURRAY
80125348 SMOLAR EDWARD N	80152949 SPRINGER LAWRENCE EARL	80117809 STOCK MARKET TIMING INC
80132475 SNIDER HELEN KAYE	80148489 SPRINTZ HENRY	80137862 STOEVER KYLE EDMUND
80154136 SNOW WILLIAM JAMES	80137685 SPRINZ FRED FRANCISCO	80113852 STOKELY HUGH LAWSON
80139453 SNOWDEN JAMES HASTINGS III	80144715 SPURR KATHI ANN	80133125 STOLZENBURG LARRY S /NY/ STOLZENBURG LARRY S CPA
80124194 SOARES FINANCIAL GROUP INC	80136587 SQUIRE SERVICES INC	80145651 STONE CHARLES RAY
80116097 SOBOL ADAM EDWARD JR	80137339 SSANGYONG INVESTMENT MANAGEMENT CO LTD	80145733 STONE JEFFERY STEVEN /TX/
80148061 SOCIETE DANALYSE FINANCIERE EUROPEENNE SAFE	80140716 ST THOMAS MORTGAGE ADVISORS /FL/	80138786 STONE JOHN J
80135690 SOCIFA & BETA SOCIENDADE FINANCEIRA DE CORRETAGEM SA	80136924 STA AF JACQUELYN CHRISTINE /AZ/	80148268 STONECREEK ADVISORS
80144337 SOHNEN DAVID JOSEPH	80139276 STAHEL JAMES EDWARD	80139824 STONEHILL CAPITAL MANAGEMENT INC /NY/
80143431 SOLBY INTERNATIONAL INVESTMENT CO	80147698 STAIRMAN ARNOLD	80124039 STRAFFORD FINANCIAL SERVICES INC
80123174 SOLOMON NEAL JAY	80141557 STAMFORD CAPITAL MANAGEMENT INC	80125064 STRAIN SHERYL SCHOUWEILER /CA/
80138291 SOLOVY ROBERT MICHAEL	80116655 STAMFORD CO INC	80133884 STRAIT TIMOTHY EDWARD
80125929 SONNENBERG FRED MAX	80149408 STAMMER KENNETH EUGENE	80140123 STRATEGIC BENEFIT CONSULTANTS INC
80150082 SONTHEIM ASSET MANAGEMENT INC	80130684 STANDARD ASSET MANAGERS CORP	80153170 STRATEGIC BUSINESS PLANNING
80139257 SORCIC & BLACK INC /TX/	80133260 STANGER ADVISERS LP	80130094 STRATEGIC FINANCIAL PLANNING INC
80127659 SORENSEN JOHN R	80133323 STANTON DALE ALAN	80133879 STRATEGIC INVESTING INC
80145156 SORGEN ROBERT WILLIAM	80141652 STANZIANO ROBERT THOMAS /FL/	80149081 STRATEGIC INVESTMENT CONSULTANTS INC
80142389 SOSA MICHAEL JOSEPH	80137053 STAPLER FINANCIAL INC	80135564 STRATEGIC INVESTMENT PLANNERS INC
80149181 SOSNOFF SHERIDAN CORP	80131692 STAR FINANCIAL PLANNING CORP MARION	80145087 STRATEGIC MANAGEMENT CORP
80144045 SOURCE ADVISORY INC /PA/	80152189 STARBURST ADVISORY INC	80132122 STRATEGIC PLANNING LTD
80116943 SOURCE FINANCIAL GROUP INC	80125054 STARK ROBERT WILLIAM	80133429 STRATEGIC TIMING INC
80152145 SOUTH ATLANTIC CAPITAL MANAGEMENT GROUP INC	80144954 STARSHAK MICHAEL FRANCIS /IL/	80116204 STRATFORD INVESTORS MANAGEMENT INC /NY/
80118809 SOUTH EASTERN FINANCIAL MANAGEMENT INC	80140637 STATE FINANCIAL NETWORK INC /PA/	80137921 STRATLINK INTERNATIONAL INC
80147165 SOUTH JERSEY BROKERAGE GROUP	80152547 STATE STREET SECURITIES INC	80128285 STRATTON CHARLES E
80135673 SOUTH SHORE CAPITAL PLANNING INC /NY/	80133183 STAUBACH PENSION ADVISORS INC	80130293 STRATTON GERALD LYNN
80120089 SOUTH SHORE FINANCIAL PLANNING	80125788 STAUTH ELISABETH C EA LTD	80145010 STRAUS & WEBER
80140089 SOUTHEAST CAPITAL MANAGEMENT INC /FL	80125346 STEELEY BARRY LEE	80141513 STREETMAN WILLIAM GREER /KY/
80134759 SOUTHEAST HARD ASSETS INC		80152776 STRETTI MICHAEL WILLIAM

80133391	STRIBLING ROSS LEE	80111304	SWORD WM & CO INC	80143226	TCON INVESTMENT MANAGERS INC
80133976	STRICKLER ELLEN BRAESTRUP	80135500	SYDNEY CAPITAL MANAGEMENT INC	80129726	TECHNICAL MANAGEMENT ADVISERS CORP
80145622	STRINGER RANDEL RAY	80126582	SYMPHONY CAPITAL MANAGEMENT INC	80127091	TECTUM FINANCIAL SERVICES
80123682	STRIVINGS PAUL DANA	80145738	SYNERGY CAPITAL MANAGEMENT INC /GA/	80138604	TEDESCHI & ASSOCIATES INC
80129539	STROMBERG LENNART ERIK	80118299	SYSTEMATIC FINANCIAL MANAGEMENT INC	80125069	TEHACHAPI TAX SERVICE
80138085	STRUMINGHER SERGIU STREJA	80130567	SZEGO GEORGE CHARLES	80146473	TEICHBERG MARKET STRATEGY
80136991	STUART DONALD JAMES	80132242	SZEHNER WILLIAM CHESTER	80135523	TEITELL CHARLES MARTIN
80150970	STUCKEMEYER PHILLIP LEE	80104558	TA MANAGEMENT CO	80135074	TELEKURS NORTH AMERICA INC
80124154	STUDENT PLANS INC	80124646	TABER KENNETH WILLIAM	80126064	TEMPLIN RICHARD CHALMERS
80143120	STUMP FINANCIAL GROUP INC /MO/	80142697	TACTICS FINANCIAL SERVICES INC /NY/	80133012	TENAGLIA VINCENT
80152187	STURIALE JOHN V CFP	80130123	TAFT GARDNER ALEXANDER	80145655	TERDIK JOHN GEORGE III
80152011	SUCCESSFUL MONEY MANAGEMENT OF GEORGIA INC	80127581	TAI INVESTMENT CONSULTANTS INC	80145780	TERRILL THOMAS INC
80145376	SUCCESSFUL MONEY MANAGEMENT SEMINARS OF UTAH LC /UT/	80123972	TAILLEFER CHARLES GREGORY	80135384	TERRY ALVIN FRANCE/FL/
80126917	SUGERMAN DAVID HENRY	80143572	TAKE CHARGE FINANCIAL INC	80126947	TESSITORE AL R
80145896	SULLIVAN DANIEL OWEN /OH/	80125267	TALBERT FINANCIAL GROUP INC	80134441	TEXAS SECURITIES INC
80140250	SULLIVAN FINANCIAL PLANNERS INC	80113711	TALLASI MANAGEMENT CO INC	80122067	TFP HAWAII INC
80129033	SULLIVAN HUGH & ASSOCIATES INC	80147454	TALLEY DARREN J	80149733	THL EQUITY ADVISORS III LTD PARTNERSHIP
80100707	SULLIVAN J LANGDON	80128758	TAMARACK FINANCIAL SERVICES LTD	80135352	THL EQUITY ADVISORS LIMITED PARTNERSHIP
80144974	SULLIVAN JOHN DENNIS /MA/	80113140	TANCREDI LEONARD ANDREW JOSEPH	80151891	THOMA JOSEPH OTTO
80142350	SULLIVAN ROGER /NY/	80128982	TANNER DOUGLAS HOWARD	80126321	THOMAS & THOMAS
80119031	SUMMERFIELD JANET LYNN	80151821	TANNER JON DAVID	80141733	THOMAS BARRY NEAL
80115569	SUMMERS CAPITAL SERVICES INC	80148907	TANNER KEVIN PETER	80115497	THOMAS DAVID WILLIAM
80135948	SUMMERS FINANCIAL SERVICES INC	80148275	TANTALUS GROUP INC	80134232	THOMAS FINANCIAL SERVICES INC
80122239	SUMMIT ANALYTICAL SCIENCES INC	80121455	TAPSAK JOHN PETER	80132223	THOMAS RON
80135234	SUMMIT ASSET ADVISORS INC	80132499	TARBOX KARL F	80148589	THOMAS WILLIAM DAVID JR
80132262	SUMMIT CAPITAL ADVISORS INC /IN/	80137382	TARLETON ASSET MANAGEMENT INC	80131259	THOMPSON ASSET MANAGEMENT CORP
80152176	SUMMIT CAPITAL MANAGEMENT LLC	80144413	TARTAGLIA ANTHONY JOSEPH	80126760	THOMPSON BILLY M
80129920	SUMMIT FINANCIAL ADVISORY INC	80145699	TASSAN DIN DANIEL /NY/	80142096	THOMPSON KEITH HOWARD
80151702	SUMMIT FINANCIAL CONSULTANTS INC	80140406	TASSIN DORIS RETIREMENT CAPITAL ADVISORS GROUP /OH/	80148995	THOMPSON MARK A
80136105	SUMMIT INTERNATIONAL CORPORATION	80148784	TATE WILLIAM HINDMAN	80148826	THOMPSON MICHAEL DONNELL
80151601	SUMMIT INVESTMENT TECHNOLOGIES LLC	80150637	TATULINSKI FRANK EDWARD III	80138465	THOMPSON NICHOLAS LEE
80144174	SUN WEA /NY/	80132461	TAUB ET AL INC	80134496	THOMPSON RICHARD ELTON
80137576	SUNBURST FINANCIAL GROUP INC /MS/	80118506	TAUBE VICTOR BERNARD	80128149	THOMPSON TED CLARENCE
80146626	SUNCOAST FINANCIAL SERVICES OF CLEARWATER INC /FL/	80126346	TAUSSIG EDWARD HERMAN	80114829	THORN SAMUEL
80147406	SUNDANCE ADVISORS	80145765	TAX & FINANCIAL ADVISORS INC /FL/	80154218	THORNES & ASSOCIATES INC INVESTMENT SECURITIES
80151094	SUNPOINT ASSET MANAGERS INC	80149104	TAX & FINANCIAL MANAGEMENT INC /NJ/	80125941	THORNHILL FINANCIAL CORP /CA/
80134262	SUNRAY SECURITIES INC	80138894	TAX & FINANCIAL SOLUTIONS /CA/	80138911	THORNTON EVELYN MAE /CA/
80128635	SUNRISE DATA INC	80149927	TAX & FINANCIAL SOLUTIONS /OH/	80138367	THREE RS & ASSOCIATES INC
80121273	SUPREME FINANCIAL SERVICES INC	80141427	TAX & INVESTMENT CONSULTANTS INC	80135747	THUROV & ASSOCIATES INC
80123212	SUSLOW MANAGEMENT CORP	80147260	TAX & INVESTMENT STRATEGIES INC /MA/	80114108	TICKER TAPE INVESTMENT ADVISER INC
80134983	SUTTON FINANCIAL SERVICES INC /IL/	80146116	TAX BREAKS INC /FL/	80139922	TIEDEMAN MICHELE L
80127655	SWANSON BARRY ERNEST	80147303	TAX STRATEGIES & FINANCIAL SOLUTIONS INC	80131968	TIEFEL PAUL MARTIN
80130272	SWANSON GAYLON ALFRED	80145656	TAYLOR ALAN R RETIREMENT PLANNING INC	80125240	TILLMAN & TILLMAN
80143593	SWANSON RONALD JAMES /TX/	80133645	TAYLOR DIANA RAHE	80145654	TIMMIS G C & CO
80124991	SWANSON SECURITIES INC	80124508	TAYLOR FRANKLIN WATKINS III	80126667	TIMSON CORP
80133913	SWB INVESTMENT CENTRE INC	80123258	TAYLOR GEORGE PRESCOTT	80125476	TINKER FINANCIAL SERVICES INC
80140949	SWEDA PETER MICHAEL	80140854	TAYLOR LARRY INC	80137603	TIS ASSET MANAGEMENT LP
80123714	SWIDER FINANCIAL COMPANIES INC	80142279	TAYLOR LESLIE BARRETT /CA/	80144011	TITE BRADFORD CHARLES /NY/
80153120	SWIFT FINANCIAL GROUP INC	80148237	TAYLOR PRUITT CAPITAL MANAGEMENT INC	80148127	TIZABI JACQUES
80144411	SWISS AMERICA PRODUCT SALES INC	80138153	TAYLOR TIMOTHY ROBERT /OH/	80150521	TJC INC
80145024	SWISS HELVETIA ASSET MANAGEMENT INC /NY/	80146228	TCD FINANCE INC /IL/	80115472	TK INVESTMENTS
				80129553	TLM INC
				80138982	TMAR I INC /IL/
				80117690	TMI INVESTMENT ADVISORY SERVICES INC
				80137241	TNC INC /
				80142695	TOLENTINO NOEL JOCSON DR /CA/
				80139005	TOLTON JUSTIN CRAIG
				80129093	TOMASINO PETER SEBASTIAN
				80146440	TOMASO TASSAN DIN /NY/
				80154364	TOMPULIS CHRIS G

80153946	TORKELSON BRYN HEYSER	80139644	TSI FINANCIAL /CA/	80136542	URQUIJO PATRIMONIOS
80143085	TOTAL ASSET PLANNING	80139279	TSUJIMOTO GARY M		SOCIEDAD GESTORA DE CARTERAS S
80117074	TOTAL FINANCIAL PLANNING INC /CA/	80153513	TUBBERGEN DENNIS CLARE	A	
80147153	TOTAL FINANCIAL PLANNING INC /MI/	80125972	TUCHINSKY HERBERT	80136714	US SELECT MANAGEMENT INC
80137537	TOTAL FINANCIAL PLANNING INC /MN/ ADV	80124767	TUCKER BILLY RAY	80150846	US STRATEGIES INVESTMENT CORP
80130565	TOTAL RETURN INC	80138534	TUITION CHECK INC	80124957	USA MONEY NEWSLETTER
80129745	TOTH GEORGE /PA/	80139471	TULMAN MICHAEL MARTIN /MA/	80142183	USAFFINITY ADVISORS LIMITED PARTNERSHIP
80135412	TOTH WILBERT & HANNON LTD	80133572	TURNER ANNABLE & CO INC/ TX	80139133	UTCHEL JOSEPH JAMES
80116689	TOUCHE REMNANT INVESTMENT MANAGEMENT LTD	80142356	TURNER CAPITAL MANAGEMENT INC /NY/	80146813	VADAS ANDRE GABRIEL ALEXANDER
80145253	TOUCHSTONE SECURITIES INC	80151931	TURNER MELVIN DOUGLAS	80126073	VALE JACK ROYE
80113804	TOVEY & CO INC	80132686	TURNER MICHAEL PAUL	80152505	VALENTINE JAMES ROBERT IV
80148274	TOW STEPHEN I	80130471	TURNER ROBERT BURL	80127335	VALENTINO GARY J
80135416	TOWNS CLIFTON SR	80143450	TUROV DANIEL H /TN/	80142248	VALLAIR ROBERT WAYNE /TX/
80124227	TOWNSEND ROBERT WELLMAN JR	80148151	TUTTLE JACK	80136740	VALLEY ESTATE PLANNERS LTD
80118515	TRACK DATA CORP	80133687	TUTTLE WILLIAM ROGER	80151192	VALLEY FORGE COMMERCIAL MORTGAGE ADVISORS INC
80149247	TRADEWINDS INTERNATIONAL INC	80145834	TYLER INTERNATIONAL FINANCE INC	80147329	VALLEY GROUP FINANCIAL SERVICES INC
80139501	TRADING POTENTIAL	80139298	TYSKEWICZ JOSEPH JOHN /CT/	80139761	VALLI SECURITIES INC
80145094	TRAINER THOMAS WELDON JR /CA/	80154400	TYSON LOYD DALE	80149879	VALUEQUEST CHINA LTD
80145245	TRAN HIEN TRONG NGHIA	80143378	UI USA INC /NY/	80143532	VAN BUREN GEORGE WARREN /HI/
80132188	TRANG R L & ASSOCIATES INC	80129692	ULMER CHARLES THOMAS /MO/	80137850	VAN CLEEF JORDAN & WOOD WEST INC
80154019	TRANSAMERICA INVESTMENT SERVICES CO	80148337	ULRICH HUMMRRICH & MCDONOUGH INC	80130207	VAN DEVENTER EDWARD L JR
80137864	TRANSGLOBAL PORTFOLIOS INC	80129023	ULRYCH MILOS	80142355	VAN METER PAUL ALLEN /TX/
80137150	TRANWOOD AMERICA INC /DE/	80146639	ULTIVEST GLOBAL ADVISORS LTD /NJ/	80131506	VAN PEEBLES ADVISORS INC
80127303	TRAPP ROBERT F	80140634	UMB ASSET MANAGEMENT LTD /NY/	80143647	VAN SICKLE RANDALL DAVID /MA/
80128956	TRAVERS MICHAEL J	80124255	UNCAPHER ASSOCIATES INC	80140018	VAN SLOTEN CAMDON TROY
80127930	TRECO FRANK S JR	80139418	UNDERHILL ROLAND DENTON	80142351	VANDERHAAR FINANCIAL PLANNING INC
80141254	TREISMAN & CO INC/NY/	80127801	UNION CAPITAL MANAGEMENT CO	80132519	VANDERMEID TIMOTHY LESTER
80129307	TRENCH ENTERPRISES INC	80130188	UNITED ASSET MANAGEMENT INC	80130865	VANDERPOL A J MANAGEMENT BV
80154677	TRENDSGROUP FINANCIAL INC /CA	80140799	UNITED CAPITAL MANAGEMENT INC /CA/	80138742	VANGUARD FINANCIAL CORP
80146358	TRENTON FALLS ASSET MANAGEMENT INC	80145396	UNITED DANIELS CASE ALLIANCE INC	80121599	VANLEUVEN BRUCE CLARKE
80150843	TREYZ PETER STODDARD	80124491	UNITED DANIELS SECURITIES INC	80128312	VANNUCCI PETER
80143063	TRI AD RUSSELL INVESTMENT ADVISORS INC /CA/	80136061	UNITED METHODIST FOUNDATION O/T BALTI WASH CONFERENCE	80151731	VANSON DENNIS
80150834	TRIDENT FINANCIAL MANAGEMENT INC	80136061	UNITED METHODIST FOUNDATION O/T BALTI WASH CONFERENCE	80125391	VANSON PETER
80152256	TRIGON INVESTMENT PARTNERS INC	80138603	UNITED REALTY ADVISORS INC	80135023	VANTRESS FLORENCE ELIZABETH /CA/
80139151	TRINDLE SUSAN HARRIET	80148967	UNITED SECURITIES GROUP INC	80136370	VAQUERO INVESTMENT MANAGEMENT CO
80130428	TRIPARK SECURITIES INC	80128792	UNITED STATE FINANCIAL CORP	80135897	VARDAMAN VIRGINIA BRADLEY
80141512	TRIPLE M ASSET MANAGEMENT /IN/	80141888	UNITED STATES CAPITAL CORP /IL/	80153027	VARMA SANDEEP
80148994	TRITON EQUITY ADVISORS INC	80119077	UNITED STATES FINANCIAL SERVICES CORP	80140743	VASCONCELLOS JOSEPH CESAR /CA/
80146888	TRIVEDI HEMANT NANDUBHAI	80146954	UNIVERSAL FINANCIAL PLANNING CONSULTANTS INC	80135955	VAUGHAN & CO SECURITIES INC
80120642	TRIVOLI GEORGE WILLIAM PHD INC ADV	80150417	UNIVERSAL MODELS & ACTORS INC	80125716	VAUGHAN JAMES ALLEN
80143152	TRONGONE ANTHONY FRANCIS DR	80105864	UNIVERSITY APPLIED MANAGEMENT CONSULTANTS CORP	80131095	VC MANAGEMENT OF CONN INC/CT/
80137336	TROTH JOHN SHIPLEY JR	80118166	UNIVERSITY BUSINESS SERVICES	80148279	VCK CAPITAL ADVISORS LTD
80141278	TRUDEAU CANDICE ANN	80148334	UNIVERSITY CAPITAL MANAGEMENT	80129559	VECTOR FINANCIAL SERVICES
80140400	TRUGMAN RONALD FRANCIS	80118793	UNLISTED MARKET SERVICE CORP	80139194	VECTORVEST MANAGEMENT ASSOCIATES INC
80129082	TRUHN WENDY HELEN	80129675	UNTERHALTER MARC KYALL	80116302	VELMER WILLIAM ABRAHAM
80142400	TRUITT KEVIN	80132274	UR FINANCIAL INC	80149824	VENTUNELLI PETER PAUL
80128888	TRUMBULL ELY CAPITAL MANAGEMENT CORP	80147315	URANGA VICTOR MANUEL	80143772	VENTURE RESOURCES INC /NH/
80153693	TRUST FOR COMMUNITY BANKS LP	80142250	URBAN REALTY ADVISORS INC /IL/	80105069	VENTURE SECURITIES CORP
80148785	TRUST REALTY ADVISORS INC	80122051	URBONAS ALGIE JOHN	80143346	VERBECK XAVIER H
80147151	TRUSTEE MANAGEMENT SERVICES INC			80122234	VERIBANC INC
80147123	TRZNADEL DANIEL ADAM			80144829	VERONA GROUP INC
80137881	TSG INVESTMENT ADVISERS LP			80149459	VICKERS HENRY ALONZO JR

80129836	VINCENT JOSEPH CURRO	80149056	WASHINGTON HACKETT CO	80147313	WELLSPRING INVESTMENTS INC
80144936	VIP INSURANCE AGENCY INC	80148664	WASHINGTON STEPHEN THORNTON	80127214	WELSH CAPITAL PLANNING INC
80141142	VISION CAPITAL INC	80144571	WATCHMAN FINANCIAL ADVISORS INC /MD/	80142442	WENDEL STEPHEN CHARLES
80139299	VISION CAPITAL MANAGEMENT INC /OH/	80140826	WATER CAPITAL CORP /CT/	80119047	WENSLEY MANAGEMENT CORP
80109828	VISTA MANAGEMENT CO INC	80151530	WATERS ROBERT BALLARD JR	80141884	WERBLE PHILIP CHARLES /NY/
80115078	VIVELLO ROBERT F	80144882	WATKINS JAMES MICHAEL JR	80126148	WERNER BERUS PAUL
80113940	VLAHAKIS EDWARD	80125964	WATSON ROBERT JOHN	80154148	WEFVRE & CALLICOTT INC
80148633	VON WIENKEN UWE GERALD	80151551	WATSON THOMAS JOSEPH	80154148	WERNER FINANCIAL GROUP INC /CA/
80118784	VONSUSKIL HOWARD JR	80130521	WATTS CARL ANTONI KEITH JAIME	80145474	WERNER HOWARD STEVEN /NY/
80147159	VOYAGER INVESTMENTS INC	80129889	WATTS CARL AUGUSTUS	80147908	WERTZ MARJORIE D INC
80123751	VS INVESTMENTS /HI/	80144297	WATTS PAUL DAVID	80125353	WESSMILLER ROBERT JAMES
80127851	W&D EQUITIES CORP	80152891	WAY JUSTIN EDWARD	80137255	WEST ROBERT LEWIS /OH/
80139430	WACH FINANCIAL PLANNING INC	80147443	WCF & ASSOCIATES/CA/	80119442	WEST SHAW INSTITUTE INC
80141424	WAGNER CAPITAL INC	80133335	WEALTH DYNAMICS INC	80144054	WESTCHESTER FINANCIAL ASSOCIATES INC
80135886	WAGNER MARC S FINANCIAL SERVICES LTD	80152160	WEALTH SMART PLANNING & INVESTMENT MGMT CO	80136127	WESTERGAARD RESEARCH & PUBLISHING CORP
80150907	WAGNER STEPHEN HANS	80136596	WEATHERALL GREEN & SMITH INC	80120000	WESTERN CAPITAL MANAGEMENT CORP
80133374	WAGONER ERIC VERNE	80132789	WEATHERLY CAPITAL CORP	80143731	WESTERN PENSION SERVICE CORP
80128096	WAHL MICHAEL THOMAS	80127297	WEAVER ACCOUNTANCY CORP	80149172	WESTERN RESERVE INVESTMENT CO LTD
80119694	WAIGHT JOHN F	80122943	WEAVER DAVID EDWARD	80140954	WESTERN RIM INVESTMENT ADVISORS INC
80139798	WAIS ERIC JOHN	80147483	WEAVER SCOTT CLINTON SR	80150591	WESTFALL WADE HAMITON
80133858	WALD HARVEY SEYMOUR	80152588	WEB INVESTMENT MANAGEMENT INC	80131322	WESTHAGEN & WESTHAGEN INC
80139685	WALDNER INVESTMENT ADVISORS INC	80147794	WEBB DAVID STAUFFER	80115013	WESTIN CAPITAL MANAGEMENT INC
80132607	WALGENBACH CHARLES JAMES	80144370	WEBBER HAROLD KENT	80148130	WESTMARC MANAGEMENT INC
80151215	WALKER GREGORY STEPHEN	80119095	WEBER FRED RAYMOND	80146561	WESTMARK SECURITIES INC /OR/
80152079	WALKER PETER CRAWFORD	80147275	WEBER JEFFREY L	80125288	WESTMORELAND LARRY
80147775	WALKER WRIGHT LORENZO	80136365	WEDECK ANDREW S	80152044	WESTWOOD VENTURES LTD
80141967	WALKUP WILLIAM BASKIN	80139939	WEDGEWOOD EQUITIES INC /GA/	80118650	WETZEL FRED JR
80152889	WALL STREET SMALL CAP REPORT INC	80135304	WEDREN GERALD ERWIN	80136210	WF ADVISORS INC
80142892	WALL STREET STRATEGIES /NY/	80145537	WEDREN GERALD ERWIN /DC/	80145161	WHARF FINANCIAL ENTERPRISES LTD
80125308	WALL STREET STRATEGIES INC /GA/	80113814	WEED ANTHONY J ADVISORY	80132564	WHEELER DANIEL MARK /CA/
80138539	WALLACE ANTHONY INVESTMENT MANAGEMENT INC	80134137	WEED DONALD EVERETT	80123934	WHEELER JOHN H
80144633	WALLACE JOHN MACK	80127475	WEEDEN JAMES DENNIS	80144973	WHEELER STEVEN ALLEN /KY/
80151553	WALLACE TERRY	80143613	WEEKS HERMAN	80153558	WHELAN & GRATNY CAPITAL GROUP LLC
80126004	WALLACE WELCH & WILLINGHAM INC	80144990	WEGLEY ROBERT M JR	80148204	WHIPPLE JOSEPH EDWARD SR
80141556	WALLACE WENDELL WILLIAM	80127217	WEHRLY JAMES DOUGLAS	80123588	WHISTLER LEHMAN P
80139451	WALLACE WILLIAM ROBERT	80131470	WEIDLICH & ASSOCIATES INC /WV/	80148400	WHITAKER CHARLES J /OH/
80126015	WALLENTEINE FRANK DEAN	80127504	WEIDNER FREDERIC CLINTON	80139961	WHITE CRAIG ANDREW
80132088	WALLER DAVE	80150995	WEINBERG GREGG SCOTT	80152886	WHITE ERICKSON & ASSOCIATES
80123223	WALLIN IRA MYLES	80147847	WEINBERG JERROLD NORMAN	80152230	WHITE GERALD LAWRENCE
80148578	WALLSTREET MONEY MGRS INC	80147780	WEINBERGER SAMUEL	80119371	WHITE JOE O /CA/
80124277	WALSH & HINCKLEY CO	80147408	WEINBLATT SUSAN SCHECHTER	80118340	WHITE LEO E /NJ/
80149270	WALSH JOHN MARSHALL /FL/	80143603	WEINMANN DENNIS TODD /TX/	80142274	WHITE RICHARD DUANE /NC/
80149454	WALSH JOHN RICHARD	80143304	WEINSTEIN GREGORY DANA	80125242	WHITE ROBERT WAYNE
80145164	WALSH KENNETH E CPA PC	80145123	WEINSTEIN RICHARD ARTHUR /OH/	80135702	WHITE TERRY WAYNE
80142760	WALSH M D & CO	80147849	WEINSTOCK RONALD H	80143178	WHITELAW ASSET CONSULTING CO
80123907	WALSH ROBERT F INC	80124624	WEISER FINANCIAL PLANNING SERVICES INC	80123375	WHITFIELD J CHARLES
80147653	WALSH WILLIAM JOHN	80141309	WEISSBERG MICHAEL J /NY/	80124730	WHITFIELD SCOTT INVESTMENT ADVISORY CO
80143222	WALSINGHAM LTD	80150224	WEISSBERGER ALAN JONATHAN	80140157	WHITING GROUP INC
80127008	WALTER WILLIAM STEPHEN	80123075	WEITZBERG FRED ALAN	80116914	WHITMORE MAX EARL
80138626	WALTERS GEORGE WILLIAM	80113519	WEITZEL DAVID HAROLD	80111546	WHITTAKER HOMER CHARLES
80152953	WALTERS RONALD JOSEPH	80139402	WEIUM PAUL NATHAN	80129163	WHITTAKER RUSSELL LEROY
80135505	WALTERS SCOTT GEORGE	80150115	WELCH ANTHONY SAMUEL	80128623	WHITTINGTON WILLIAM WORTH
80134951	WANER CHRISTIAN LOUIS	80148387	WELCH CLARENCE ALBERT	80139845	WHITTLE LINDA LOU /IA/
80150301	WANG STEVEN KRIS	80147736	WELCH DAVID CHARLES	80127602	WHITTLESEY STANLEY
80143816	WARD GARY STEVEN /CO/	80128482	WELCH DAVID HINSON		
80144619	WARE & PARSONS FINANCIAL GROUP	80130500	WELCH RICHARD LAWRENCE		
80124237	WARE JOHN PATRICK JR	80132718	WELCH W & ASSOCIATES		
80136517	WARE RAYMOND RANDOLPH	80134626	WELCH W KEY PROFESSIONAL CORP		
80125458	WARNER GROUP INC	80141559	WELCH WILLIAM JOSEPH		
80131691	WARNER INVESTMENT ADVISORS INC	80137262	WELLS EARLES LEIGHTON		
80115070	WARREN PATRICIA ARMSTRONG	80116668	WELLS REYNOLD WILLIAM		

80116928	WHITWELL OMER DWIGHT	80126359	WINELANDER ROGER WILLIAM	80140321	WYCKOFF SYSTEMS
80133633	WHOLEHAN & ASSOCIATES INC	80145657	WINFIELD WILLIAM NELSON		TECHNOLOGY INC /NJ/
80124119	WICK PATRICK ANTHONY	80120245	WINFREY JOE CRAWFORD	80146282	WYCOFF CAPITAL MANAGEMENT LLC /OK/
80123892	WICKERS ALONZO B	80134146	WINGFIELD CHARLES MILTON	80139697	WYMAC CAPITAL INC
80132703	WIEDERMAN ARTHUR STEWART	80153055	WINSTON LENNON HOLDINGS CORP INC	80145790	XPONENT HOLDINGS LTD /MI/
80125967	WIERS ENTERPRISES INC	80153310	WINT GARY E LLC	80144060	YACHAN GEORGE II /NC/
80109688	WIGGINS ROBERT GLENN	80135042	WINTON JOHN R & ASSOCIATES MICHIGAN INC	80141085	YACHECHAK KENNETH /MT/
80139921	WIGHT CHRISTOPHER SCOTT	80137342	WIRTH ISABELLE EILEEN	80123350	YAEGER SECURITIES INC
80127353	WIGHT FINANCIAL CONCEPTS CORP	80149766	WIS INC	80147382	YAGALLA MARK
80135972	WILBER ROBERT BRIAN	80125504	WISDOM JOHN CHARLES	80126242	YAGLE VERA ANN
80136739	WILCOX INVESTMENT ADVISORS INC	80153691	WISE FINANCIAL SERVICES CORP	80146178	YAMAICHI INTERNATIONAL AMERICA INC/NY/
80123845	WILDSTEIN STEVEN EDWARD	80128391	WISEMAN BRUCE DOUGLAS	80137526	YANG YUN FANG
80116266	WILE THOMAS FREDERICK	80141649	WITKOWSKI MICHAEL JAMES /IN/	80142117	YANOSKY DANIEL JEROME /GA/
80139820	WILEY CHARLES INC /TX/	80142946	WJG CONSULTING INC /NY/	80138985	YARMOUTH GROUP UK LTD
80154401	WILEY PAUL JR	80123941	WOLF & ROSHER FINANCIAL SERVICES	80129314	YEE PHILLIPS ASSOCIATES INC
80148981	WILKENS KENT EUGENE			80135538	YORK INVESTMENT MANAGEMENT
80123471	WILKERSON WILLIAM LANKFORD	80129397	WOLF FRANCIS JOHN JR	80152973	YORK MITCHELL PAUL
80133693	WILKINS PATRICK LAWRENCE	80129971	WOLF ROBERT HAROLD	80147029	YORKSHIRE INVESTMENT COUNSEL INC
80137192	WILKINSON DANIEL FRANCIS	80131034	WOLFE ISABEL JO KITAY	80129814	YOUENS VANCE GEORGE
80125352	WILLIAMS ALBERT GEORGE	80133295	WOLFF MICHAEL BARRY/CA	80144779	YOUNG ASSET ADVISER INC
80148277	WILLIAMS ALEXANDER BERNARD JR	80152403	WOLFF ROBERT LUNDY	80145439	YOUNG CHAUNCY CFP /NY/
80119669	WILLIAMS ARTHUR LYNCH JR	80151279	WOLFSON NATHAN CHARLES	80136124	YOUNG DEAN WILLIAM
80137644	WILLIAMS ASSOCIATES & COMPANIES INC	80136595	WOLFSON SUZANNE LEE /CA/	80123681	YOUNG KENNETH WILLIAM
80144235	WILLIAMS BRADLEY BRUCE	80121977	WOLL JAMES THOMAS	80121027	YOUNG STEPHEN CASSIN
80146475	WILLIAMS DAVID MERIL /NY/	80134085	WOLLERMAN EDWARD GUSTAVE	80116342	YOUNG STUART WESLEY
80151883	WILLIAMS DENNIS TODD	80141630	WOLMAN JEFFREY CHARLES LLOYD	80150741	YOUNGER PATRICK TIMOTHY
80132086	WILLIAMS JACK OLIVER			80111141	YOUNKIN WILLIAM MICHAEL
80126626	WILLIAMS JEANETTE R	80131078	WOLTERS LEWIS EDWIN	80137872	YOUSEM JOSEPH L CO INC
80128886	WILLIAMS JEFFREY SCOTT	80145448	WOMACK MARK ANDREW	80135763	YUNG DAVID KWOK
80104675	WILLIAMS JOHN MINORS	80137991	WONG GARY CORBETT	80128138	YUNKER FINANCIAL MANAGEMENT
80131120	WILLIAMS KELVIN DOUGLAS	80145585	WONG MATTHEW YUN	80136204	ZABETIAN MANSOUR
80128443	WILLIAMS KUEBELBECK & ASSOCIATES INC	80134823	WOO WALTER WING /MD/	80105077	ZABRONSKY ALAN /NY/
80136661	WILLIAMS LARRY DEDRICK	80135161	WOOD DAVID LYMAN JR	80131236	ZALE JOHN HENRY
80126974	WILLIAMS LINDA ANNE	80134739	WOOD JOHN EDMUND FITZGERALD JR	80152229	ZALL MILTON
80150716	WILLIAMS MICHAEL CHRISTOPHER	80143901	WOODALL NICK DON /TX/	80140529	ZAMMIELLO ROBERT CHARLES SR /PA/
80133582	WILLIAMS PATRICK BENNIKE	80132949	WOODBURY R F INVESTMENT CORP	80149173	ZAMPERINI MARK EDWARD
80143221	WILLIAMS PAUL CLIFTON	80143237	WOODCOCK BRUCE FREMONT JR	80142013	ZANETTE ANTHONY FRANCIS
80129464	WILLIAMS ROBERTA ANDERSON	80134083	WOODLAND INVESTMENT CO	80138879	ZB SECURITIES CORP
80136696	WILLIAMS TERRY RAY	80145538	WOODS GROUP INC	80149951	ZEBIA CAPITAL INC
80148663	WILLIAMS VINCENT & CO	80122123	WOODS THEOPHILOUS HENRY	80152496	ZEPHYR INVESTMENT MANAGEMENT INC
80154499	WILLIAMSON PAUL ALLEN	80149228	WOODSDALE CAPITAL PARTNERS INC	80142933	ZETSCH KURT JOHANN III /CA/
80143194	WILLIAMSON STEPHEN ALAN			80153169	ZHANG BILL
80133506	WILLMAN MARK ALAN /	80140756	WOODSHIRE CAPITAL MANAGEMENT INC	80126901	ZIEGER ALFRED RODNEY
80138274	WILLMAN MARK ALAN /MD/	80123135	WOODSIDE BETH WRIGHT /SC/	80124490	ZIMMERMAN DRAKE H
80146379	WILLMAX CAPITAL INC	80142075	WOOSHIN INVESTMENT MANAGEMENT CO LTD	80149466	ZIMMERMAN THOMAS EARL
80154451	WILLOUGHBY ANTHONY CLARK	80130964	WORCESTER JOHN PHILLIP JR	80133065	ZINDEL Z CORP
80136300	WILLSEY ALAN DOUGLAS	80139573	WORDEN FRANK NEWELL /VA/	80116494	ZINITS STEPHEN PAUL
80151805	WILME SCOTT STEPHAN	80122350	WORDWAY PLANNING CORP	80140386	ZINSSER AUGUST III
80139302	WILSON & ASSOCIATES INC /NY/	80148469	WORLD CAPITAL ADVISORS CORP	80121598	ZIOBRON EUGENE GERARD
80151426	WILSON ANTHONY LAMONT			80144879	ZITSMAN JAMES ARTHUR
80129530	WILSON CHARLES DENNY	80154427	WORLDWIDE FINANCIAL MANAGEMENT GROUP LLC	80153670	ZOE FINANCIAL GROUP INC
80126555	WILSON JAMES XAVIER	80151550	WORTH CAPITAL MANAGEMENT LLC	80136985	ZOELLER & ASSOCIATES SC /WI/
80113894	WILSON JOHN VICTOR JR	80143439	WOUTERS WILLY RENE ELISABETH	80144041	ZUKERMAN GERALD JULES /AZ/
80133426	WILSON KATHERINE ELAINE			80131530	ZWOLINSKI RAYMOND JOSEPH
80152566	WILSON KEATHEN AL	80138293	WP SECURITIES INC		
80149230	WILSON PHILIP SCOTT	80138356	WRIGHT CHRISTEL MESTNIK		
80130984	WILSON PHILIP SERVIS	80142143	WRIGHT CYNTHIA ROSEMAN PHD /TX/		
80114324	WILSON WOODROW				
80102573	WILT GLENN AUDUBON JR	80124495	WRIGHT DUGLAS EVANS		
80138287	WINDMERE REALTY ADVISORS INC	80151613	WRIGHT JAMES EDWARD		
		80137795	WRIGHT JEFFREY LEE		
80112521	WINDSOR S F CO	80142541	WRIGHT JOHN WINGO		
80146264	WINDWARD ASSET MANAGEMENT INC /NJ/	80132275	WRITERS & RESEARCH INC		
		80140671	WURTZ MARK THOMAS		

[FR Doc. 98-6431 Filed 3-12-98; 8:45 am]

BILLING CODE 8010-01-P

**SECURITIES AND EXCHANGE  
COMMISSION****Sunshine Act Meeting**FEDERAL REGISTER CITATION OF PREVIOUS  
ANNOUNCEMENT: [63 FR 10960, March 5,  
1998]

**STATUS:** Closed Meeting.  
**PLACE:** 450 Fifth Street, N.W.,  
Washington, D.C.

**DATE PREVIOUSLY ANNOUNCED:** March 5,  
1998.

**CHANGE IN THE MEETING:** Cancellation of  
Meeting.

The closed meeting scheduled for  
Tuesday, March 10, 1998, following the  
10:00 a.m. open meeting, has been  
cancelled.

At times, changes in Commission  
priorities require alterations in the  
scheduling of meeting items. For further  
information and to ascertain what, if  
any, matters have been added, deleted  
or postponed, please contact:

The Office of the Secretary (202) 942-  
7070.

Dated: March 10, 1998.

**Jonathan G. Katz,**  
Secretary.

[FR Doc. 98-6594 Filed 3-10-98; 4:41 pm]

BILLING CODE 8010-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-39728; File No. SR-CBOE-  
98-02]

### Self-Regulatory Organizations; Order Granting Approval of Proposed Rule Change by the Chicago Board Options Exchange, Inc. to Limit the Number of Consecutive Terms That May Be Served by the Chairman of the Executive Committee

March 6, 1998.

#### I. Introduction

On January 16, 1998, the Chicago  
Board Options Exchange, Inc. ("CBOE"  
or "Exchange") submitted to the  
Securities and Exchange Commission  
("SEC" or "Commission"), pursuant to  
Section 19(b)(1) of the Securities  
Exchange Act of 1934 ("Act")<sup>1</sup> and Rule  
19b-4 thereunder,<sup>2</sup> proposed rule  
change to amend Section 8.1(a) of the  
CBOE Constitution to limit the number  
of consecutive terms served by the  
Chairman of the Executive Committee.  
The proposed rule change was  
published for comment in the **Federal  
Register** on February 3, 1998.<sup>3</sup> No  
comments were received regarding the  
proposal. This order approves the  
proposal.

#### II. Description of the Proposal

Presently, the Chairman of the  
Executive Committee ("Chairman") is

elected to a one-year term and may  
serve an unlimited number of  
consecutive terms. Under the proposed  
rule change, an amendment to Section  
8.1 of the CBOE Constitution, the  
Chairman could serve consecutively a  
maximum of three one-year terms. For  
purposes of this limit, a combination of  
at least six months of a one-year term  
plus the next two one-year terms is  
considered to be three consecutive one-  
year terms. After an individual has been  
out of office for at least six months, that  
individual again becomes eligible to  
serve as Chairman.

#### III. Discussion

After careful review, the Commission  
finds that the proposed rule change is  
consistent with the requirements of  
section 6 of the Act. In particular, the  
Commission believes the proposal is  
consistent with Section 6(b)(3) of the  
Act.<sup>4</sup> Section 6(b)(3) requires, among  
other things, that the rules of the  
exchange assure a fair representation of  
its members in the administration of its  
affairs. By limiting the number of  
consecutive terms a person may serve as  
Chairman, the proposal should help to  
ensure that a broader range of  
individuals serve in that position. As a  
result, the proposal creates the  
opportunity for a broader cross section  
of market participants to be involved in  
the administration of the Exchange.

#### IV. Conclusion

*It is therefore ordered*, pursuant to  
Section 19(b)(2) of the Act,<sup>5</sup> that the  
proposed rule change (SR-CBOE-98-  
02) is approved.

For the Commission, by the Division of  
Market Regulation, pursuant to delegated  
authority.<sup>6</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 98-6526 Filed 3-12-98; 8:45 am]

BILLING CODE 8010-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-39731; File No. SR-NASD-  
98-19]

### Self-Regulatory Organization; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Interim Forms and Public Disclosure Program

March 6, 1998.

On March 2, 1998, the NASD  
Regulation, Inc. ("NASDR") filed with  
the Securities and Exchange  
Commission ("Commission" or "SEC")  
a proposed rule change, pursuant to  
Section 19(b)(1) of the Securities  
Exchange Act of 1934 ("Act"),<sup>1</sup> and  
Rule 19B-4 thereunder.<sup>2</sup> The proposed  
rule change is described in Items I, II,  
and III below, which Items have been  
prepared by NASDR. NASDR has  
designated this proposal as one  
constituting a stated policy, practice, or  
interpretation with respect to the  
enforcement of an existing rule under  
Section 19(b)(3)(A)(i)<sup>3</sup> of the Act, which  
renders the proposal effective upon  
receipt of this filing by the Commission.  
The Commission is publishing this  
notice to solicit comments on the  
proposed rule change from interested  
persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASDR is proposing to postpone the  
effective date of recently approved  
amendments to NASD Interpretive  
Material 8310-2 and Forms U-4 and U-  
5.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission,  
NASDR included statements concerning  
the purpose of and basis for the  
proposed rule change and discussed any  
comments it received on the proposed  
rule change. The text of these statements  
may be examined at the places specified  
in Item IV below. NASDR has prepared  
summaries, set forth in Sections A, B,  
and C below, of the most significant  
aspects of such statements.

<sup>4</sup> 15 U.S.C. 78f(b)(3). In approving this rule, the  
Commission has considered the proposed rule's  
impact on efficiency, competition, and capital  
formation. 15 U.S.C. 78c(f).

<sup>5</sup> 15 U.S.C. 78s(b)(2).

<sup>6</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> Securities Exchange Act Release No. 39585  
(January 27, 1998), 63 FR 5584.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(i).

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change*

1. Purpose

The proposed rule change postpones the effective date of the amendments set forth in SR-NASD-97-78 that was approved on January 20, 1998.<sup>4</sup> In that Release, the Commission approved amendments to NASDR's Public Disclosure Program ("PDP"), as set forth in Interpretive Material 8310-2, and amendments to the Forms U-4 and U-5. These amendments were to become effective on February 17, 1998.<sup>5</sup> Between January 20 and February 17, 1998, member firms expressed concern that they did not have sufficient time to change their operations for filing the Forms and for educating their employees as to changes in the Forms, and therefore requested that the implementation of the Forms be delayed for one month.<sup>6</sup> Because the Forms are designed to provide NASDR with information that will be used as the basis for the modification to the PDR, NASDR has determined that it is appropriate to delay the effective date for the amendments to Interpretive Material 8310-2 as well

2. Statutory Basis

NASDR believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6)<sup>7</sup> of the Act. NASDR believes that delaying the effective date of the new rules to ensure that members are provided with a sufficient amount of time to change their operations so that Forms U-4 and U-5 are properly submitted will not be inconsistent with these requirements.

<sup>4</sup> See Securities Exchange Act Rel. No. 39562 (January 20, 1998), 63 FR 3942 (January 27, 1998). See also Securities Exchange Act Rel. No. 39442 (December 11, 1997) 62 FR 66706 (December 19, 1997), (partially approving, on an accelerated basis, that portion of the proposed rule change giving the NASD the option of responding to electronic inquiries requesting employment and disciplinary history of its members and their associated persons).

<sup>5</sup> *Id.* at p. 3943.

<sup>6</sup> On February 17, 1998, the NASDR submitted a letter informing the Division that it was changing the implementation date of the Interim Forms U-4 and U-5 from February 17, 1998 to March 16, 1998. See letter from Alden S. Adkins, General Counsel, NASD Regulation, Inc., to Katherine A. England, Assistant Director, Division of Market Regulation, SEC, dated February 13, 1998.

<sup>7</sup> Section 15A(b)(6) requires that the rules of the Association be designed to prevent fraudulent and manipulative acts and practices, to remove impediments to and perfect the mechanism of a free and open market, and in general, to protect investors and the public interest.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

NASDR does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments were neither solicited nor received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(i) of the Act and subparagraph (e) of Rule 19b-4 thereunder<sup>8</sup> in that it constitutes a stated policy, practice, or interpretation with respect to the meaning of an existing rule.

At any time within 60 days of the filing of a rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by April 3, 1998.

<sup>8</sup> 17 CFR 240.19b-4(e)(1).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>9</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 98-6525 Filed 3-12-98; 8:45 am]

BILLING CODE 8010-01-M

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-39729; File No. SR-NASD-97-56]

**Self-Regulatory Organizations; Order Approving Proposed Rule Change and Amendment No. 1 Thereto and Notice of Filing and Order Granting Accelerated Approval to Amendment Nos. 2, 3, 4, 5, and 6 to Proposed Rule Change by the National Association of Securities Dealers, Inc., To Amend Rule 3110 and to Adopt New Rules 6950 Through 6957 Relating to the Creation of an Order Audit Trail System**

March 6, 1998.

**I. Introduction**

On July 29, 1997, NASD Regulation, Inc. ("NASDR"), a wholly-owned subsidiary of the National Association of Securities Dealers, Inc. ("NASD" or "Association"), submitted to the Securities and Exchange Commission ("SEC" or "Commission") on behalf of the NASD, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to adopt new rules relating to the creation of an order audit trail system ("Order Audit Trail System" or "OATS"). On August 25, 1997, the NASDR submitted Amendment No. 1 to the proposed rule change.<sup>3</sup>

The proposed rule change was published for comment in the **Federal**

<sup>9</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Letter from Joan C. Conley, Corporate Secretary, NASDR, to Katherine A. England, Assistant Director, Division of Market Regulation ("Division"). Commission, dated August 25, 1997 ("Amendment No. 1"). In addition to proposing technical corrections, Amendment No. 1: (1) expands the proposal's definition of "order," (2) clarified that the proposed requirements of Rule 3110(c) (regarding required books and records) would be temporary and only in effect from January 1, 1999, to January 31, 2000; (3) conforms the discussion section to the language of the proposed rule regarding effective dates for orders other than electronic orders; and (4) notices that the NASDR consulted generally with industry representatives and received a number of comment letters. The changes proposed in Amendment NO. 1 were incorporated into the Commission's notice of filing of the proposal prior to its publication in the **Federal Register**.

**Register** on September 5, 1997.<sup>4</sup> The Commission received eighteen comments on the proposal.<sup>5</sup> On October 9, 1997, the NASDR filed Amendment No. 2 to the proposed rule change.<sup>6</sup> The NASDR filed Amendment No. 3 to the proposed rule change on October 29, 1997.<sup>7</sup> On February 3, 1998, the NASDR filed Amendment No. 4 to the proposed

<sup>4</sup> See Securities Exchange Act Release No. 38990 (August 28, 1997) 62 FR 47096.

<sup>5</sup> See Letters to Jonathan G. Katz, Secretary, Commission from: Edward J. Johnsen, Vice President and Assistant General Counsel and Christopher R. Franke, Vice President and Compliance Manager, J.P. Morgan Securities, Inc. ("J.P. Morgan"), dated September 25, 1997; John B. Morgan, Director of Legal and Compliance, Mabon Securities Corp. ("Mabon"), dated September 24, 1997; John A. Goc, Senior Vice President, Equity Trading, Boston Institutional Services ("BIS"), dated September 19, 1997; Steven Alan Bennett, Senior Vice President and General Counsel, Banc One Corporation ("Banc One"), dated September 26, 1997; H. Michael Reese, Chief Financial Officer, HBK Finance L.P. ("HBK Finance"), dated September 23, 1997; Allen J. Thomas, Vice President, A.G. Edwards & Sons, Inc. ("A.G. Edwards"), dated September 26, 1997; Charles R. Hood, Senior Vice President and General Counsel, Instinet Corporation ("Instinet"), dated September 26, 1997; Brooke Berstein, Vice President and Counsel, Morgan Stanley & Co. Inc. ("Morgan Stanley"), dated September 29, 1997; James M. Davis, Managing Director of Compliance, The Franklin Templeton Group ("Franklin Templeton"), dated September 26, 1997; Richard O. Scribner, Director for Regulation, Salomon Brothers, Inc. ("Salomon Bros."), dated September 30, 1997; Timothy F. McCarthy, Charles Schwab & Co., Inc. ("Schwab"), dated September 30, 1997; Bernard L. Madoff, Chair, OATS Ad Hoc Committee, Securities Industry Association ("SIA"), dated October 6, 1997; James R. Orvis, Senior Vice President and Director of Operations, Advest, Inc. ("Advest"), dated October 7m 1997; John M. Ivan, Managing Director Compliance, Wheat First Butcher Singer ("Wheat First"), dated October 10, 1997; Robert B. Sloan, Partner, Director/Information Services, J.C. Bradford & Co. ("J.C. Bradford"), dated October 8, 1997; John J. Sanders, Jr., Principal, BancAmerica Robertson Stephens ("BancAmerica"), dated October 6, 1997; Kathryn G. Casparian, Director of Regulatory Affairs, Oppenheimer & Co., Inc. ("Oppenheimer"), dated October 15, 1997; and Robert E. Maina, First Vice President, Merrill Lynch ("Merrill Lynch"), dated October 17, 1997. Two additional letters were forwarded to the Commission subsequent to the close of the comment period. These consist of a letter from Bernard L. Madoff, Chair, OATS Ad Hoc Committee, SIA, to Richard G. Ketchum, Executive Vice President and Chief Operating Officer, NASD, dated December 3, 1997 and a letter to James M. Cangiano, Senior Vice President, Market Regulation, NASDR, from Charles R. Hood, Senior Vice President and General Counsel, Instinet, dated November 25, 1997.

<sup>6</sup> See Letter from John M. Ramsay, Deputy General Counsel, NASDR, to Katherine A. England, Assistant Director, Division Commission, dated October 7, 1997 ("Amendment No. 2"). In Amendment No. 2, the NASDR consent to an extension of the time periods specified in Section 19(b)(2) of the Act.

<sup>7</sup> See Letter from Joan C. Conley, Corporate Secretary, NASDR, to Katherine A. England, Division, Commission, dated October 28, 1997 ("Amendment No. 3"). In Amendment No. 3, the NASDR proposes to modify the numbering of the text of the proposed rules from 6900 through 6970 to 6950 through 6957.

rule change.<sup>8</sup> The NASDR filed Amendment No. 5 to the proposed rule change on February 11, 1998.<sup>9</sup> On March 5, 1998, the NASDR filed Amendment No. 6 to the proposed rule change.<sup>10</sup> This order approves the proposed rule change and Amendment No. 1. In addition, the Commission is publishing this notice to solicit comments on Amendment Nos. 2, 3, 4, 5, and 6 to the proposed rule change and is simultaneously approving those amendments on an accelerated basis.

## II. Background

OATS is intended to fulfill one of the undertakings contained in the order issued by the SEC relating to the settlement of an enforcement action against the NASD for failure to adequately enforce its rules.<sup>11</sup> Pursuant to the SEC Order, the Association agreed to design and implement by August 8, 1998 (or as specified by further order of the Commission) an order audit trail sufficient to enable the Association to reconstruct markets promptly, conduct

<sup>8</sup> See Letter from Mary N. Revell, Associate General Counsel, NASDR, to Howard Kramer, Associate Director, Division, Commission, dated February 3, 1998 ("Amendment No. 4"). In Amendment No. 4, the NASDR proposes to amend the proposal to, among other things: (1) modify the specifications for electron orders to conform to the industry standard of an eight character order identifier and to delete the requirement to pass the order origination date; (2) extend the phase-in of the OATS implementation schedule, as discussed in section III.E. below; (3) revise the definition of the term "electronic order;" (4) define the terms "Electronic Communication Network" and "manual order;" (5) clarify the treatment of bunched orders; (6) revise the test of proposed Rule 6954 to separately address four different order transmittal scenarios; (7) limit the reporting requirements of ECNs; and (8) make technical corrections.

<sup>9</sup> See Letter from Mary N. Revell, Associate General Counsel, NASDR, to Howard Kramer, Associate Director, Division, Commission, dated February 11, 1998 ("Amendment No. 5"). In Amendment No. 5, the NASDR proposes to amend the text of proposed Rule 6954(c) and Amendment No. 4 to delete provisions stating that the information to be recorded by a Reporting Member operating an ECN is that information provided to the ECN by the transmitting Reporting Member.

<sup>10</sup> See Letter from Mary N. Revell, Associate General Counsel, NASDR, to Howard Kramer, Associate Director, Division, Commission, dated March 5, 1998 ("Amendment No. 6"). In addition to several clarifying technical amendments, the NASDR proposes in Amendment No. 6 to: (1) reinstate and amend the books and records provisions of Rule 3110, previously deleted in Amendment No. 4, to require members to record certain information; (2) revise proposed Rule 6954(c)(1) to exempt from reporting to OATS orders routed from one department within a member to the member's trading desk; (3) revise the implementation date for electronic orders transmitted to a market maker or an ECN to March 1, 1999; and (4) clarify the proposed treatment of bunched orders.

<sup>11</sup> See *In the Matter of National Association of Securities Dealers, Inc.*; SEC Release No. 34-37538, August 8, 1996; *Administrative Proceeding File No. 3-9056 ("SEC Order")*.

efficient surveillance and enforce its rules.<sup>12</sup> OATS is required, subject to the Commission's approval, at a minimum, to (a) provide an accurate time-sequenced record of orders and transactions, beginning with the receipt of an order at the first point of contact between the broker-dealer and the customer or counterparty and further documenting the life of the order through the process of execution, and (b) provide for market-wide synchronization of clocks used in connection with the audit trail.<sup>13</sup>

The SEC Order was issued in response to the filings of the Commission's 21(a) Report.<sup>14</sup> In the Appendix to its 21(a) Report, the Commission stated that,

In the course of the investigation [of the NASD], the Commission staff encountered significant difficulties reconstructing activity in the Nasdaq market. Broker-dealer order tickets, among the most fundamental of records, were too often unavailable or inconvenient to retrieve. Timestamping was often unreliable for the purposes of determining compliance with applicable rules, such as the firm quote rule and limit order protection rules.

A further difficulty was the inadequate documentation of telephone orders received at [over-the-counter] trading desks. As noted above, order tickets if they were available at all, were not always reliably timestamped. Having reliable and accurate records of telephone orders is crucial to evaluating a market maker's compliance with the firm quote rule and trade reporting rule. Because telephone orders and transactions are a significant part of the activity in the Nasdaq market, the documentation of these orders and transactions is essential to adequate surveillance and compliance in the market.

The NASD has automated surveillance capabilities with respect to its current audit trail, although it has not consistently maintained adequate routine automated surveillance capabilities over the audit trail. Its surveillance and enforcement responsibilities with respect to market conduct has increased substantially in recent years. The adoption of limit order protection rules in 1994 and 1995 and the frequency of backing away from quotations and late trade reporting revealed by this investigation, all indicate the need for an improved surveillance capability. In light of the high volume of trading on today's Nasdaq market and the dispersed nature of that market, these rules cannot be efficiently enforced through current NASD inspections and analysis of hard copies of order tickets and other records. Automated surveillance is essential if there rules are to be effectively enforced. This surveillance capability can only be implemented with an improved audit trail.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> See Report Pursuant to Section 21(a) of the Securities Exchange Act of 1934 Regarding the NASD and the Nasdaq Market, Release No. 34-37543, Commission, August 8, 1996.

Hundreds of millions of share trade very day on Nasdaq, and effective regulation of this market requires a comprehensive centralized and computerized recordkeeping system. Surveillance methods employed in this market must keep pace with the rapidly of trading done with computer technology. A comprehensive audit trail, beginning with the time an order is placed and continuing to record the life of the order through the process of execution, is essential to maintaining the integrity of the Nasdaq market. Such an audit trail would feature the computerized recordation of the time and terms of an order, and of the sequence of steps to execute the order. By providing the details, the enhanced audit trail would allow for prompt surveillance on a scale that cannot be attained with traditional methods of examination.<sup>15</sup>

### III. Description of the Proposal

In response to the findings in the 21(a) Report and the corresponding undertakings, the NASD proposed OATS. The proposed OATS would capture order information reported by NASD members. This information would be integrated with quote information and transaction information reported to the Automated Confirmation Transaction Service ("ACT")<sup>16</sup> to provide the Association with an accurate, time-sequenced record of orders and other transactions. In general, the OATS would impose obligations on member firms to record in electronic form and to report to the NASDR certain information with respect to orders originated, received, transmitted, modified, canceled, or executed ("reportable events") by NASD members relating to equity securities traded on The Nasdaq Stock Market, Inc. ("Nasdaq").<sup>17</sup> In addition, the proposal would require member firms to synchronize their business clocks and continually to keep them synchronized with a specific time designated by the Association.

The proposed OATS would be operated by the NASDR, the operating subsidiary of the Association that is responsible for regulating member firms and conducting surveillance of Nasdaq. The NASDR would obtain ACT transaction data from Nasdaq on a daily basis for purposes of constructing an integrated audit trail of transactions and order data, and NASD members would

be required to transmit ACT identifying information to the OATS.

The OATS requirements are set forth in proposed new Rules 6950 through 6957<sup>18</sup> of the NASD's Conduct Rules relating to an audit trail system owned and operated by the NASD. The proposed rules are summarized in subsection A below and are discussed in detail in subsection B-F.

In addition to adopting the new OATS rules, the proposal would amend NASD Rule 3110 to impose recordkeeping requirements on NASD members that are obligated to record and report information to the NASD under the OATS rules. Such members would be required to record, with respect to an order that is received or<sup>19</sup> executed at the members' trading department, the identification of each registered person who receives an order directly from a customer and the identification of each person who executes an order at a market maker's trading desk.<sup>20</sup> In addition, the revised Rule 3110 would require members to record the identification of the department of the member that originated an order that is transmitted manually to another department within a member.

#### a. Summary of Proposed New Rules

##### (1) NASD Rule 6951—Definitions

Proposed NASD Rule 6951 sets forth the definitions that apply to the new OATS rules. For example, the term "order" is defined as "any oral, written, or electronic instruction to effect a transaction in a [Nasdaq] equity security that is received by a member from another person for handling or execution, or that is originated by a department of a member for execution by the same or another member." Proposed Rule 6951 specifies that the term "order" does not include a market maker's proprietary transactions

<sup>18</sup> The original filing proposed numbering the text of the proposed rule 6900 through 6970. Subsequently, the numbering of the proposed rule was changed to 6950 through 6957. See Amendment No. 3, *supra* note 7.

<sup>19</sup> As originally proposed, Rule 3110 would have required a NASD member to record information pertaining to orders received and executed at its trading department. [emphasis added]. This language has been modified to require a NASD member to record information relating to orders received or executed at its trading department. Per phone conversation between Mary Revell, Associate General Counsel, NASDR, and Deborah Flynn, Division, Commission, on March 6, 1998.

<sup>20</sup> In Amendment No. 4, the NASDR deleted a proposed revision to NASD Rule 3110, that was proposed in the original proposed rule change and published for comment. The proposed provision required members to record the identification of each registered person who executes an order. See Amendment No. 4, *supra* note 8. In Amendment No. 6, the NASDR proposes to reinstate that provision. See Amendment No. 6, *supra* note 10.

originated by a trading desk in the ordinary course of an NASD member's market making activities. Proposed new Rule 6951, as amended, distinguishes between the terms "electronic order" and "manual order." An electronic order under the rule is an order "captured by a member in an electronic order-routing or execution system."<sup>21</sup> The term *manual order* is added to the amended proposal and is defined as "an order that is captured by a member other than in an electronic order-routing or execution system." The amended definition of the term *electronic order* makes clear that orders that are received manually and subsequently entered into an automated system will be considered electronic orders under the proposed OATS rules. The proposed rule defines the term *Reporting Member* as an NASD member that receives or originates an order and has an obligation to record and report information about that order to the NASDR under the applicable provisions of the OATS rules. Finally, the term "Reporting Agent" is defined in the proposal as "a third party member that enters into an agreement with another member pursuant to which the Reporting Agent agrees to fulfill such member's obligations under Rule 6955."

##### (2) NASD Rule 6952—Applicability

Proposed Rule 6952 establishes the scope of the proposed OATS rules. Specifically, proposed Rule 6952 clarifies that the proposed rules would apply to all NASD member brokers and dealers and to their associated persons and to all executed and unexecuted orders for equity securities traded on Nasdaq. In addition, proposed Rule 6952 makes clear that, notwithstanding their obligations under the proposed OATS rules, NASD members would be required to continue to comply with the other requirements contained in the Association's rules and By-Laws.

##### (3) NASD Rule 6953—Synchronization of Member Business Clocks

Proposed Rule 6953 would require each NASD member to synchronize its business clocks used for purposes of recording the date and time of any event that must be recorded pursuant to the By-Laws or other rules of the Association, with reference to a time source designated by the Association for this purpose, and to maintain the synchronization of business clocks in

<sup>21</sup> See Amendment No. 4, *supra* note 8. In the original proposal, the term *electronic order* was defined as an order "captured by members in electronic form upon or promptly after receipt."

<sup>15</sup> See Appendix to Report Pursuant to Section 21(a) of the Securities Exchange Act of 1934 Regarding the NASD and the Nasdaq Market, Commission, August 8, 1996, at 100-101.

<sup>16</sup> ACT is an automated system owned and operated by Nasdaq that captures transaction information in real-time. See Amendment No. 4, *Supra* note 8.

<sup>17</sup> The proposed rules do not apply to orders for stocks traded on the Bulletin Board, debt, and securities listed on national securities exchanges. See NASD proposed Rules 6951(j) and 6952(c).

conformity with procedures that the Association may prescribe.

(4) NASD Rule 6954—Recording of Order Information

Proposed Rule 6954 delineates the specific information that must be recorded, in terms of hours, minutes, and seconds, by NASD members in connection with the origination, receipt, transmission, modification, cancellation, or execution of an order for a Nasdaq equity security. The proposed rule would establish varying requirements, which are discussed in detail in section III.B. below, depending on, for instance, how the order is transmitted to the Reporting Member (*i.e.*, electronically or manually) and the intended recipient of the transmission (*i.e.*, another department within the same member, an ECN, or another member).

(5) NASD Rule 6955—Order Data Transmission Requirements

Proposed rule 6955 would mandate that the data required to be recorded under proposed Rule 6954 be transmitted by each Reporting Member or its designated Reporting Agent to the OATS in electronic form. The proposed rule would require the requisite information to be transmitted on the day the reportable event occurred, or the day that such information first becomes available. In addition, proposed Rule 6955 would specifically allow members to enter into written agreements with Reporting Agents under which such agents agree to fulfill the Reporting Member's reporting obligations arising under the proposed rule. Such agreements would not, however, relieve the member that originally receives or originates the order from its regulatory responsibilities under OATS.

(6) NASD Rule 6956—Violation of Order Audit Trail System Rules

Penalties for noncompliance with the OATS requirements are set forth in proposed Rule 6956. This provision makes clear that members' or associated persons' failure to comply with the proposed OATS rules would be considered conduct in violation of NASD Rule 2110. As a result, penalties that result from violations of NASD Rule 2110 also could apply to violations of the OATS rules.

(7) NASD Rule 6957—Effective Date

Finally, proposed Rule 6957 would establish the implementation schedule for the proposed new OATS rules.

*B. Information That Must Be Recorded*

Proposed Rule 6954 would require certain identifying information to be recorded at various important points during the life of an order. In addition to uniquely identifying the order, this information would assist the NASDR in carrying out its regulatory responsibilities with respect to that order. The required information items relate to: (1) the origin of an order (*i.e.*, in-house, customer, or another member); (2) whether the member relies upon a Reporting Agent to fulfill its reporting obligations; (3) how the order was received (*i.e.*, manually or electronically); (4) the terms of the order; (5) whether the order was transmitted for execution to another department within the member (other than to the trading department),<sup>22</sup> to another member, or to an electronic communications network ("ECN") and how it was transmitted (*i.e.*, manually or electronically); and (6) whether the order was modified, canceled or executed.

(1) Origin of the Order

At the point that an order is received or originated, the Reporting Member must record certain information items to identify where the order came from and when it was received or originated, including: an order identifier assigned by the Reporting Member for the date the order was received;<sup>23</sup> the market participant symbol assigned by the Association to the Reporting Member;<sup>24</sup> the date and time the order was originated or received;<sup>25</sup> an identification of any department or the identification number of any terminal where an order is received directly from a customer;<sup>26</sup> and where an order is originated by a Reporting Member, an identification of the department of the member where the order originated.<sup>27</sup>

(2) Reliance Upon a Reporting Agent

Under the terms of the proposal, a member would be required to record, at the time of origination or receipt of an order, the identification of the Reporting Agent if the member relies upon a Reporting Agent to fulfill its reporting

<sup>22</sup> The NASDR proposes to revise proposed Rule 6954(c)(1) to require members to report to OATS only orders transmitted to departments within the firm other than to the trading department. See Amendment No. 6, *supra* note 10. OATS will assume that transmissions for which there is no routing report have been transmitted to the member's trading desk.

<sup>23</sup> See proposed Rule 6954(b)(1).

<sup>24</sup> See proposed Rule 6954(b)(3).

<sup>25</sup> See proposed Rule 6954(b)(16).

<sup>26</sup> See proposed Rule 6954(b)(4).

<sup>27</sup> See proposed Rule 6954(b)(5).

obligations arising under the OATS rules.<sup>28</sup>

(3) How an Order is Received

The proposed rules would not require specific information items to be recorded to identify how the original Reporting Member received the order (*i.e.*, electronically or manually). Nonetheless, as discussed in section III.A.(1) above, proposed Rule 6951 distinguishes between electronic and manual orders. For purposes of the OATS rules, the distinction between electronic and manual orders is particularly significant as it relates to the implementation schedule set forth in proposed Rule 6957, details of which are provided in section III.E. below.

(4) Terms of the Order

Proposed Rule 6954 also would require certain information items directly related to the terms of the order itself to be recorded at the time of origination or receipt of an order. These information items include: the identification symbol assigned by the Association to the security;<sup>29</sup> the number of shares to which the order applies;<sup>30</sup> the designation as a buy or sell order;<sup>31</sup> the designation as a short sale order;<sup>32</sup> the designation as a market order, limit order, stop order or stop limit order;<sup>33</sup> any limit or stop price prescribed in the order;<sup>34</sup> the time limit during which the order is in force;<sup>35</sup> any special handling requests<sup>36</sup> contained in the order;<sup>37</sup> any request by a customer that an order not be displayed, or that a block size order be displayed pursuant to Rule 11Ac1-4(c);<sup>38</sup> the date on which the order expires, and if less than one day, the time when the order expires;<sup>39</sup> the type of account for which the order is placed;<sup>40</sup> and whether the order is related to a Program Trade or an Index Arbitrage Trade.<sup>41</sup>

<sup>28</sup> See proposed Rule 6954(b)(6).

<sup>29</sup> See proposed Rule 6954(b)(2).

<sup>30</sup> See proposed Rule 6954(b)(7).

<sup>31</sup> See proposed Rule 6954(b)(8).

<sup>32</sup> See proposed Rule 6954(b)(9).

<sup>33</sup> See proposed Rule 6954(b)(10).

<sup>34</sup> See proposed Rule 6954(b)(11).

<sup>35</sup> See proposed Rule 6954(b)(13).

<sup>36</sup> According to the NASDR, examples of special handling requests include the following types of requests: Kill or Fill, All or None, Not Held, Immediate or Cancel, Market at Open, Market at Close, Over the Day, Scale, Work, Minimum Quantity, and Peg. See Amendment No. 4, *supra* note 8.

<sup>37</sup> See proposed Rule 6954(b)(15).

<sup>38</sup> See proposed Rule 6954(b)(14).

<sup>39</sup> See proposed Rule 6954(b)(12).

<sup>40</sup> See proposed Rule 6954(b)(18).

<sup>41</sup> See proposed Rule 6954(b)(17). Transaction data for trades that are part of a program trade or index arbitrage strategy is required by the New York

## (5) Transmission of an Order

Proposed Rule 6954 also requires information to be recorded regarding how and to whom an order is transmitted.

*Transmitted to Another Department Within the Member-Firm*—Pursuant to proposed Rule 6954(c)(1), when a Reporting Member transmits an order to another department within the member other than to the trading department,<sup>42</sup> the member would be required to record the following information: the order identifier assigned to the order by the member; the market participant symbol assigned by the Association to the member; the date the order was first received or originated by the member; an identification of the department to which the order was transmitted; and the date and time the order was received by that department.

*Electronically Transmitted to Another Member*—When an order is electronically transmitted to another member, other than for execution on an ECN, proposed Rule 6954(c)(2) would require certain information to be recorded by the transmitting and receiving members. The *transmitting* Reporting Member must record the following information: the order identifier assigned to the order by that firm; the respective market participant symbols assigned by the Association to the transmitting member and to the member to which the order is transmitted; the date the order was originally received or originated by the Reporting Member; the date and time the order is transmitted; and the number of shares to which the transmission applies.

The *receiving* member would be required to capture all of the elements prescribed in proposed Rule 6954(b) that apply with respect to the order. In addition, the receiving member would be required to record: the order identifier assigned to the order by the transmitting member; and the transmitting member's market participant symbol assigned by the Association.

*Electronically Transmitted to an ECN*—Pursuant to proposed Rule 6954(c)(3), when a member electronically transmits an order for execution on an ECN, the *transmitting* member would be required to record: the fact that the order was transmitted to an ECN; the order identifier assigned to the order by the transmitting member; the respective market participant symbols assigned by the Association to

the transmitting member and to the ECN; the date the order was first originated or received by the transmitting Reporting Member; the date and time the order is transmitted; and the number of shares to which the transmission applies.

The *receiving Reporting Member operating the ECN* would be required to record, in addition to the applicable information items specified in proposed Rule 6954(c)(3)(B)(iii), the fact that the order was received by an ECN and the market participant symbol assigned by the Association to the member transmitting the order to the ECN.

*Manually Transmitted to Another Member Other Than an ECN*—Proposed Rule 6954(c)(4) sets forth the recording obligations for manual transmissions of orders between members other than ECNs. Pursuant to the proposal, *transmitting* members would be required to record: the fact that the order was transmitted manually; the order identifier assigned to the order by the transmitting member; the respective market participant symbols assigned by the Association to the transmitting and receiving members; the date the order was first originated or received; the date and time the order is transmitted; the number of shares to which the transmission applies; and for each order to be included in a bunched order, the bunched order route indicator.<sup>43</sup>

The member *receiving* a manual transmission would be required to record, in addition to all other applicable information items set forth in proposed Rule 6954(b), the fact that the order was received manually and the market participant symbol assigned by the Association to the transmitting member.

*Manually Transmitted to an ECN*—Proposed Rule 6954(c)(5) specifies the obligations that would arise under the rules when a member manually transmits an order to an ECN. The *transmitting* member would be required to record: the fact that the order was transmitted manually; the order identifier assigned to the order by the transmitting member; the respective market participant symbols of the transmitting member and the ECN; the date the order was first originated or received; the date and time the order is transmitted; the number of shares to which the transmission applies; and for

each order to be included in a bunched order, the bunched order route indicator.<sup>44</sup>

The *receiving* ECN would be required to report: the fact that the order was received manually; the market participant symbol assigned by the Association to the transmitting member; and all other applicable information with respect to the order as set forth in proposed Rule 6954(c)(5)(B)(iii).

## (6) Modifications, Cancellations, and Executions

Proposed Rule 6954 also requires NASD members to record certain information to identify the disposition of the order (*i.e.*, whether it was modified, canceled, or executed).

*Modifications*—Pursuant to proposed Rule 6954(d), whenever an NASD member modifies the terms of an order that it has originated, or receives a modification to the terms, the OATS would treat the modification effectively as a cancellation of the original order and a replacement by the modified order. Accordingly, all information prescribed by the rule would need to be recorded pursuant to proposed Rule 6954(b) as if the order was originated or received at the time of the modification. In addition, to permit the linkage by the OATS of the modified order to the original one, the proposal would require the member to record the following information: the order identifier that was assigned to the order by the member prior to the modification; the date and time the modification was originated or received; and the date the original order was first originated or received by the member.

*Cancellations*—In the event of a cancellation of an existing order, whether it is a total or partial cancellation, the following elements would be required to be recorded pursuant to proposed Rule 6954(d)(2): the order identifier assigned by the member; the market participant symbol assigned to the Reporting Member by the Association; the date the order was first originated or received by the member; the date and time the cancellation was originated or received; if the open balance of an order is canceled after a partial execution, the number of shares canceled; and whether or not the order was canceled at the instruction of the member, or a customer.

*Executions*—For executed orders, members would be required, under proposed Rule 6954(d)(3), to record: the order identifier assigned by the member; the market participant symbol assigned

Stock Exchange to be transmitted to ACT with respect to securities listed on that exchange.

<sup>42</sup> See note 22, *supra*.

<sup>43</sup> See Amendment No. 6, *supra* note 10. In Amendment No. 6, the NASDR proposes to clarify the rule language with respect to bunched orders. Amendment No. 6 revises the rule language to make clear that a bunched order route indicator must be reported for each manual order included in a bunch.

<sup>44</sup> *Id.*

by the Association to the member; the date the order was first originated or received by the member; the member's number assigned for purposes of identifying transaction data in ACT; the designation of the order as fully or partially executed; the number of shares to which a partial execution applies and the number of unexecuted shares remaining; the identification number of the terminal where the order was executed; and the date and time of execution.

### C. Information That Must Be Reported to the OATS

Proposed Rule 6955 requires that all applicable order information that must be recorded under proposed rule 6954 be reported to the OATS by either the member or by a Reporting Agent under a written agreement, as described in paragraph (c) of proposed Rule 6955.<sup>45</sup> The proposal would require order information to be submitted to the OATS in either single or multiple electronic file transmissions on the same day that the order was received, originated, canceled, modified, transmitted to another department within the member or to another member, or executed. Where information concerning a particular order is not complete or changes, proposed Rule 6955 would require the additional information to be reported to the OATS on the day that the information first becomes available.

### D. Synchronization of Clocks

In addition to the recordkeeping and reporting requirements discussed above, proposed Rule 6953 would require that the business clocks of all member firms that are used for purposes of recording the date and time of any event that must be recorded pursuant to the By-Laws or other rules of the NASD be appropriately synchronized to one time source designated by the NASD. Market-wide synchronization of business clocks was included as a element of one of the undertakings contained in the SEC Order.<sup>46</sup> Proposed Rule 6953 would require members to initially synchronize their clocks and to follow procedures prescribed by the NASD to continuously maintain synchronization.

<sup>45</sup> As discussed above, proposed Rule 6955(c) contains a special provision that allows a member to enter into a written agreement with a Reporting Agent pursuant to which such agent agrees to report order information to OATS on its behalf. However, the member that actually receives or originates the order would remain primarily responsible for fulfilling each of its obligations under the proposal.

<sup>46</sup> See note 11, *supra*.

### E. Effective Dates

The proposed effective dates for the requirements of the proposal are set forth in proposed Rule 6957. As amended, the proposal would require all members to synchronize their computer system clocks and all mechanical clocks that record times for regulatory purposes by August 7, 1998, and July 1, 1999, respectively.<sup>47</sup> In addition, the implementation schedule, as amended,<sup>48</sup> would require that electronic orders received at the trading department of a member that is a market maker in the subject securities and those received by ECNs be entered into the OATS<sup>49</sup> as of March 1, 1999 ("Phase One").<sup>50</sup> Information items relating to all electronic orders would be required to be reported to the OATS by August 1, 1999 ("Phase Two").<sup>51</sup> Further, the proposed OATS rules would apply to all manual orders as of July 31, 2000 ("Phase Three").<sup>52</sup> With respect to manual orders and all orders received by ECNs, however, the data required to be electronically recorded and transmitted to the OATS is limited to

<sup>47</sup> As originally filed, the proposal required NASD members to synchronize their business clocks by February 2, 1998. In Amendment Nos. 4 and 6, the NASDR proposed to delay the effective date of the implementation of this requirement. See Amendment Nos. 4 and 6, *supra* notes 8 and 10.

<sup>48</sup> In response to concerns raised by commenters that the proposed implementation dates did not provide sufficient time for necessary systems changes, the NASDR proposes to amend the implementation schedule to allow NASD member firms additional time to develop and test their systems' capabilities to record and transmit orders to the OATS. See Amendment No. 4, *supra* note 8.

<sup>49</sup> Not all information relating to electronic orders received by market makers will be required to be reported to the OATS as of this date. Specifically, the NASDR proposes that market makers be required to report information item (18) (type of account for which the order is submitted) of Rule 6954(b) only to the extent that such information item is available. Market makers would not be required to report information items (5) (identification of the department of the member originating an order) and (18) (type of account for which the order is submitted) of proposed Rule 6954(b) and information items (2)(A) (recordkeeping requirements of the transmitting member for an order electronically transmitted to another member), (2)(B)(i) (order identifier assigned to the order by the transmitting member), (3)(A) (recordkeeping requirements of the transmitting member for an order electronically transmitted to an ECN), (4)(A) (recordkeeping requirements of the transmitting member for an order manually transmitted to another member) and (5)(A) (recordkeeping requirements of the transmitting member for an order manually transmitted to an ECN) of Rule 6954(c) until August 1, 1999. See Amendment No. 4, *supra* note 8.s, 4 and 6, *supra* notes 8 and 10.

<sup>50</sup> In Amendment No. 6, the NASDR proposes to implement Phase One by March 1, 1999, rather than February 1, 1999, as proposed in Amendment No. 4. See Amendment Nos. 4 and 6, *supra* notes 8 and 10.

<sup>51</sup> See Amendment No. 5, *supra* note 8.

<sup>52</sup> *Id.*

information that is expected to be readily available at the trading desk.<sup>53</sup>

The proposed books and records requirements, set forth in Rule 3110(c)(1) and (2), pertaining to the identification of the registered representative who receives an order directly from a customer and the identification of each registered person who executes the order, would be effective on March 1, 1999.<sup>54</sup> The proposed recordkeeping requirements, set forth in Rule 3110(c)(3), applicable to orders originated by a member and manually transmitted to another department within the member firm, would be effective on July 31, 2000.<sup>55</sup>

### F. Penalties for Noncompliance

Finally, pursuant to proposed Rule 6956, a member's failure to comply with any of the requirements set forth in the proposed rules may be considered conduct that is inconsistent with high standards of commercial honor and just and equitable principles of trade, in violation of NASD Rule 2110.

## IV. Summary of Comments

The Commission received 18 comment letters on the proposed rule change, 16 of which were submitted by broker-dealers.<sup>56</sup> One comment letter was submitted by a trade association representing securities firms, and one was submitted by an ECN.<sup>57</sup> The commenters generally supported the proposal, recognizing the importance to the NASD's surveillance efforts of a

<sup>53</sup> Specifically, with respect to manual orders, information item (18) (type of account for which the order is submitted) of Rule 6954(b) would be required to be reported only to the extent that such information item is available. Information items (4) (identification of any department or the identification number of any terminal where an order is received) and (5) (identification of the department of the member originating an order) of proposed Rule 6954(b) and (1) (recordkeeping requirements for orders transmitted to another department within the member) specified in proposed Rule 6954(c) would not be required to be recorded and reported with respect to manual orders. In addition, information items (4) (identification of any department or identification number of any terminal where an order is received), (5) (the identification of the department of the member that originates the order), (9) (the designation of the order as a short sale), (14) (any request by a customer that an order not be displayed or that a block size order be displayed, pursuant to Rule 11Ac1-4(c)), (17) (the identification of the order as related to a Program Trade or an Index Arbitrage Trade), and (18) (the type of account for which the order is submitted) specified in proposed Rule 6954(b) would not be required to be recorded and reported by ECNs receiving orders either electronically or manually. See Amendment Nos. 4 and 6, *supra* notes 8 and 10.

<sup>54</sup> See Amendment No. 6, *supra* note 10.

<sup>55</sup> *Id.*

<sup>56</sup> See note 5, *supra*.

<sup>57</sup> *Id.*

reliable mechanism for reconstructing orders from the time of receipt through execution. As discussed below, however, the commenters expressed a number of concerns regarding the feasibility of the proposal, as originally submitted.

#### A. Implementation Schedule

Twelve commenters stated that the proposed implementation schedule was unrealistic and overly ambitious and should be delayed.<sup>58</sup> Thirteen commenters believed the industry would be unable to meet the proposed deadlines due to the existing burdens on the industry's technical resources caused by the Year 2000 conversion, the implementation of the Commission's Order Handling Rules, the move to trading in sixteenths and efforts to prepare for the move to decimal-based pricing.<sup>59</sup> Four commenters noted that the Association's failure to provide timely technical specifications made the proposed implementation dates unworkable.<sup>60</sup> Two commenters recommended that, similar to the implementation of the Order Handling Rules, the implementation of the new OATS rules should be phased-in incrementally, beginning with a small group of issues.<sup>61</sup> A moratorium on enforcement for some specified period of time also was suggested by one commenter.<sup>62</sup>

In response to the commenters, the NASDR has proposed to delay the implementation schedule for the proposed rules, as discussed above in section III.E.<sup>63</sup> However, the NASDR has neither proposed to modify the implementation schedule to phase-in a certain number of stocks incrementally nor proposed a moratorium on enforcement.

#### B. Costs of Proposal

As noted above, thirteen commenters noted the significance of the existing burdens on the industry's technical and financial resources associated with the Year 2000 conversion, the implementation of the Commission's Order Handling Rules, the move to

trading in sixteenths and efforts to prepare for the move to decimal-based pricing.<sup>64</sup> Similarly, six commenters expressed concerns regarding the substantial initial costs to be incurred as a result of the implementation of the proposal.<sup>65</sup> The commenters complained that such costs were not justified by the NASD in its proposal. Several commenters also expressed concerns that OATS would reduce market liquidity, increase costs to investors and place smaller firms at a competitive disadvantage.<sup>66</sup> In addition, two commenters complained that the proposed OATS would slow customer executions.<sup>67</sup>

In response to cost concerns, the NASDR notes that while it has considered the costs to firms of implementing the system, the proposed OATS is directly responsive to a mandate issued by the Commission.<sup>68</sup> In addition, the NASDR notes that the proposed modifications to the recordkeeping and reporting requirements, coupled with the proposed delay in the implementation schedule and the OATS' reliance on historical, rather than real-time data, should help to reduce the cost of the proposal.<sup>69</sup>

#### C. Technological Interface Concerns

Three commenters cited potential problems created by the incompatibility of different order routing and execution systems used both within firms and between firms.<sup>70</sup> One of those commenters further noted potential issues arising from the fact that within certain firms, orders received electronically (which would have fit within the definition of "electronic order" as originally proposed) may be dealt with manually at some point and therefore, should not be considered electronic for purposes of the proposal.<sup>71</sup> In response to concerns regarding the distinctions between electronic and manual orders, the NASDR amended proposed Rule 6951 to revise the definition of the term "electronic order" and add a definition of the term "manual order."<sup>72</sup> In

addition, the NASDR proposes to amend proposed Rules 6954 and 6957 to modify the recordkeeping requirements and the implementation dates, respectively, applicable to manual orders.<sup>73</sup>

#### D. Bunched Orders

Three commenters expressed concerns that the proposed prohibition on bunching of orders or aggregation of order flow would result in decreased market efficiency and increased transaction costs.<sup>74</sup> In response, the NASDR proposes to amend its proposal to explicitly allow for bunched orders, aggregated prior to execution.<sup>75</sup> As discussed above, the NASDR proposes to amend Rule 6954 to require members transmitting manual orders in a bunch to record and report for each order to be included in a bunched order, the bunched order route indicator assigned by the transmitting member.<sup>76</sup>

#### E. Preferred Stock

One commenter noted that because of its similarity to debt instruments, many member firms trade preferred stock in their fixed income departments.<sup>77</sup> The commenter recommended that, as a result, preferred stock should be excluded from the proposed OATS requirements.<sup>78</sup> The NASDR has not amended its proposal to provide a specific exemption from the requirements of the OATS rules for preferred stock.<sup>79</sup>

#### F. Unique Order Identifier and Other Order Transmission Issues

With respect to technical concerns raised by the proposal, three commenters recommended that the proposal be amended to allow the unique order identifier to consist of the eight characters currently recognized by the industry as the Common Message Switch's standard order format.<sup>80</sup> One commenter stated that the mandated disclosure of a unique order identifier, which may contain proprietary information relating to a trader's strategies, would compromise the trader's ability to work the market to receive the best execution for the

<sup>58</sup> See Letters from J.P. Morgan, Mabon, Banc One, A.G. Edwards, Instinet, Morgan Stanley, Salomon Bros., Schwab, SIA, Advest, BancAmerica, and Oppenheimer, *supra* note 5.

<sup>59</sup> See Letters from J.P. Morgan, Mabon, A.G. Edwards, Instinet, Morgan Stanley, Salomon Bros., Schwab, SIA, Advest, Wheat First, J.C. Bradford, BancAmerica, and Oppenheimer, *supra* note 5.

<sup>60</sup> See Letters from J.P. Morgan, HBK Finance, SIA, and J.C. Bradford, *supra* note 5.

<sup>61</sup> See Letters from SIA and Merrill Lynch, *supra* note 5.

<sup>62</sup> See SIA Letter, *supra* note 5.

<sup>63</sup> See Amendment Nos. 4 and 6, *supra* notes 8 and 10.

<sup>64</sup> See note 59, *supra*.

<sup>65</sup> See Letters from Mabon, Banc One, HBK Finance, Instinet, Morgan Stanley, and Franklin Templeton, *supra* note 5.

<sup>66</sup> See Letters from Mabon, BIS, Banc One, and Schwab, *supra* note 5.

<sup>67</sup> See Letters from Instinet and Morgan Stanley, *supra* note 5.

<sup>68</sup> See note 11, *supra*.

<sup>69</sup> See Amendment No. 4, *supra* note 8.

<sup>70</sup> See Letters from Morgan Stanley, Schwab, and BancAmerica, *supra* note 5.

<sup>71</sup> See Morgan Stanley Letter, *supra* note 5.

<sup>72</sup> See Amendment No. 4, *supra* note 8. These definitions are discussed above in section III.A.

<sup>73</sup> See Amendment Nos. 4 and 6, *supra* notes 8 and 10.

<sup>74</sup> See Letters from A.G. Edwards, Instinet, and J.C. Bradford, *supra* note 5.

<sup>75</sup> See Amendment Nos. 4 and 6, *supra* notes 8 and 10.

<sup>76</sup> See Amendment No. 6, *supra* note 10.

<sup>77</sup> See Salomon Bros. Letter, *supra* note 5.

<sup>78</sup> *Id.*

<sup>79</sup> See Amendment No. 4, *supra* note 8.

<sup>80</sup> See Letters from J.P. Morgan, SIA, and Merrill Lynch, *supra* note 5.

customer.<sup>81</sup> Two commenters suggested that the OATS include a mechanism to provide a recap or acknowledgment of the transmission to be sent to the member firm.<sup>82</sup> Another commenter noted that transmission of data to the OATS must occur after-hours to allow member firms adequate time to process all business transactions.<sup>83</sup>

In response to the expressed concerns, the NASDR proposes to provide technical specifications that permit the order identifier for orders transmitted electronically other than to ECNs to contain the industry standard of only 8 characters, rather than the 12 characters initially proposed.<sup>84</sup> With respect to orders transmitted manually, the NASDR proposes to amend proposed Rule 6954 to eliminate the requirement that the order identifier and the order origination date be passed when the order is transmitted.<sup>85</sup>

#### G. Synchronization of Business Clocks

Several comments were addressed to the proposed synchronization of business clocks. One commenter stated that it would be impossible for member firms both to initially synchronize their manual business clocks and to maintain synchronization of all business clocks.<sup>86</sup> The same commenter also cited the difficulties inherent in requiring each registered representative to time-stamp and date every order, particularly those orders received when the representative is not in the office.<sup>87</sup> Another commenter recommended that synchronization of business clocks should be industry-wide and should include the automatic order entry and execution systems operated by the various exchanges.<sup>88</sup>

Other than to delay the implementation date of mandatory synchronization to August 7, 1998, for computer system clocks and July 1, 1999, for mechanical clocks, the NASDR has not modified its proposal in response to these comments.<sup>89</sup>

#### H. ECNs

One commenter noted the special problems the proposal would create for

ECNs.<sup>90</sup> Specifically, this commenter observed that the proposal would require ECNs to distinguish between market maker proprietary orders and other orders, which existing technology does not currently permit.<sup>91</sup> In addition, this commenter noted that the proposed treatment of order modifications as canceled or replaced is contrary to ECN users' practice of negotiating and trading directly with each other.<sup>92</sup>

In recognition of the unique characteristics of ECNs and in response to the concerns expressed in the comment letter from Instinet, an ECN, the NASDR proposes to limit ECN reporting to the OATS to the events that occur within the ECN. ECNs would be required to record and report only those information items that the member transmitting the order to the ECN has provided. The NASDR proposes that all orders transmitted to ECNs, regardless of how such orders were transmitted to the ECN, be treated like manual orders.<sup>93</sup>

#### I. Modifications to ACT and Other Alternatives to the OATS

Several alternatives to OATS were recommended by the commenters. For example, eight commenters recommended that rather than creating OATS, the Association should focus its efforts on improving the existing ACT system to incorporate the additional required information.<sup>94</sup> One commenter proposed that rather than requiring further development, the NASD should recognize existing electronic audit trails relied upon by member firms as appropriate vehicles for surveillance.<sup>95</sup> In addition, one commenter recommended that the NASD develop a uniformly available technology platform to be used by all industry participants for non-electronic orders.<sup>96</sup>

The NASDR has not modified the proposal in response to these comments. The NASDR stated that modifying ACT would be detrimental to the current function or capacity of the ACT system and might degrade the performance or trade reporting function of ACT.<sup>97</sup>

#### V. Discussion

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the

Act and the rules and regulations thereunder applicable to a national securities association.<sup>98</sup> Specifically, the Commission believes the proposal is consistent with the requirements of Section 15A(b)(6) of the Act.<sup>99</sup> That section requires that the rules of a national securities association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, and in general, to protect investors and the public interest.

As discussed in section II above, pursuant to the SEC Order, the NASD agreed to design and implement by August 8, 1998 or such later time as the Commission may order,<sup>100</sup> an order audit trail system that would enable the NASD to reconstruct markets promptly, conduct efficient surveillance and enforce its rules. At a minimum, the audit trail is required to: (a) provide an accurate, time-sequence record of orders and transactions which documents the receipt and life of the order and (b) market-wide synchronization of member firms' business clocks. In the Appendix to its 21(a) Report, the Commission stated that "[a] comprehensive audit trail, beginning with the time an order is placed and continuing to record the life of the order through the process of execution, is essential to maintaining the integrity of the Nasdaq market."<sup>101</sup> The Commission further noted that the implementation of an enhanced audit trail would "allow for prompt surveillance on a scale that cannot be attained with traditional methods of examination" and "would greatly facilitate the ability of the NASD and the Commission to protect the interests of investors."<sup>102</sup> The Commission believes that, as proposed, the OATS will satisfy both conditions of the SEC Order and is consistent with the requirements of Section 15A(b)(6) of the

<sup>98</sup> In approving this rule, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

<sup>99</sup> 15 U.S.C. 78o-3(b)(6).

<sup>100</sup> The Commission notes that the NASDR is prepared to meet the established August 1998 deadline. The implementation schedule was delayed not to accommodate the NASDR, but rather, at the request of the industry. The Commission finds the delayed implementation to be reasonable to enable the industry to effect the necessary systems conversions in an efficient and smooth manner.

<sup>101</sup> See note 14, *supra*.

<sup>102</sup> *Id.*

<sup>81</sup> See A.G. Edwards Letter, *supra* note 5.

<sup>82</sup> See J.P. Morgan and SIA Letters, *supra* note 5.

<sup>83</sup> See A.G. Edwards Letter, *supra* note 5.

<sup>84</sup> See Amendment No. 4, *supra* note 8. According to the NASDR, where two or more orders share the same order identifier, additional order details including information items in proposed Rule 6954(b) can be used to uniquely identify a particular order.

<sup>85</sup> See Amendment No. 4, *supra* note 8.

<sup>86</sup> See A.G. Edwards Letter, *supra* note 5.

<sup>87</sup> *Id.*

<sup>88</sup> See Merrill Lynch Letter, *supra* note 5.

<sup>89</sup> See Amendment No. 4, *supra* note 8.

<sup>90</sup> See Instinet Letter, *supra* note 5.

<sup>91</sup> *Id.*

<sup>92</sup> *Id.*

<sup>93</sup> See Amendment No. 4, *supra* note 8.

<sup>94</sup> See Letters from J.P. Morgan, BIS, HKB Finance, Morgan Stanley, SIA, BancAmerica, Oppenheimer, and Merrill Lynch, *supra* note 5.

<sup>95</sup> See Instinet Letter, *supra* note 5.

<sup>96</sup> See J.P. Morgan Letter, *supra* note 5.

<sup>97</sup> See Amendment No. 4, *supra* note 8.

Act<sup>103</sup> in that it will greatly assist both the NASD's and the Commission's efforts to more rapidly detect and punish fraudulent and manipulative acts and practices involving Nasdaq equity securities. OATS is designed to capture the type of information that the NASDR can use to prevent the trading abuses that threatened to undermine the integrity of its market and which harmed investors. In short, OATS is an integral part of the NASD's efforts, as mandated by its settlement with the Commission, to uphold its self-regulatory responsibilities to enforce its rules.

To the extent that commenters' suggestions could lessen the costs of OATS without diminishing its effectiveness, they have been adopted by the NASD in amendments to its proposal, as described below. As discussed in section IV above, a number of commenters stated that the proposed implementation schedule was unrealistic and should be delayed to allow member firms to prepare to comply with the OATS rules. The Commission notes that the NASDR responded to such comments by delaying the effective dates of the proposal and by phasing in the requirements more gradually. For example the Commission notes that under the original proposal, all electronic orders were subject to the OATS rules as of August 8, 1998. The amendment implementation schedule would apply the OATS rules as of March 1, 1999 only to electronic orders received by ECNs and the trading departments of members that are market makers in the securities that are the subject of the orders. All electronic orders will not be subject to the OATS rules until August 1, 1999, pursuant to Amendment No. 4.

The Commission believes that the proposed changes to the implementation schedule for the Order Audit Trail System are reasonable as the additional time provided should allow member firms ample opportunity to develop and test their systems to ensure compliance with the requirements of the proposed rules. The Commission notes that delaying the final effective date of the initial phase-in of the system by six months should provide the NASDR, market-makers, and ECNs adequate time for testing of the Order Audit Trail System prior to March 1, 1999. Member firms not subject to the March 1999 deadline may be expected to benefit from observing the implementation process and thereby, to better focus their own efforts to successfully prepare prior

to their scheduled implementation dates.

Further, the Commission believes that, given the critical role that market makers play in the market for Nasdaq equity securities, it is appropriate that the requirements of OATS would be effective first for the electronic orders received by market makers in those securities. In addition, the Commission notes that, although the March 1, 1999 effective date also applies to electronic orders received by ECNs, neither ECNs nor market makers will have to report any information to the OATS that is not readily available at trading desks by March 1, 1999. Therefore, the Commission believes that both the NASDR and Nasdaq market participants should have a sufficient opportunity to obtain important insight into the OATS process and to make any necessary systems changes prior to the August 1, 1999 effective date for all electronic orders.

As discussed in the Summary of Comments section above, member firms were particularly concerned about their ability to capture the required information regarding orders that are received manually. The Commission believes the proposed delay in implementing the requirements for manual orders until July 31, 2000 should provide adequate time for all member firms to either develop the necessary systems in-house or make arrangements to have their reporting obligations arising under the OATS rules fulfilled on their behalf by a Reporting Agent.

Several comment letters addressed the proposed synchronization of business clocks. The Commission notes that the requirement for synchronization of members' business clocks is a specified element of the undertakings contained in the SEC Order.<sup>104</sup> The Commission believes the reliability and usefulness of the OATS is contingent upon the synchronization of all applicable business clocks of all member firms. Determining whether members have complied with the OATS rules depends critically on establishing with confidence the time at which order information is received as measured by a source that is standard throughout the industry.<sup>105</sup> As discussed in section IV.G. above, the Commission notes that one commenter recommended that the proposed synchronization of business

clocks should be truly industry-wide and should include the automatic order entry and execution systems operated by the various exchanges.<sup>106</sup> The Commission supports a move toward industry-wide synchronization of clocks and believes the synchronization requirement in OATS is an important first step.

The Commission notes that NASD's members' obligation to maintain the synchronization of business clocks will be ongoing. The technical specifications proposed by the NASDR will require that the accuracy of clocks be resynchronized every day before the market opens. The proposed technical specifications further contemplate that business clocks would be checked against the standard clock periodically throughout the day at pre-determined intervals and re-synchronized, if necessary. The Commission further notes that compliance examinations, conducted by both the NASDR and the Commission, will include a review of member firms' compliance with these requirements, including the adequacy of procedures and the degree of accuracy of all business clocks. The Commission believes the proposed procedures should ensure the accuracy and reliability of business clocks that are used for trading and reporting purposes. Accordingly, the Commission believes that the proposed requirements relating to the synchronization of member business clocks is consistent with the requirements of Section 15A(b)(6) of the Act<sup>107</sup> insofar as a reliable record of the timing of reportable events should greatly assist the NASDR's efforts to detect and to punish fraudulent and manipulative activity more quickly.

The Commission also notes that a number of commenters expressed concerns regarding the original proposal to use a non-industry standard 12 character order identifier and problems with passing the order origination date. The proposed rules, as amended, would conform the requirements of the unique order identifier to comply with the industry standard, eight-character alphanumeric field and eliminate the requirement to pass the order origination date. According to the NASDR, the eight alphanumeric character order identifier will suffice to gather the needed information required by OATS. In situations where the unique order identifier is not transmitted, other order data required to be reported should allow orders to be uniquely identified. The Commission believes the proposed modifications to

<sup>104</sup> See note 11, *supra*.

<sup>105</sup> Synchronization of all business clocks also is important in evaluating compliance with other rules to which member firms are subject, including, among others, best execution obligations, firm quote rules, and prohibitions on frontrunning customer orders.

<sup>106</sup> See note 88, *supra*.

<sup>107</sup> 15 U.S.C. 78o-3(b)(6).

<sup>103</sup> 15 U.S.C. 78o-3(b)(6).

the requirements relating to the unique order identifier should reduce the requisite number of program changes and the amount of testing required of member firms without jeopardizing the usefulness of the data to be received by the NASDR. In turn, this amendment should lower the cost of the proposal and thereby, address, to some extent, the concerns expressed by several commenters relating to the costs associated with implementation of the proposal.<sup>108</sup>

Moreover, the Commission notes that for orders transmitted manually and all orders transmitted to ECNs, neither an order identifier nor an order origination date will be passed when the order is routed. In addition, in response to concerns expressed by several commenters,<sup>109</sup> only certain information items would be required to be recorded and reported to OATS. As these information items generally correspond to data that is expected to be readily available at trading desks at the time that the orders are received, the Commission believes that the proposal acknowledges the unique challenges OATS presents to member firms that handle manual orders and to ECNs. The Commission believes that the proposal, as amended, appropriately addresses these concerns as delineated above, while continuing to allow NASDR to track these orders through the OATS. The Commission further believes that, so long as manual orders and orders transmitted to ECNs can be manually matched by the NASDR, the proposed elimination of these requirements is appropriate.

In addition, the Commission believes the provisions of proposed Rule 6954(c) permitting a Reporting Agent to fulfill a member's reporting obligations should provide member firms with needed flexibility. These provisions, which require a written agreement and make clear that the member firm retains primary compliance responsibility for recording and reporting order information, should benefit smaller member firms by providing them with the option to rely on third parties to comply with the reporting obligations arising under the proposed rules. The

Commission believes that the provisions contained in proposed Rule 6955(c) should alleviate some of the concerns expressed by commenters that OATS would place smaller firms at a competitive disadvantage.<sup>110</sup>

The Commission notes that in response to concerns expressed by several commenters, the NASDR clarified that reporting of bunched orders would be permitted and required additional information to be recorded and reported with respect to such orders. The Commission believes the NASDR's proposed treatment is appropriate as it will allow those members that are accustomed to bunching their orders to continue to do so while permitting those manual orders that are bunched to be easily identified by the OATS.

The Commission notes that one commenter recommended that preferred stock be excluded from the proposed requirements.<sup>111</sup> The Commission believes that the NASDR's decision to not provide a specific exemption from the OATS, requirements for preferred stock is appropriate because the preferred stock is an equity security that poses many of the same surveillance concerns as common stock.

The Commission recognizes that there may be, particularly with respect to manual orders, information items not required to be recorded and reported by the proposal that could prove helpful to the NASD or the Commission in carrying out their regulatory responsibilities. Nonetheless, the Commission believes that the NASDR's proposal represents a significant and appropriate effort to satisfy the Commission mandate to develop and implement OATS, while attempting to minimize the costs imposed on the industry by such an undertaking. The Commission expects that during the process of implementing and reviewing OATS, the Commission and the NASDR will identify ways in which to improve OATS. The Commission fully expects the NASDR to submit proposals to modify the requirements of OATS, as needed, to enhance the effectiveness of OATS as a regulatory tool.

The Commission notes that the proposed revisions to NASD Rule 3110 would impose recordkeeping requirements on Reporting Members in addition to the recordkeeping and reporting requirements set forth in the OATS rules. Proposed Rule 3110(c) would require members to record the identification of the registered representative who receives an order directly from a customer, the

identification of each registered person who executes the order, and the identification of the department that originates an order that is manually transmitted to another department within the member firm. The Commission notes that the proposal, as originally submitted, required the identification of the individual receiving and the department originating an order to be recorded and reported to OATS. Although this information may be critical to the Commission and the NASDR for surveillance and enforcement purposes, the Commission believes, as noted above, that it is reasonable to require this information to be recorded, but not reported to OATS, to allow the implementation of OATS to proceed as quickly as possible. Again, after the Commission and the NASDR have gained experience with OATS, further modification to these requirements may be deemed necessary.

The Commission finds good cause for approving proposed Amendment Nos. 2, 3, 4, 5, and 6 prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. The Commission notes that Amendment Nos. 2 and 3 involve technical and procedural matters relating to the extension of the Commission's statutory review process and the numbering of the proposed rules. Accordingly, the Commission believes that Amendments Nos. 2 and 3 raise no issues of regulatory concern.

With respect to Amendment No. 4, the Commission notes that the Amendment, among other things, clarifies the proposal and extends the implementation schedule for the proposed changes. In Amendment No. 4, the NASDR clarifies its original proposal by redefining certain terms, such as "electronic order," and adding defined terms, such as "manual order," to more accurately reflect current industry understanding of those terms. Amendment No. 4 also revises proposed Rule 6954 to separately address four different order transmittal scenarios. The Commission supports these clarifications and believes they should assist member firms in their efforts to comply with the new requirements. The NASDR also proposes to delay the phase-in of the OATS implementation schedule to provide member firms with additional time to develop and test their systems prior to the mandatory implementation date. The Commission notes that the proposed extension of the effective dates is directly responsive to the comment letters submitted on the proposed rule.

<sup>108</sup> See discussion in section IV.B. above. The Commission recognizes that OATS will require some degree of systems changes by NASD members that will vary depending upon the business mix of the particular firm. These changes will entail costs for all NASD firms. Nevertheless, the Commission believes any costs are far outweighed by the substantial benefit to NASDR surveillance and enforcement that will arise from OATS. Without the implementation of OATS, it would be harder to detect and deter the types of trading abuses described in the Commission's 21(a) Report.

<sup>109</sup> See discussion in section IV.H. above.

<sup>110</sup> See note 66, *supra*.

<sup>111</sup> See note 78, *supra*.

In addition, Amendment No. 4 contains several proposed modifications to the proposed rule change, the majority of which will facilitate member compliance, often at a lower cost. For example, in response to a number of commenters' concerns, Amendment No. 4 proposes to modify the specifications for electronic orders to conform to the unique order identifier requirement to the industry standard of eight characters and to delete the requirement to pass the order origination date. The Commission believes that the proposed modifications relating to the technical specifications for electronic orders should substantially ease the compliance burden imposed on NASD members by the proposed rule without undermining the purpose of the OATS. Further proposed modifications contained in Amendment No. 4 would facilitate the reporting requirements relating to bunched orders. Amendment No. 4 also proposes to modify the proposal by limiting the reporting requirements applicable to ECN's to conform to those requirements applicable to manually transmitted orders.

Moreover, Amendment No. 5 proposes to delete the provisions in the proposed rule text stating that the information required to be recorded by the Reporting Member operating an ECN is that information provided to the ECN by the transmitting Reporting Member. The Commission notes that Amendment No. 5 proposes to conform the language of the text to the technical specifications for OATS developed by the NASDR. Consequently, the receiving ECN will be required to record the applicable information items specified in Rule 6954(c) at the time the order is received from the transmitting member. As discussed above, the Commission notes that the proposed modifications to the proposed rule change contained in Amendment Nos. 4 and 5 are directly responsive to the concerns expressed in comment letters submitted to the Commission.

Finally, Amendment No. 6 provides a number of clarifying and technical amendments which raise no issues of regulatory concern. Amendment No. 6 clarifies the treatment of bunched orders, and modifies the language of the proposed rule both to eliminate inapplicable references and to make the rule text easier to understand. Amendment No. 6 also revises the implementation date of Phase One of OATS to allow market participants additional time to implement the required systems changes and to conduct necessary testing.

Further, Amendment No. 6 eliminates the requirement under proposed Rule 6954(c)(1) that an order that is transmitted from one department to the trading desk of the same firm must be reported to OATS. As OATS will assume that transmissions for which there is no routing report have been transmitted to the member's trading desk, the Commission believes that this amendment will allow OATS to obtain sufficient information while reducing unnecessary recordkeeping and reporting burdens imposed on member firms.

In addition, Amendment No. 6, by amending NASD Rule 3110, reinstates the recordkeeping requirements initially proposed by the NASDR and published for comment by the Commission. In particular, Amendment No. 6 amends Rule 3110 to require information items pertaining to the identification of persons and departments receiving or originating orders to be recorded by Reporting Members. The Commission notes that such items were initially proposed to be recorded and reported to OATS and thus, Amendment No. 6 minimizes the reporting obligations of member firms while ensuring that vital identifying information continues to be available for regulatory purposes. Accordingly, the Commission believes that it is consistent with the Act in general and with Section 15A(b)(6) of the Act<sup>112</sup> in particular to approve Amendment Nos. 2, 3, 4, 5, and 6 to the proposed rule change on an accelerated basis.

#### VI. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning Amendments Nos. 2, 3, 4, 5, and 6, including whether the proposed Amendments are consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of all

<sup>112</sup> 15 U.S.C. 78o-3(b)(6).

such filings will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR-NASD-97-56 and should be submitted by April 3, 1998.

#### VII. Conclusion

The Commission believes that the proposal, as amended, should significantly assist the NASDR's efforts in fulfilling its regulatory responsibilities. The Commission further believes the proposed rules meet the minimum requirements for an order audit trail system imposed by the Commission in the SEC Order, which required a time-sequenced record of orders and market-wide synchronization of all member firms' business clocks. In addition, the OATS should provide a useful surveillance tool that will allow earlier detection of fraudulent activity for the benefit of investors and the public. Therefore, the Commission believes the approval of the proposed Order Audit Trail System, as amended, is appropriate and consistent with the requirements of the Act applicable to a national securities association, and in particular, with the requirements of Section 15A(b)(6) of the Act<sup>113</sup> and the rules and regulations thereunder.

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>114</sup> that the proposed rule change (SR-NASD-97-56), including Amendment Nos. 1, 2, 3, 4, 5, and 6, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>115</sup>

**Jonathan G. Katz,**  
Secretary.

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#### SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-39722; File No. SR-PHLX-97-46]

#### Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Proposed By-Law Amendments to Article IV, Section 4-8, Article V, Section 5-5, and Article XXII, Section 22-1

March 4, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934

<sup>113</sup> 15 U.S.C. 78o-3.

<sup>114</sup> 15 U.S.C. 78s(b)(2).

<sup>115</sup> 17 CFR 200.30-3(a)(12).

("Act"),<sup>1</sup> notice is hereby given that on February 11, 1998, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization.<sup>2</sup> The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### **I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Phlx, pursuant to Rule 19b-4 of the Act, seeks to amend By-Law Article IV, Section 4-8, the Disqualification of Governors; Article V, Section 5-5, Acting Chairman and Vacancies in the Office of Chairman or Vice Chairman; and Article XXII, Section 22-1, Amendment the By-Laws. The text of the proposed rule change is attached as Exhibit A.

### **II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

#### **A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

The Phlx is proposing an amendment to Article IV, Section 4-8 of the Phlx By-Laws in order to apply the Phlx Code of Conduct to members of the Board of Governors and to members of Standing Committees, Special Committees, and Subcommittees thereof. In addition, the

Exchange proposes to amend Article V, Section 5-5, to provide a mechanism to designate the Chief Operating Officer or another Senior Officer to assume the duties of Chairman on an interim basis in circumstances of an extended absence or inability of the Chairman to serve. The Exchange also proposes to amend Article XXII, Section 22-1 to clarify the procedures with respect to the submission of amendments to the By-Laws. This proposed amendment to Section 22-1 would raise from fifty to seventy-five the number of Phlx members required to offer an amendment to the By-Laws; would lengthen from two weeks to four weeks the time period in which a vote on a proposed amendment must be held; and would establish the date of the submission of the proposed amendment as the record date for determining the eligibility of members to vote on the proposed amendment. The proposal also changes the requirement that the proposed amendment be submitted to the Board. Under the proposal, the proposed amendment will be submitted to the Secretary.

The proposed rule change is consistent with Section 6 of the Act in general, and in particular, with Section 6(b)(5), in that it is designed to promote just and equitable principles of trade, prevent fraudulent and manipulative acts and practices, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, as well as to protect investors and the public interest. The proposed change to Article IV, Section 4-8 is intended to prevent potential conflicts of interest and to apply the Code of Conduct not only to members of the Board of the Exchange, but also to Standing Committees and Subcommittees thereof. In addition, the proposed amendments to Article V, Section 5-5 of the By-Laws are designed to provide a mechanism for designating the Chief Operating Office or another senior officer as the persons responsible for assuming the duties of the Chairman on an interim basis, and would define an "extended absence" and an "inability to act" of the Chairman of the Board. The proposed amendments to Section 22-1 of Article XXII of the By-Laws would clarify the procedures for offering amendments to the By-Laws, thereby fostering cooperation and

coordination with respect to Exchange administration and governance.<sup>3</sup>

#### **B. Self-Regulatory Organization's Statement on Burden on Competition**

The Phlx does not believe that the proposed rule change will impose any inappropriate burden on competition.

#### **C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others**

No written comments were either solicited or received.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Phlx consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR-Phlx-97-46 and should be submitted by April 3, 1998.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> The Phlx had originally submitted the filing on December 10, 1997; however, the portion of the filing containing proposed changes to the By-Law language (currently Exhibit A) was not included in the filing. At the Commission's request, the Phlx provided the proposed By-Law language. The Phlx made a complete filing on February 11, 1998. On February 13, 1998, the Phlx submitted Amendment No. 1 to the filing, in which it made technical corrections to the language contained in Exhibit A and provided support for the proposed changes to the By-Laws. See Letter from Murray L. Ross, Vice President and Secretary, Phlx, to Marie Ito, Special Counsel, Division of Market Regulation, Commission, dated February 13, 1998.

<sup>3</sup> See Amendment No. 1, cited in note 2, above.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>4</sup>

**Johathan G. Katz,**  
Secretary.

**Exhibit A**

New text is in italics; deleted text is bracketed.

*Article IV—Board of Governors;  
Disqualification of Governors*

Sec. 4-8. No Governor shall be disqualified from participating in any meeting, action or proceeding of the Board of Governors by reason of being or having been a member of a Standing or Special Committee which has made prior inquiry, examination or investigation of the subject under consideration. Nor shall any member of any such Committee be disqualified by reason of such membership from acting as a Governor upon an appeal from a decision of any such Committee. [But no person shall] Pursuant to the Exchange's Code of Conduct, no member of the Board of Governors or of any committee or subcommittee shall in any manner, directly or indirectly, participate in the [determination of any matter in which he is personally interested.] *determination of any matter substantially affecting his or her interest or the interests of any person in whom he or she is directly or indirectly interested. In any such case, the particular member shall disqualify himself or herself, or shall be disqualified by the Chair of the Board or chair of the relevant committee or subcommittee.*

*Article V—Chairman, Vice Chairman, and Officers of the Exchange; Acting Chairman and Vacancies in Office of Chairman or Vice Chairman*

Sec. 5-5. During the *extended* absence or inability to act of the Chairman of the Board, the Board shall designate [either of the Vice Chairmen to assume the presiding officer of the Board functions and] *the Chief Operating Officer or another senior officer to assume the duties of the Chairman on an ad interim basis. An extended absence or inability to act of the Chairman of the Board will occur if the Chairman is unable to fulfill his or her duties for a period longer than four weeks.* The Board of Governors shall select a successor to the Chairman of the Board if that office becomes permanently vacant. In case a vacancy shall occur in the office of either of the Vice Chairmen, the Nominating Committee shall select a successor to serve the remainder of the unexpired term, subject to approval by the Board.

*Article XXII—Amending the By-Laws; Amendments to By-Laws*

Sec. 22-1. Whenever [fifty] *Seventy-five* members of the Exchange shall offer, in writing, any amendment to the By-Laws, it shall be submitted to the [Board of Governors, who shall, within two weeks after the proposed amendment is filed with the Secretary of the Exchange,] *Secretary of the Exchange, who shall* submit it to the membership for vote thereon by ballot[,

under such regulations as the Chairman of the Board, with the approval of the Board of Governors, may direct]. *The vote shall be conducted within four weeks of the date of such submission. The record date for determining members entitled to vote on such amendment shall be set as the date of the submission.* Each member of the Exchange in good standing may vote in person or by proxy. If the number of members participating in the balloting exceeds one-half of the number of memberships then outstanding and the proposed amendment is approved by the affirmative vote of a majority of the votes cast, it shall thereupon become a part of the By-Laws.

[FR Doc. 98-6529 Filed 3-12-98; 8:45 am]

BILLING CODE 8010-01-M

**SMALL BUSINESS ADMINISTRATION**

**[Declaration of Disaster #3057; Amendment # 2]**

**State of California**

In accordance with a notice from the Federal Emergency Management Agency dated February 26, 1998, the above-numbered Declaration is hereby amended to include Los Angeles, Orange, Stanislaus, and Trinity Counties in the State of California as a disaster area due to damages caused by severe winter storms and flooding beginning on February 2, 1998 and continuing.

In addition, applications for economic injury loans from small businesses located in the contiguous Counties of Riverside, San Bernardino, and San Diego in the State of California may be filed until the specified date at the previously designated location.

All other information remains the same, i.e., the deadline for filing applications for physical damage is April 10, 1998 and for economic injury the termination date is November 9, 1998.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 5, 1998.

**Bernard Kulik,**  
*Associate Administrator for Disaster Assistance.*

[FR Doc. 98-6484 Filed 3-12-98; 8:45 am]

BILLING CODE 8025-01-M

**SMALL BUSINESS ADMINISTRATION**

**[Declaration of Disaster #3045; Amendment #4**

**State of Florida**

In accordance with notices from the Federal Emergency Management Agency dated February 26 and 27, and March 2,

1998, the above-numbered Declaration is hereby amended to include Levy and Putnam Counties in the State of Florida as a disaster area due to damages caused by severe storms, high winds, tornadoes, and flooding beginning on December 25, 1997 and continuing. This declaration is further amended to extend the deadline for filing applications for physical damage as a direct result of this disaster to April 6, 1998. The deadline for filing applications for economic injury remains October 6, 1998.

All counties contiguous to the above-name primary counties have been previously declared.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 3, 1998.

**Bernard Kulik,**  
*Associate Administrator for Disaster Assistance.*

[FR Doc. 98-6479 Filed 3-12-98; 8:45 am]

BILLING CODE 8025-01-P

**SMALL BUSINESS ADMINISTRATION**

**[Declaration of Disaster #3064]**

**State of New Jersey**

As a result of the President's major disaster declaration on March 3, 1998, I find that Atlantic and Cape May Counties in the State of New Jersey constitute a disaster area due to damages caused by a severe winter coastal storm, high winds, and flooding that occurred February 4-9, 1998. Applications for loans for physical damages may be filed until the close of business on May 2, 1998, and for loans for economic injury until the close of business on December 3, 1998 at the address listed below or other locally announced locations: Small Business Administration, Disaster Area 1 Office, 60 Rainbow Blvd. South, 3rd Floor, Niagara Falls, NY 14303.

In addition, applications for economic injury loans from small businesses located in the contiguous Counties of Burlington, Camden, Cumberland, Gloucester, and Ocean in the State of New Jersey may be filed until the specified date at the above location.

The interest rates are:

	Percent
Physical Damage	
Homeowners with Credit Available Elsewhere .....	7.250
Homeowners without Credit Available Elsewhere .....	3.625
Businesses with Credit Available Elsewhere .....	8.000
Businesses and Non-Profit Organizations without Credit Available Elsewhere .....	4.000

<sup>4</sup> 17 CFR 200.30-3(a)(12).

	Percent
Others (Including Non-Profit Organizations) with Credit Available Elsewhere .....	7.125
For Economic Injury Businesses and Small Agricultural Cooperatives without Credit Available Elsewhere ...	4.000

The number assigned to this disaster for physical damage is 306411 and for economic injury the number is 975800.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 5, 1998.

**Bernard Kulik,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 98-6483 Filed 3-12-98; 8:45 am]

BILLING CODE 8025-01-P

### SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3046; Amendment #2]

#### State of New York

In accordance with information received from the Federal Emergency Management Agency dated February 27, 1998, the above-numbered Declaration is hereby amended to extend the deadline for filing applications for physical damage as a direct result of this disaster to April 10, 1998. The deadline for filing applications for economic injury remains October 13, 1998.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 5, 1998.

**Bernard Kulik,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 98-6482 Filed 3-12-98; 8:45 am]

BILLING CODE 8025-01-M

### SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3049; Amendment 4]

#### State of Tennessee

In accordance with a notice from the Federal Emergency Management Agency dated February 23, 1998, the above-numbered Declaration is hereby amended to include Washington County in the State of Tennessee as a disaster area due to damages caused by severe storms and flooding beginning on January 6, 1998 and continuing through February 12, 1998.

In addition, applications for economic injury loans from small businesses located in the contiguous county of Hawkins, Tennessee may be filed until

the specified date at the previously designated location. Any counties contiguous to the above-named primary county and not listed herein have been previously declared.

All other information remains the same, i.e., the deadline for filing applications for physical damage is March 13, 1998 and for economic injury the termination date is October 13, 1998.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 26, 1998.

**Bernard Kulik,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 98-6485 Filed 3-12-98; 8:45 am]

BILLING CODE 8025-01-M

### SMALL BUSINESS ADMINISTRATION

**National Small Business Development Center Advisory Board; Public Meeting**

The U.S. Small Business Administration National Small Business Development Center Advisory Board will hold a public meeting on Monday, May 4, 1998, from 9:00 am to 5:00 pm, at the San Antonio Small Business Development Center, The University of Texas at San Antonio, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, please write or call Jorge F. Cardona, U.S. Small Business Administration, 409 Third Street, SW, Fourth Floor, Washington, DC, 20416, telephone number (202) 205-7303.

**Eugene Carlson,**

*Associate Administrator, Communications and Public Liaison.*

[FR Doc. 98-6481 Filed 3-12-98; 8:45 am]

BILLING CODE 8025-01-M

### SMALL BUSINESS ADMINISTRATION

**Region I—Boston District Advisory Council; Public Meeting**

The U.S. Small Business Administration Region I Advisory Counsel, located in the geographical area of Boston, will hold a public meeting at 10:00 a.m., on Thursday, April 2, 1998, at the Boston District Office, Room 265, to discuss such matters as may be presented by members and staff of the U.S. Small Business Administration, or others present.

For further information, please write or call Ms. Mary E. McAleny, District

Director, U.S. Small Business Administration, 10 Causeway Street, Room 265, Boston, Massachusetts 02222-1093, telephone (617) 565-5560.

**Eugene Carlson,**

*Associate Administrator, Office of Communications & Public Liaison.*

[FR Doc. 98-6478 Filed 3-12-98; 8:45 am]

BILLING CODE 8025-01-M

### SMALL BUSINESS ADMINISTRATION

**Region IX—Honolulu District Advisory Council; Public Meeting**

The Small Business Administration Region IX Honolulu District Advisory Council, located in the geographical area of Honolulu, Hawaii, will hold a public meeting at 10:00 a.m. on Wednesday, March 25, 1998, at the Business Information and Counseling Center, 1111 Bishop Street, Suite 204, Training Center, Honolulu, HI 96813, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call Andrew K. Poepoe, District Director, U.S. Small Business Administration, 300 Ala Moana Boulevard, Room 2-235 Honolulu, Hawaii 96850, telephone (808) 541-2965.

Dated: March 6, 1998.

**Eugene Carlson,**

*Associate Administrator, Office of Communications & Public Liaison.*

[FR Doc. 98-6480 Filed 3-12-98; 8:45 am]

BILLING CODE 8025-01-M

### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

**United States-Israel Free Trade Area Implementation Act Designation of Qualifying Industrial Zone**

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice.

**SUMMARY:** Under the United States-Israel Free Trade Area Implementation Act (the "FTA Act"), products of qualifying industrial zones encompassing portions of Israel and Jordan or Israel and Egypt are eligible to receive duty-free treatment. Effective upon publication of this notice, the United States Trade Representative, pursuant to authority delegated by the President, is designating the Israeli-Jordanian Irbid Qualifying Industrial Zone as a qualifying industrial zone under the FTA Act.

**FOR FURTHER INFORMATION CONTACT:**

Daniel A. Clune, Director for the Middle East and Mediterranean (202) 395-4620.

**SUPPLEMENTARY INFORMATION:** Pursuant to authority granted under Section 9 of the United States-Israel Free Trade Area Implementation Act of 1985, as amended (19 U.S.C. 2112 note), the President proclaimed certain tariff treatment for the West Bank, the Gaza Strip, and qualifying industrial zones (Proclamation 6955 of November 13, 1996 (61 FR 58761)). In particular, the President proclaimed modifications to general notes 3 and 8 of the Harmonized Tariff Schedule of the United States: (a) To provide duty-free treatment to qualifying articles that are the product of the West Bank or Gaza Strip or a qualifying industrial zone and are entered in accordance with the provisions of section 9 of the FTA Act; (b) to provide that articles of Israel may be treated as though they were articles directly shipped from Israel for the purposes of the United States-Israel Free Trade Area Agreement (the "Agreement") even if shipped to the United States from the West Bank, the Gaza Strip, or a qualifying industrial zone, if the articles otherwise meet the requirements of the Agreement; and (c) to provide that the cost or value of materials produced in the West Bank, the Gaza Strip, or a qualifying industrial zone may be included in the cost or value of materials produced in Israel under section 1(c)(i) of Annex 3 of the Agreement, and that the direct costs of processing operations performed in the West Bank, the Gaza Strip, or a qualifying industrial zone may be included in the direct costs of processing operations performed in Israel under section 1(c)(ii) of Annex 3 of the Agreement.

Section 9(e) of the FTA Act defines a "qualifying industrial zone" as an area that "(1) Encompasses portions of the territory of Israel and Jordan or Israel and Egypt; (2) has been designated by local authorities as an enclave where merchandise may enter without payment of duty or excise taxes; and (3) has been specified by the President as a qualifying industrial zone." In Proclamation 6955, the President delegated to the United States Trade Representative the authority to designate qualifying industrial zones.

In an agreement dated November 16, 1997, the Government of Israel and the Government of Jordan agreed to the creation of the Irbid Qualifying Industrial Zone, encompassing areas under the customs control of the respective Governments. The Government of Israel and the Government of Jordan further agreed

that merchandise may enter the Irbid Qualifying Industrial Zone without payment of duty or excise taxes, and both Governments subsequently implemented this agreement pursuant to their domestic legal procedures. The Irbid Qualifying Industrial Zone accordingly meets the criteria under paragraphs 9(e) (1) and (2) of the FTA Act.

Pursuant to the authority delegated by the President in Proclamation 6955, the United States Trade Representative hereby designates the Irbid Qualifying Industrial Zone as a qualifying industrial zone under section 9 of the FTA Act, effective upon the date of publication of this notice.

Dated: March 6, 1998.

**Charlene Barshefsky,**

*United States Trade Representative.*

[FR Doc. 98-6413 Filed 3-12-98; 8:45 am]

BILLING CODE 3190-01-M

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

### Federal Transit Administration

### National ITS Architecture Consistency Meetings

**AGENCIES:** Federal Highway Administration (FHWA), Federal Transit Administration (FTA), DOT.

**ACTION:** Supplemental notice.

**SUMMARY:** This is a supplemental notice to 63 FR 5,603 published on February 3, 1998, announcing a series of regional meetings at which DOT will discuss national ITS architecture consistency as it relates to federally funded highway and transit improvements that incorporate Intelligent Transportation Systems (ITS). It is anticipated that the upcoming surface transportation reauthorization bill will require federally funded projects which contain ITS elements to be consistent with the National ITS Architecture and approved standards. In anticipation, DOT is holding a series of outreach meetings to engage a broad range of stakeholders in discussions regarding consistency requirements. These meetings will be of interest to those involved in the planning, design and implementation of technology applications in transportation. Locations and dates for the regional meetings are as follows:  
 Boston—February 25–26  
 Los Angeles—March 18–19  
 Houston—March 25–26  
 Kansas City—April 1–2  
 Washington DC Area—April 6–7  
 Atlanta—April 9–10

Denver—April 14–15  
 Portland—April 29–30  
 Chicago—May 13–14  
 New York—May 19–20.

Specific locations for the Washington DC Area, Atlanta, Denver, Portland, Chicago and New York meetings will be published at a later date.

**DATES AND TIMES:** The Los Angeles meeting will be held March 18–19, 1998, from 8:00 a.m. to 5:00 p.m. on March 18th and from 8:30 a.m. to 12:00 p.m. on March 19th. The Houston area meeting will be held March 25–26, 1998, from 8:00 a.m. to 5:00 p.m. on March 25th and from 8:00 a.m. to 12:00 p.m. on March 26th. The Kansas City meeting will be held April 1–2, 1998, from 8:00 a.m. to 5:00 p.m. on April 1st and from 8:00 a.m. to 12:00 p.m. on April 2nd.

**ADDRESSES:** The Los Angeles meeting will be held at the Anaheim Marriott, 700 West Convention Way, Anaheim, CA 92802. The Houston meeting will be held at the Double Tree Hotel, 2001 Post Oak Boulevard, Houston, TX 77056. The Kansas City meeting will be held at The Westin Crown Center, One Pershing Road, Kansas City, MO 64108.

**SUPPLEMENTARY INFORMATION:** The National ITS Architecture is a master blueprint for building an integrated, multimodal, intelligent transportation system. It provides a common framework that define key elements required for ITS functions. As such, it is an invaluable resource for planners, builders, designers, and operators of highway and transit systems to use in extending and integrating their systems operations.

A general introduction to ITS will be provided, but presentations will assume a basic awareness of technology applications in transportation. The meetings will include a brief introduction to the National ITS Architecture and associated standards, current thinking by DOT on possible approaches to consistency, and breakout sessions for discussion among attendees on consistency-related issues.

**FOR FURTHER INFORMATION CONTACT:** Registrations; Carol-Ann Courtney, Volpe National Transportation Systems Center at (617) 494-2686, fax (617) 494-2569; Additional Inquires: Shelley Lynch, Intelligent Transportation Systems Joint Program Office (202) 366-8028; Mac Lister, Intelligent Transportation Systems Joint Program Office (202) 366-9292; Ronald Boenau, Federal Transit Administration, (202) 366-0195; Robert Rupert, Federal Highway Administration, (202) 366-2194. All are located at the United States Department of Transportation,

400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays. Information and updates posted at the World Wide Web site at <http://www.its.dot.gov>

**Authority:** 23 U.S.C. 315; 49 CFR 1.48  
Issued on: March 9, 1998.

**Dennis C. Judycki,**

*Associate Administrator for Safety and System Applications, Federal Highway Administration.*

**Edward L. Thomas,**

*Associate Administrator for Research, Demonstration and Innovation Federal Transit Administration.*

[FR Doc. 98-6521 Filed 3-12-98; 8:45 am]

BILLING CODE 4910-22-P

**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

[STB Finance Docket No. 33556]

**Canadian National Railway Company, Grand Trunk Corporation, and Grand Trunk Western Railroad Incorporated—Control—Illinois Central Corporation, Illinois Central Railroad Company, Chicago, Central and Pacific Railroad Company, and Cedar River Railroad Company**

**AGENCY:** Surface Transportation Board.

**ACTION:** Decision No. 2; Notice of pre-filing notification.

**SUMMARY:** Pursuant to 49 CFR 1180.4(b), Canadian National Railway Company (CNR), Grand Trunk Corporation (GTC), and Grand Trunk Western Railroad Incorporated (GTW),<sup>1</sup> Illinois Central Corporation (IC Corp.), Illinois Central Railroad Company (ICR), Chicago, Central and Pacific Railroad Company (CCP), and Cedar River Railroad Company (CRRC)<sup>2</sup> have notified the Surface Transportation Board (Board) of their intent to file an application seeking authority under 49 U.S.C. 11323-25 for the acquisition of control, by CNR, through its indirect wholly owned subsidiary Blackhawk Merger Sub, Inc. (Merger Sub), of IC Corp., and through it of ICR and its railroad affiliates, and for the resulting common control by CNR of GTW and its railroad affiliates and ICR and its railroad affiliates.

The Board finds this to be a major transaction as defined in 49 CFR part 1180.

<sup>1</sup> CNR, GTC, and GTW, and their affiliates, are referred to collectively as CN.

<sup>2</sup> IC Corp., ICR, CCP, and CRRC, and their affiliates, are referred to collectively as IC. CN and IC are referred to collectively as Applicants.

**ADDRESSES:** An original and 25 copies of all documents must refer to STB Finance Docket No. 33556 and must be sent to the Surface Transportation Board, Office of the Secretary, Case Control Unit, ATTN: STB Finance Docket No. 33556, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, one copy of all documents in this proceeding must be sent to Administrative Law Judge David Harfeld, Federal Energy Regulatory Commission, Office of Administrative Law Judges, 888 First Street, N.E., Suite 11F, Washington, DC 20426 [(202) 219-2514; FAX: (202) 219-3289] and to each of Applicants' representatives: (1) Paul A. Cunningham, Esq., Harkins Cunningham, 1300 19th Street, N.W., Suite 600, Washington, DC 20036-1609; and (2) William C. Sippel, Esq., Oppenheimer Wolff & Donnelly, Two Prudential Plaza, 45th Floor, 180 North Stetson Avenue, Chicago, IL 60601-6710.

**FOR FURTHER INFORMATION CONTACT:** Julia M. Farr, (202) 565-1613. [TDD for the hearing impaired: (202) 565-1695.]

**SUPPLEMENTARY INFORMATION:** In the notice of intent (CN/IC-1) filed February 12, 1998, Applicants state that, on February 10, 1998, CNR, Merger Sub, and IC Corp. entered into an Agreement and Plan of Merger under which Merger Sub will acquire up to 75% of the common stock of IC Corp. in a cash tender offer, which was to begin on or about February 13, 1998. That stock, and any other IC Corp. stock acquired by CN, will be placed in a voting trust pending review of the merger by the Board. Applicants further state that, after consummation of the tender offer and requisite approval by the shareholders of IC Corp., Merger Sub will merge with and into IC Corp., with IC Corp. as the surviving corporation. As a result of that merger, all independent shareholders of IC Corp. will receive either CNR stock or a combination of CNR stock and cash in exchange for their stock in IC Corp. Upon consummation of the merger, the stock of Merger Sub held by CNR will become the sole issued and outstanding stock of IC Corp., and CNR will place that stock in the independent voting trust pending review and approval of the control transaction by the Board. If and when the Board takes final and favorable action, the voting trust will be dissolved, and CNR will assume control of IC Corp. and, through it, of CCP, CRRC, and their railroad affiliates.

Applicants state that they will use the year 1996 as the base year for purposes of their impact analysis to be filed in the application, and that they anticipate

filing their application on or before June 12, 1998.

The Board finds that this is a major transaction, as defined at 49 CFR 1180.2(a), as it is a control transaction involving two or more Class I railroads. CNR, through its wholly owned subsidiary GTC, presently controls GTW, a Class I railroad, and, under the proposed transaction, CNR proposes to acquire common control of ICR, also a Class I railroad. The application must conform to the regulations set forth at 49 CFR part 1180 and must contain all information required therein for major transactions, except as modified by any advance waiver.<sup>3</sup> The carriers are also required to submit maps with overlays that show their existing routes and those of their competitors.

**Electronic Submissions**

In addition to submitting an original and 25 copies of all paper documents filed with the Board, the parties shall also submit, on diskettes or compact discs, copies of all textual materials, electronic workpapers, data bases and spreadsheets used to develop quantitative evidence. Data must be submitted on 3.5 inch IBM-compatible floppy diskettes or compact discs. Textual materials must be in, or convertible by and into, WordPerfect 7.0. Electronic spreadsheets must be in, or convertible by and into, Lotus 1-2-3 97 Edition, Excel Version 7.0, or Quattro Pro Version 7.0.

The data contained on the diskettes or compact discs submitted to the Board may be submitted under seal (to the extent that the corresponding paper copies are submitted under seal), and will be for the exclusive use of Board employees reviewing substantive and/or procedural matters in this proceeding. The flexibility provided by such computer data is necessary for efficient review of these materials by the Board and its staff.

The electronic submission requirements set forth in this decision supersede, for the purposes of this proceeding, the otherwise applicable electronic submission requirements set forth in our regulations. See 49 CFR 1104.3(a), as amended in *Expedited Procedures for Processing Rail Rate Reasonableness, Exemption and Revocation Proceedings*, STB Ex Parte No. 527, 61 FR 52710, 52711 (Oct. 8,

<sup>3</sup> The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, requires that we consider the effect of the proposed transaction "on competition among rail carriers in the affected region or in the national rail system." 49 U.S.C. 11324(b)(5). Applicants are reminded to include analysis on both elements of this criterion in their competitive analyses.

1996), 61 FR 58490, 58491 (Nov. 15, 1996).<sup>4</sup>

### Selection of Administrative Law Judge

The Board assigns and authorizes Administrative Law Judge David Harfeld to entertain and rule upon all disputes concerning discovery in this proceeding.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The parties shall submit all pleadings both in the required paper form and also as computer data contained on diskettes or compact discs.

2. This proceeding is assigned to Administrative Law Judge David Harfeld for handling of all discovery matters and the initial resolution of all discovery disputes.

3. In addition to filing pleadings with the Board and with Applicants' representatives, parties must send a copy of all filings and documents to Administrative Law Judge David Harfeld.

4. Administrative Law Judge David Harfeld shall be added to the service list in this proceeding and a copy of this decision shall be served on Administrative Law Judge Harfeld.

5. This decision is effective on the service date.

Decided: March 6, 1998.

By the Board, Chairman Morgan and Vice Chairman Owen.

**Vernon A. Williams,**  
Secretary.

[FR Doc. 98-6555 Filed 3-12-98; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. MC-F-20917]

**Coach USA, Inc.—Control—Airport Limousine Service, Inc. and Black Hawk-Central City Ace Express, Inc.**

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice tentatively approving finance transaction.

**SUMMARY:** Coach USA, Inc. (Coach or applicant), a noncarrier, filed an application under 49 U.S.C. 14303 to acquire control of Airport Limousine Service, Inc. (Airport) and Black Hawk-Central City Ace Express, Inc. (Black Hawk), both motor passenger carriers.

<sup>4</sup>A copy of each diskette or compact disc submitted to the Board should be provided to any other party upon request.

Persons wishing to oppose the application must follow the rules under 49 CFR part 1182, subpart B. The Board has tentatively approved the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

**DATES:** Comments must be filed by April 27, 1998. Applicants may file a reply by May 2, 1998. If no comments are filed by April 27, 1998, this notice is effective on that date.

**ADDRESSES:** Send an original and 10 copies of any comments referring to STB Docket No. MC-F-20917 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N. W., Washington, D. C. 20423-0001. In addition, send one copy of comments to applicants' representatives: Betty Jo Christian and David H. Coburn, Steptoe & Johnson LLP, 1330 Connecticut Avenue, N. W., Washington, DC 20036.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 565-1600. [TDD for the hearing impaired: (202) 565-1695.]

**SUPPLEMENTARY INFORMATION:** Coach currently controls 35 motor passenger carriers.<sup>1</sup> In this transaction, it seeks to acquire direct control of Airport<sup>2</sup> and Black Hawk<sup>3</sup> through the acquisition of all of their outstanding stock.

Applicants submit that there will be no transfer of any federal or state

<sup>1</sup>In addition to the instant proceeding in which it seeks to acquire control of two additional motor passenger carriers, Coach has two pending proceedings: *Coach USA, Inc.—Control Exemption—Browder Tours, Inc. and El Expreso, Inc.*, STB Finance Docket No. 33506 (STB filed Oct. 31, 1997), in which it seeks to acquire control of two additional motor passenger carriers; and *Coach USA, Inc. and Coach XXIII Acquisition, Inc.—Control—Americoach Tours, Ltd.; Keeshin Charter Services, Inc.; Keeshin Transportation, L.P.; Niagara Scenic Bus Lines, Inc.; and Pawtuxet Valley Bus Lines*, STB Docket No. MC-F-20916 (STB served Feb. 27, 1998), in which it seeks to acquire control of five additional motor passenger carriers.

<sup>2</sup>Airport is a Delaware Corporation. It holds federally issued operating authority in MC-315702 and intrastate operating authority issued by the Pennsylvania Public Utilities Commission. In addition, Airport holds authority from the Port Authority of Allegheny County, PA, for paratransit-airport transportation. The majority of its revenues stem from its services to and from the Pittsburgh Airport, and its gross revenue for fiscal year 1996 was approximately \$900,000. Prior to the transfer of its stock into a voting trust, it had been owned by Herbert Bennett Conner, Linda G. Conner, and Kelley C. Gresh.

<sup>3</sup>Black Hawk is a Colorado Corporation. It holds federally issued operating authority in MC-273611 and intrastate operating authority issued by the Colorado Public Utilities Commission. It operates approximately 21 buses and had gross revenues for fiscal year 1996 of approximately \$5 million (derived mostly from commuter operations). Prior to the transfer of its stock into a voting trust, it had been owned by Anthony D. Sosebee, Jason D. Sosebee, Marko and Joanne Lah, William and Frances Matteddi, Nancy Searle, Jack Searle, and Linda Talley.

operating authorities held by the acquiring carriers. They assert that the acquisition will not reduce competition in the bus industry or competitive options available to the traveling public. They state that the acquired carriers do not compete with one another or with any Coach-owned carrier. Applicants submit that each of the acquired carriers is relatively small and that each faces substantial competition from other bus companies and transportation modes.

Applicants also submit that granting the application will produce substantial benefits, including interest cost savings from the restructuring of debt and reduced operating costs from Coach's enhanced volume purchasing power. Specifically, applicants claim that the carriers to be acquired will benefit from the lower insurance premiums negotiated by Coach and from volume discounts for equipment and fuel. Applicants also aver that Coach will provide each of the carriers to be acquired with centralized legal and accounting functions and coordinated purchasing services. In addition, they state that vehicle sharing arrangements will be facilitated through Coach to ensure maximum use and efficient operation of equipment, and that coordinated driver training services will be provided. Applicants also state that the proposed transaction will benefit the employees of the acquired carriers and that all collective bargaining agreements will be honored by Coach.

Coach plans to acquire control of additional motor passenger carriers in the coming months. It asserts that the financial benefits and operating efficiencies will be enhanced further by these subsequent transactions. Over the long term, Coach states that it will provide centralized marketing and reservation services for the bus firms that it controls, thereby enhancing the benefits resulting from these control transactions.

Applicants certifies that: (1) Black Hawk has a satisfactory safety fitness rating from the U.S. Department of Transportation; (2) Airport has not been rated; (3) both carriers maintain sufficient liability insurance; (4) both carriers are neither domiciled in Mexico nor owned or controlled by persons of that country; and (5) approval of the transaction will not significantly affect either the quality of the human environment or the conservation of energy resources. Additional information may be obtained from applicants' representatives.

Under 49 U.S.C. 14303(b), we must approve and authorize a transaction we find consistent with the public interest, taking into consideration at least: (1) the

effect of the transaction on the adequacy of transportation to the public; (2) the total fixed charges that result; and (3) the interest of affected carrier employees.

On the basis of the application, we find that the proposed acquisition of control is consistent with the public interest and should be authorized. If any opposing comments are timely filed, this finding will be deemed vacated and a procedural schedule will be adopted to reconsider the application. If no opposing comments are filed by the expiration of the comment period, this decision will take effect automatically and will be the final Board action.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

*It is ordered:*

1. The proposed acquisition of control is approved and authorized, subject to the filing of opposing comments.

2. If timely opposing comments are filed, the findings made in this decision will be deemed vacated.

3. This decision will be effective on April 27, 1998, unless timely opposing comments are filed.

4. A copy of this notice will be served on the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, N. W., Washington, D. C. 20530.

Decided: March 9, 1998.

By the Board, Chairman Morgan and Vice Chairman Owen.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 98-6558 Filed 3-12-98; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33407]

**Dakota, Minnesota & Eastern Railroad Corporation—Construction and Operation—in Campbell, Converse, Niobrara, and Weston Counties, WY, Custer, Fall River, Jackson, and Pennington Counties, SD and Blue Earth, Nicollet, and Steele Counties, MN**

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of construction and operation application and request for comments on procedural schedule.

**SUMMARY:** The Board is publishing notice of an application filed by the Dakota, Minnesota & Eastern Railroad Corporation (DM&E) requesting

authority to construct and operate 280.09 miles of new railroad line, which would provide for an extension of DM&E's existing rail lines into the Powder River Basin coal fields in northeastern Wyoming. Specifically, the railroad seeks authority to build: (1) a 262.03-mile rail line between DM&E's existing main line in western South Dakota and the coal producing region of the Powder River Basin (PRB) south of Gillette, WY; (2) a 13.31-mile rail bypass around a portion of the line currently used by DM&E in and near Mankato, MN; and (3) a new 2.94-mile rail connection in Owatonna, MN, between DM&E's line and the line of I&M Rail Link, LLC.<sup>1</sup> This notice also requests comments on a procedural schedule based on a schedule that DM&E has asked the Board to establish for this proceeding.

**DATES:** Written comments must be filed by April 2, 1998 and concurrently served on applicant's representatives. Each comment must be accompanied by a certificate of service. Applicant's reply must be filed by April 7, 1998.

**ADDRESSES:** Send an original and 10 copies of all pleadings referring to STB Finance Docket No. 33407 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423. A copy of each comment shall concurrently be served upon DM&E's representative: Paul A. Cunningham, Harkins Cunningham, 1300 19th Street, N.W., Suite 600, Washington, DC 20036-1609 [Fax (202) 973-7610]. Comments should contain the name and address of the commenting party, any recommendations for changes to the attached proposed procedural schedule and support for any such changes.

**FOR FURTHER INFORMATION CONTACT:** Joseph H. Dettmar, (202) 565-1600. [TDD for the hearing impaired: (202) 565-1695.]

**SUPPLEMENTARY INFORMATION:** Along with its application, DM&E has submitted a petition to establish a procedural schedule for this proceeding. DM&E's proposed schedule would establish various due dates for

<sup>1</sup> DM&E also plans several related projects, which it states are not subject to the Board's jurisdiction. These include the comprehensive rebuilding of approximately 597.8 miles of its existing rail lines consisting of: (1) a 467.55-mile segment of DM&E main line between Wasta, SD, and Mankato; (2) a 117.4-mile segment of DM&E main line between Mankato and Winona, MN; and (3) a 12.85-mile segment of DM&E branch line north of Oral, SD, to a point south of Smithwick, SD. DM&E plans to perform a substantial upgrading of an additional 239.3 miles of its existing rail lines, including the relocation and upgrading of an existing connection with Canadian Pacific Railroad near Winona/Minnesota City.

submissions and due dates for Board action, both in considering the merits of the application and in carrying out the environmental review process.

We believe it would be premature at this point to establish any sort of environmental review schedule for the Board to meet its responsibilities under the National Environmental Policy Act of 1969 (NEPA) and related environmental laws. We lack substantive input from other Federal and state agencies (for example, the U.S. Forest Service, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and Wyoming State Historic Preservation Division) that may have an interest in this proceeding. Without information from these agencies, we cannot anticipate the range of potential environmental impacts that may be involved with DM&E's proposal and how long the Environmental Impact Statement (EIS) process is likely to take.<sup>2</sup> We have, however, directed our Section of Environmental Analysis to begin preparation of a notice of intent to prepare an EIS and to initiate the public scoping process. This will enable us to begin to determine key environmental issues to be addressed in our NEPA analysis as expeditiously as possible.

With regard to the merits of the application, DM&E has proposed alternative schedules of 90 and 180 days in which to develop the record and issue a decision on the merits, conditioned upon completion of the environmental review process and consideration of the results of that process in a final decision.<sup>3</sup> The proposal by DM&E that we issue a decision in 90 days does not warrant further consideration, and we will not request comments on it. That proposal simply does not provide adequate opportunity for public participation. Nor does it provide adequate time for the necessary evaluation of the record in light of the statutory considerations we must undertake in this case. The proposed 180-day alternative, however, does appear to provide adequate opportunity for public participation and for development of a sufficient record on which to base a conditional grant of the application and make the findings required by the statute. Therefore, we are seeking comments on the proposal by DM&E that we issue a decision in 180 days approving the applicant's construction proposal under section

<sup>2</sup> Of course, if DM&E could work with these agencies to secure appropriate permits, identify potential environmental impacts, and minimize or avoid such effects, the time required for us to meet our NEPA obligations might be reduced.

<sup>3</sup> No actual construction could begin prior to issuance of that decision.

10901 of the ICC Termination Act, conditioned upon consideration of the environmental impacts of the proposed construction. Under that proposal, we would issue a subsequent decision after the completion of the EIS process, allowing construction to begin, if appropriate, based on a consideration of the potential environmental impacts of the proposed transaction.

We understand that the DM&E has caused notices to be published stating that comments on the application are due March 27, 1998. While interested parties may file comments by March 27, 1998, the Board will establish a new due date for comments on the merits of the proposed transaction in any procedural schedule it ultimately adopts. Accordingly, we will require DM&E to cause notices to be published in the same places as the prior notices advising that comments will not be due until the Board establishes a procedural schedule. And after the Board publishes such a schedule, DM&E must cause to be published new notices setting forth the schedule adopted by the Board, including the due date for comments on the merits of the proposed transaction.

The purpose of this notice is to solicit input as to the establishment of a procedural schedule that provides adequate time for the submission and consideration of comments while still enabling the proceeding to move forward as expeditiously as possible.<sup>4</sup> After reviewing the comments, the Board will establish an appropriate procedural schedule for consideration of the merits of the construction application.

The Board's review of construction applications is governed by both 49 U.S.C. section 10901 and the requirements of the National Environmental Policy Act of 1969, 42 U.S.C. sections 4321-4370d. The Board intends to prepare an EIS to assess the environmental impacts of DM&E's proposal. The Board's Section of Environmental Analysis will separately publish a notice of intent to prepare an EIS and request comments on its scope.

Copies of the application are available for public inspection at the offices of the Board and the offices of the applicant, 337 22nd Avenue South, Brookings, SD 57006.

Decided: March 9, 1998.

<sup>4</sup>DM&E's proposed 180-day schedule is set forth in the attached Appendix, but is modified to reflect the removal of the portion of the schedule pertaining to environmental review and to reflect the current status of this matter.

By the Board, Chairman Morgan and Vice Chairman Owen.

**Vernon A. Williams,**  
Secretary.

#### **Appendix—Procedural Schedule on the Merits**

In the following schedule, the term "P" refers to the date that the Board issues a procedural schedule based on the comments received from this notice and "P + n" means "n" days following that date.

- P Procedural schedule established by the Board.
- P + 7 Due date for publication by DM&E of newspaper notice announcing the procedural schedule.
- P + 35 Due date for written comments on Application.
- P + 40 Due date for DM&E's replies to written comments on Application.
- P + 70 Board decision ordering hearing under modified procedures.
- P + 115 Due date for evidence and argument in opposition to the Application.
- P + 135 Due date for DM&E's reply evidence and argument in support of the Application.
- P + 180 (or earlier) Service of decision (a) conditionally approving Application, contingent on completion of environmental review process, or (b) disapproving Application.

[FR Doc. 98-6557 Filed 3-12-98; 8:45 am]

BILLING CODE 4915-00-P

## **DEPARTMENT OF TRANSPORTATION**

### **Surface Transportation Board**

[STB Docket No. AB-55 (Sub-No. 561X)]

#### **CSX Transportation, Inc.— Abandonment Exemption—in Clarke County, GA**

On February 23, 1998, CSX Transportation, Inc. (CSXT) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a portion of its railroad line known as the Atlanta Service Lane, Abbeville Subdivision, between milepost YYA-37.44 at East Athens and milepost YYA-39.34 at Athens, a distance of 1.9 miles in Clarke County, GA. The line traverses U.S. Postal Service Zip Codes 30605 and 30601. The line includes the station of East Athens.

The line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. The

interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by June 12, 1998.

Any offer of financial assistance under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each offer of financial assistance must be accompanied by a \$1,000 filing fee. See 49 CFR 1002.2(f)(25).<sup>1</sup>

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than April 2, 1998. Each trail use request must be accompanied by a \$150 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-55 (Sub-No. 561X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street N.W., Washington, DC 20423-0001, and (2) Charles M. Rosenberger, 500 Water Street-J150, Jacksonville, FL 32202. Replies to the CSXT petition are due on or before April 12, 1998.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1545. [TDD for the hearing impaired is available at (202) 565-1695.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

<sup>1</sup> The filing fee increases from \$900 to \$1,000, effective March 20, 1998.

Decided: March 9, 1998.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.

**Vernon A. Williams,**  
Secretary.

[FR Doc. 98-6556 Filed 3-12-98; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[INTL-536-89]

#### Proposed Collection; Comment Request for Regulation Project

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

Currently, the IRS is soliciting comments concerning an existing final regulation, INTL-536-89 (TD 8300), Registration Requirements With Respect to Certain Debt Obligations; Application of Repeal of 30 Percent Withholding by the Tax Reform Act of 1984 (§ 1.163-5).

**DATES:** Written comments should be received on or before May 12, 1998 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

#### SUPPLEMENTARY INFORMATION:

*Title:* Registration Requirements With Respect to Certain Debt Obligations; Application of Repeal of 30 Percent Withholding by the Tax Reform Act of 1984.

*OMB Number:* 1545-1132.

*Regulation Project Number:* INTL-536-89.

*Abstract:* Sections 165(j) and 1287(a) of the Internal Revenue Code provide that persons holding registration-required obligations in bearer form are subject to certain penalties. These

sections also provide that certain persons may be exempted from these penalties if they comply with reporting requirements with respect to ownership, transfers, and payments on the obligations. The reporting and recordkeeping requirements in this regulation are necessary to ensure that persons holding registration-required obligations in bearer form properly report interest and gain on disposition of the obligations.

*Current Actions:* There is no change to this existing regulation.

*Type of Review:* Extension of OMB approval.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents/Recordkeepers:* 5,000.

*Estimated Time Per Respondent/Recordkeeper:* 10 minutes.

*Estimated Total Annual Reporting/Recordkeeping Hours:* 852.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

#### Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 6, 1998.

**Garrick R. Shear,**

*IRS Reports Clearance Officer.*

[FR Doc. 98-6414 Filed 3-12-98; 8:45 am]

BILLING CODE 4830-01-U

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[INTL-362-88]

#### Proposed Collection; Comment Request for Regulation Project

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

Currently, the IRS is soliciting comments concerning an existing final regulation, INTL-362-88 (TD 8618), Definition of a Controlled Foreign Corporation Foreign Corporation, Foreign Base Company Income and Foreign Personal Holding Company Income of a Controlled Foreign Corporation (§§ 1.954-1 and 1.954-2).

**DATES:** Written comments should be received on or before May 12, 1998 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

#### SUPPLEMENTARY INFORMATION:

*Title:* Definition of a Controlled Foreign Corporation Foreign Corporation, Foreign Base Company Income and Foreign Personal Holding Company Income of a Controlled Foreign Corporation.

*OMB Number:* 1545-1068.

*Regulation Project Number:* INTL-362-88.

*Abstract:* A U.S. shareholder of a controlled foreign corporation is subject to current U.S. taxation on the subpart F income of the foreign corporation,

which consists of several categories of income. The election and recordkeeping requirements in the regulation are necessary to exclude certain high-taxed or active business income from subpart F income or to include certain income in the appropriate category of subpart F income. The recordkeeping and election procedures allow the U.S. shareholders and the IRS to know the amount of the controlled foreign corporation's subpart F income.

*Current Actions:* There is no change to this existing regulation.

*Type of Review:* Extension of OMB approval.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents/Recordkeepers:* 50,500.

*Estimated Time Per Respondent/Recordkeeper:* 1 hour.

*Estimated Total Annual Reporting/Recordkeeping Hours:* 50,417.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

#### Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 5, 1998.

**Garrick R. Shear,**

*IRS Reports Clearance Officer.*

[FR Doc. 98-6415 Filed 3-12-98; 8:45 am]

BILLING CODE 4830-01-U

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[PS-163-84]

#### Proposed Collection; Comment Request for Regulation Project

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, PS-163-84 (TD 8439), Treatment of Transactions Between Partners and Partnerships (§§ 1.707-3(c)(2), 1.707-5(a)(7)(ii), 1.707-6(c) and 1.707-8).

**DATES:** Written comments should be received on or before May 12, 1998 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

#### SUPPLEMENTARY INFORMATION:

*Title:* Treatment of Transactions Between Partners and Partnerships.

*OMB Number:* 1545-1243.

*Regulation Project Number:* PS-163-84.

*Abstract:* Internal Revenue Code section 707(a)(2) provides that if there are transfers of money or property between a partner and a partnership, the transfer will be treated, in certain situations, as a disguised sale between the partner and the partnership. The regulations require that the partner or the partnership should disclose the transfer and certain attendant facts in some situations.

*Current Actions:* There is no change to this existing regulation.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 7,500.

*Estimated Time Per Respondent:* 20 minutes.

*Estimated Total Annual Burden Hours:* 2,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

#### Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 6, 1998.

**Garrick R. Shear,**

*IRS Reports Clearance Officer.*

[FR Doc. 98-6416 Filed 3-12-98; 8:45 am]

BILLING CODE 4830-01-U

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[PS-55-89]

#### Proposed Collection; Comment Request for Regulation Project

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, PS-55-89 (TD 8566), General Asset Accounts Under the Accelerated Cost Recovery System (§ 1.168(i)-1).

**DATES:** Written comments should be received on or before May 12, 1998 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

**SUPPLEMENTARY INFORMATION:**

*Title:* General Asset Accounts Under the Accelerated Cost Recovery System.  
*OMB Number:* 1545-1331.

*Regulation Project Number:* PS-55-89.

*Abstract:* Section 168(i)(4) of the Internal Revenue Code authorizes the Secretary of the Treasury to provide rules under which a taxpayer may elect to account for property in one or more general asset accounts for depreciation purposes. The regulations describe the time and manner of making the election described in Code section 168(i)(4). Basic information regarding this election is necessary to monitor compliance with the rules in Code section 168.

*Current Actions:* There is no change to this existing regulation.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations and farms.

*Estimated Number of Respondents:* 1,000.

*Estimated Time Per Respondents:* 15 minutes.

*Estimated Total Annual Burden Hours:* 250.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to

respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

**Request for Comments**

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 6, 1998.

**Garrick R. Shear,**

*IRS Reports Clearance Officer.*

[FR Doc. 98-6417 Filed 3-12-98; 8:45 am]

BILLING CODE 4830-01-U

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

[TD 6629]

**Proposed Collection; Comment Request for Regulation Project**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an

existing final regulation, TD 6629, Limitation on Reduction in Income Tax Liability Incurred to the Virgin Islands (§ 1.934-1).

**DATES:** Written comments should be received on or before May 12, 1998 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

**SUPPLEMENTARY INFORMATION:**

*Title:* Limitation on Reduction in Income Tax Liability Incurred to the Virgin Islands.

*OMB Number:* 1545-0782.

*Regulation Project Number:* TD 6629.

*Abstract:* Internal Revenue Code section 934(a) (1954 Code) provides that the tax liability incurred to the Virgin Islands shall not be reduced except to the extent provided in Code section 934(b) and (c). Taxpayers applying for tax rebates or subsidies under section 934 of the 1954 Code must provide certain information in order to obtain these benefits.

*Current Actions:* There is no change to this existing regulation.

*Type of Review:* Extension of OMB approval.

*Affected Public:* Individuals or households and business or other for-profit organizations.

*Estimated Number of Respondents/Recordkeepers:* 500.

*Estimated Average Time Per Respondent/Recordkeeper:* 22 minutes.

*Estimated Total Annual Reporting/Recordkeeping Hours:* 184.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

**Request for Comments**

Comments submitted in response to this notice will be summarized and/or included in the request for OMB

approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 6, 1998.

**Garrick R. Shear,**

*IRS Reports Clearance Officer.*

[FR Doc. 98-6418 Filed 3-12-98; 8:45 am]

BILLING CODE 4830-01-U

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Advisory Committee for Electronic Tax Administration

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of intent to establish; request for nominations and comments.

**SUMMARY:** The IRS proposes to establish the advisory committee for electronic tax administration. The purpose of this committee is to provide continued input into the development and implementation of the Internal Revenue Service (IRS) strategy for electronic tax administration. The ETAAC will provide an organized public forum for discussion of electronic tax administration issues in support of the overriding goal that paperless filing should be the preferred and most convenient method of filing tax and information returns. ETAAC members will convey the public's perception of IRS electronic tax administration activities, offer constructive observations about current or proposed policies, programs, and procedures, and suggest improvements. This document seeks nominations of individuals to be considered for selection as Committee members. Comments are requested on categories of membership and duties of the committee.

The Assistant Commissioner (Electronic Tax Administration) will assure that the size and organizational representation of the ETAAC obtains balanced membership and includes representatives from various groups including: (1) Tax practitioners and preparers, (2) transmitters of electronic returns, (3) tax software developers, (4) large and small businesses, (5) employers and payroll service providers, (6) individual taxpayers, (7) financial industry (payers, payment options and best practices), (8) system integrators (technology providers), (9) academic (marketing, sales or technical perspectives), (10) trusts and estates, (11) tax exempt organizations, and (12) state and local governments. We are soliciting nominations from professional and public interest groups, IRS officials, the Department of Treasury, and Congress. Members will be limited to serving one two-year term on the ETAAC to ensure that new perspectives and ideas are generated by the members. All travel expenses within government guidelines will be reimbursed. Comments are requested on categories of membership and duties of the committee.

**DATES:** Written nominations must be received on or before April 13, 1998.

**ADDRESSES:** Nominations should be sent to Robin Marusin, T:ETA, Room 7331 IR, 1111 Constitution Ave., N.W., Washington, D.C. 20224. Application forms can be obtained from Robin Marusin, who can be reached on (202) 622-8184.

**FOR FURTHER INFORMATION CONTACT:** Robin Marusin, 202-622-8184.

**SUPPLEMENTARY INFORMATION:** The ETAAC will provide continued input into the development and implementation of the IRS's strategy for electronic tax administration. The ETAAC members will convey the public's observations about current or proposed policies, programs, and procedures, and suggest improvements.

This activity is based on the authority to administer the Internal Revenue laws conferred upon the Secretary of the Treasury by section 7802 of the Internal Revenue Code and delegated to the Commissioner of the Internal Revenue.

The ETAAC will research, analyze, consider, and make recommendations on a wide range of electronic tax administration issues and will provide input into the development and implementation of the strategic plan for electronic tax administration.

Nominations should describe and document the proposed member's qualifications for membership to the Committee. Equal opportunity practices will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by the Department, membership will include, to the extent practicable, individuals, with demonstrated ability to represent minorities, women, and persons with disabilities.

**Robert E. Barr,**

*Assistant Commissioner, Electronic Tax Administration.*

[FR Doc. 98-6419 Filed 3-12-98; 8:45 am]

BILLING CODE 4830-01-U

## UNITED STATES INFORMATION AGENCY

### Culturally Significant Objects Imported for Exhibition; Determinations

Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85-5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit, "Honoré Lannuier, Parisian Cabinetmaker in Federal New York" (See list),<sup>1</sup> imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to a loan agreement with the foreign lender. I also determine that the exhibition or display of the listed exhibit objects at The Metropolitan Museum of Art from on or about March 16, 1998 to June 14, 1998, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

Dated: March 10, 1998.

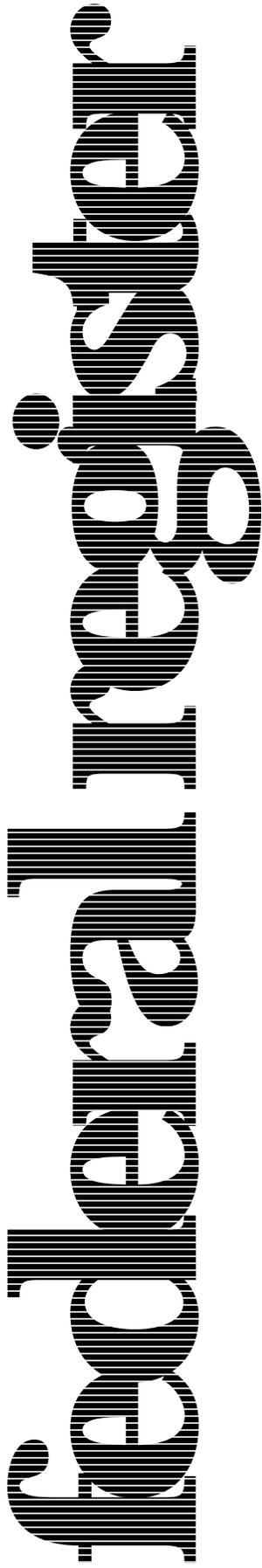
**Les Jin,**

*General Counsel.*

[FR Doc. 98-6554 Filed 3-12-98; 8:45 am]

BILLING CODE 8230-01-M

<sup>1</sup> A copy of this list may be obtained by contacting Mrs. Jacqueline H. Caldwell, Assistant General Counsel, at 202/619-6982, and the address is Room 700, U.S. Information Agency, 301 Fourth Street, S.W., Washington, D.C. 20547-0001.



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Friday  
March 13, 1998

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**Part II**

**Department of  
Education**

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**Magnet Schools Assistance Program;  
Notice**

**DEPARTMENT OF EDUCATION**

[CFDA No.: 84.165A]

**Magnet Schools Assistance Program****AGENCY:** Department of Education.**ACTION:** Notice extending closing date for receipt of applications for new awards for fiscal year (FY) 1998 and for submission of approved modifications to required plans and school board approval for voluntary plans.

**SUMMARY:** On February 17, 1998, a notice was published in the **Federal Register** (63 FR 8021) that established the closing date for transmittal of applications for the FY 1998 Magnet Schools Assistance Program (MSAP). The purpose of this notice is to extend the closing date for the transmittal of applications until April 27, 1998 in response to requests from school districts.

This notice also changes the procedures for the submission of applications, as described under **PROCEDURES FOR SUBMISSION OF APPLICATIONS** to require that applications are received on or before the due date. In making the decision to give applicants additional time to prepare their applications, the Secretary also recognizes that this decision reduced the amount of time available for the review of applications and will delay the announcement of awards. In order to minimize the impact of these delays, while giving applicants as much time as possible for the development of their applications, this change has been made to reduce the amount of time that it takes before application review activities can begin after the deadline date.

**DEADLINE FOR TRANSMITTAL OF APPLICATIONS:** The new closing date is April 27, 1998.

**PROCEDURES FOR SUBMISSION OF APPLICATIONS:** In order to ensure timely receipt and processing of applications, an application must be received on or before the deadline date announced in this application notice. The Secretary will not consider an application for funding if it is not received by the deadline date unless the applicant can show proof that the application was: (1)

Sent by registered or certified mail not later than five days before the deadline date; or (2) sent by commercial carrier not later than two days before the deadline date. An applicant must show proof of mailing in accordance with 34 CFR 75.102(d) and (e). Applications delivered by hand must be received by 4:30 p.m. (Eastern Time) on the deadline date. For the purposes of this program competition, the Secretary does not apply 34 CFR 75.102(a) and (b)(1) which require an application to be mailed, rather than received, by the deadline date.

These procedures replace the application submission procedures contained in the MSAP application package.

**Note:** All applications must be received on or before the deadline date unless one of the mailing conditions noted in the previous paragraph applies. This requirement takes exception to EDGAR, 34 CFR 75.102(a) and (b)(1). In accordance with the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, this amendment makes procedural changes only and does not establish new substantive policy. Therefore, under 5 U.S.C. 553 (b)(A), proposed rulemaking is not required.

**SUPPLEMENTARY INFORMATION:** Districts submitting voluntary plans also expressed concern that even with the extension of the application due date, additional time might be needed to obtain school board approval of their plans. Therefore, we are extending the date for the submission of school board approval of the plans submitted with applications until May 22, 1998. All other voluntary plan information must be submitted by the closing date.

Additionally, the date by which applicants must submit any modifications to required plans (i.e., a modification to include a new magnet schools component in a previously approved plan) is also changed. All applicants must submit proof to ED of approval of all modifications by May 22, 1998.

**FOR APPLICATIONS OR INFORMATION CONTACT:** Steven L. Brockhouse, U.S. Department of Education, 600 Independence Avenue, S.W., Portals Room 4509, Washington, D.C. 20202-

6140. Telephone (202) 260-2476.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request of the contact person listed in the preceding paragraph.

Individuals with disabilities may obtain a copy of the application package in an alternate format, also, by contacting that person. However, the Department is not able to reproduce in an alternate format the standard forms included in the application package.

**Electronic Access to This Document**

Anyone may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or portable document format (pdf) on the World Wide Web at either of the following sites:

<http://ocfo.ed.gov/fedreg.htm>

<http://www.ed.gov/news.html>

To use the pdf you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the pdf, call the U.S. Government Printing Office toll free at 1-888-293-6498.

Anyone may also view these documents in text copy only on an electronic bulletin board of the Department. Telephone: (202) 219-1511 or, toll free, 1-800-222-4922. The documents are located under Option G—Files/Announcements, Bulletins and Press Releases.

**Note:** The official version of a document is the document published in the **Federal Register**.

**Program Authority:** 20 U.S.C. 3021-3032.

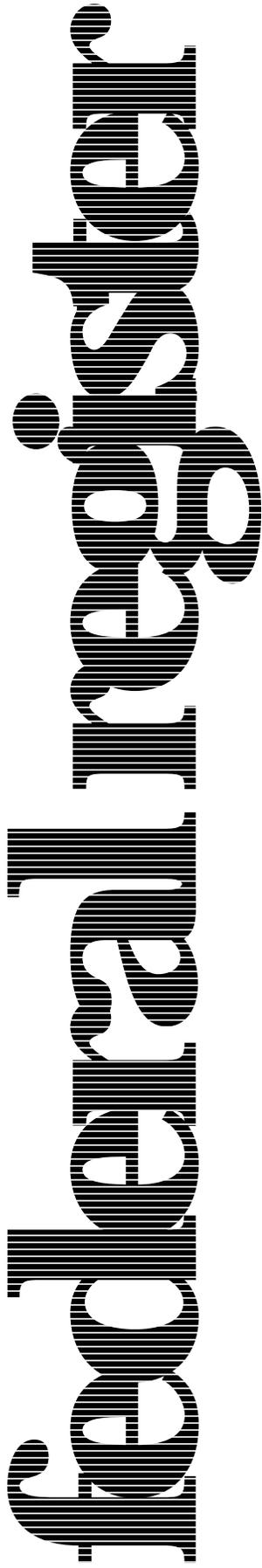
Dated: March 10, 1998.

**Gerald N. Tirozzi,**

*Assistant Secretary, Elementary and Secondary Education.*

[FR Doc. 98-6520 Filed 3-12-98; 8:45 am]

BILLING CODE 4000-01-U



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Friday  
March 13, 1998

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**Part III**

**Department of  
Education**

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**Bilingual Education: Field-Initiated  
Research Program; Inviting Applications  
for New Awards for Fiscal Year 1998;  
Notice**

## DEPARTMENT OF EDUCATION

[CFDA No.: 84.292B]

**Bilingual Education: Field-Initiated Research Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1998**

**Note to Applicants:** This notice is a complete application package. Together with the statute authorizing the program and applicable regulations governing this program, including the Education Department General Administrative Regulations (EDGAR), this notice contains all of the information, application forms, and instructions needed to apply for a grant under this program. The statutory authorization for this program is contained in section 7132 of the Elementary and Secondary Education Act of 1965, as amended by the Improving America's Schools Act of 1994 (Pub. L. 103-382, enacted October 20, 1994 (the Act) (20 U.S.C. 7452)).

**Purpose of Program:** The purpose of this program is to provide grants for field-initiated research activities related to the improvement of bilingual education and special alternative instructional programs for limited English proficient children and youth.

**Eligible Applicants:** Institutions of higher education, nonprofit organizations, State educational agencies, and local educational agencies that are current or recent recipients of grants under subpart 1 or 2 of Part A of Title VII of the Elementary and Secondary Education Act (ESEA) or under Part A or B of Title VII of the ESEA, (P.L. 100-297), as in effect prior to October 20, 1994. In order to be eligible for a grant under this program, an applicant must have received a grant under subpart 1 or 2 of Part A of Title VII or under Part A or B of Title VII of Pub. Law 100-297 in previous years.

**Deadline for Transmittal of Applications:** April 29, 1998.

**Deadline for Intergovernmental Review:** June 28, 1998.

**Available Funds:** \$400,000.

**Estimated Range of Awards:** \$50,000-\$60,000.

**Estimated Average Size of Awards:** \$52,500.

**Estimated Number of Awards:** 7-8.

**Note:** The Department is not bound by any estimates in this notice.

**Project Period:** 12 months.

**Applicable Regulations:** (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations in 34 CFR part 299, General Provisions, Elementary and Secondary Education Act.

**Description of Program:** Funds under this program are available to carry out field-initiated research conducted by current or recent recipients of grants under subpart 1 or 2 who have received those grants within the previous five years. Research under this program may provide for longitudinal studies of students or teachers in bilingual education, monitoring the education of those students from entry in bilingual education through secondary school completion.

**Priority***Invitational Priority*

The Secretary is particularly interested in applications that meet the following invitational priority. However, an application that meets this invitational priority does not receive competitive or absolute preference over other applications (34 CFR 75.105(c)(1)).

Applications that propose to focus on research that leads to answering significant questions on the assessment of language acquisition and academic achievement for limited English proficient (LEP) students.

**Note:** For further information on assessment issues, see "High Stakes Assessment: A Research Agenda for English Language Learners," which is available from the National Clearinghouse for Bilingual Education, telephone—1-800-321-6223 or website—<http://www.ncbe.gwu.edu>.

**Selection Criteria**

(a)(1) The Secretary uses the following selection criteria in 34 CFR 75.210 to evaluate applications for new grants under this competition.

(2) The maximum score for all of these criteria is 100 points.

(3) The maximum score for each criterion is indicated in parentheses.

(b) *The criteria*—(1) *Need for project.* (15 points) The Secretary considers the need for the proposed project. In determining the need for the proposed project, the Secretary considers the extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.

(2) *Significance.* (20 points) (i) The Secretary considers the significance of the proposed project.

(ii) In determining the significance of the proposed project, the Secretary considers the following factors:

(A) The significance of the problem or issue to be addressed by the proposed project.

(B) The potential contribution of the proposed project to increased knowledge or understanding of

educational problems, issues, or effective strategies.

(C) The likelihood that the proposed project will result in system change or improvement.

(D) The importance or magnitude of the results or outcomes likely to be attained by the proposed project, especially improvements in teaching and student achievement.

(3) *Quality of the project design.* (20 points) (i) The Secretary considers the quality of the design of the proposed project.

(ii) In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(A) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(B) The extent to which the proposed activities constitute a coherent sustained program of research and development in the field, including, as appropriate, a substantial addition to an ongoing line of inquiry.

(C) The extent to which the design of the proposed project includes a thorough, high-quality review of the relevant literature, a high-quality plan for project implementation, and the use of appropriate methodological tools to ensure successful achievement of project objectives.

(D) The extent to which the proposed project is part of a comprehensive effort to improve teaching and learning and support rigorous academic standards for students.

(4) *Quality of the management plan.* (25 points) (i) The Secretary considers the quality of the management plan for the proposed project.

(ii) In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(A) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(B) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

(5) *Quality of project personnel.* (15 points) (i) The Secretary considers the quality of the personnel who will carry out the proposed project.

(ii) In determining the quality of project personnel, the Secretary considers the extent to which the

applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(iii) In addition, the Secretary considers the following factors:

(A) The qualifications, including relevant training and experience, of the project director or principal investigator.

(B) The qualifications, including relevant training and experience, of key project personnel.

(6) *Adequacy of resources.* (5 points)

(i) The Secretary considers the adequacy of resources for the proposed project.

(ii) In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

(A) The extent to which the budget is adequate to support the proposed project.

(B) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

#### Intergovernmental Review of Federal Programs

This program is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

The objective of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each State under the Executive order. If you want to know the name and address of any State Single Point of Contact, see the list published in the **Federal Register** on October 7, 1997 (62 FR 52448 through 52450).

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide,

regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372—CFDA# 84.292B, U.S. Department of Education, Room 6213, 600 Independence Avenue, SW., Washington, D.C. 20202-0124.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, D.C. time) on the date indicated in this notice.

Please note that the above address is not the same address as the one to which the applicant submits its completed application. Do not send applications to the above address.

#### Instructions for Transmittal of Applications

(a) If an applicant wants to apply for a grant, the applicant shall—

(1) Mail the original and two copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention (CFDA# 84.292B), Washington, D.C. 20202-4725 or

(2) Hand-deliver the original and two copies of the application by 4:30 p.m. (Washington, D.C. time) on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA# 84.292B), Room #3633, Regional Office Building #3, 7th and D Streets, SW., Washington, D.C.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

**Notes:** (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) The Application Control Center will mail a Grant Application Receipt Acknowledgment to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 708-9495.

(3) The applicant must indicate on the envelope and—if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number—and suffix letter, if any—of the competition under which the application is being submitted.

#### Application Instructions and Forms

The appendix to this notice contains the following forms and instructions, plus a statement regarding estimated public reporting burden, a notice to applicants regarding compliance with section 427 of the General Education Provisions Act, a checklist for applicants, various assurances, certifications, and required documentation:

a. Instructions for the Application Narrative.

b. Additional Guidance.

c. Estimated Public Reporting Burden Statement.

d. Notice to All Applicants.

e. Checklist for Applicants.

f. Application for Federal Assistance (Standard Form 424 (Rev. 4-88)) and instructions.

g. Budget Information—Non-Construction Programs (ED Form No. 524) and instructions.

h. Eligibility Certification

i. Assurances—Non-Construction Programs (Standard Form 424B) and instructions.

j. Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80-0013, 6/90) and instructions.

k. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED 80-0014, 9/90) and instructions.

(**Note:** ED 80-0014 is intended for the use of grantees and should not be transmitted to the Department.)

l. Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions. This document has been marked to reflect statutory changes. See the notice published in the **Federal Register** (61 FR 1413) by the Office of Management and Budget on January 19, 1996.

An applicant may submit information on a photostatic copy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and the certifications must each have an original signature.

All applicants must submit ONE original signed application, including ink signatures on all forms and assurances, and TWO copies of the application. Please mark each

application as "original" or "copy." No grant may be awarded unless a completed application has been received.

**FOR FURTHER INFORMATION CONTACT:** Alex Stein, U.S. Department of Education, 600 Independence Avenue, SW., Room 5090, Switzer Building, Washington, D.C. 20202-6510. Telephone: (202) 205-5713. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain this notice in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph. Please note, however, that the Department is not able to reproduce in an alternate format the standard forms included in the notice.

#### *Electronic Access to This Document*

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<http://ocfo.ed.gov/fedreg.htm>  
<http://www.ed.gov/news.html>

To use the pdf you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the preceding sites. If you have questions about using the pdf, call the U.S. Government Printing Office toll free at 1-888-293-6498.

Anyone may also view these documents in text copy only on an electronic bulletin board of the Department. Telephone: (202) 219-1511 or, toll-free, 1-800-222-4922. The documents are located under Option G—Files/Announcements, Bulletins and Press Releases.

**Note:** The official version of this document is the document published in the **Federal Register**.

**Program Authority:** 20 U.S.C. 7452.

Dated: March 6, 1998.

**Delia Pompa,**

*Director, Office of Bilingual Education and Minority Languages Affairs.*

#### **Estimated Public Reporting Burden Statement**

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB No. 1885-0528 (Exp.

4/30/98). The time required to complete this information collection is estimated to average 120 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. *If you have any comments concerning the accuracy of the time estimate or suggestions for improving this form, please write to:* U.S. Department of Education, Washington, D.C. 20202-4651.

*If you have comments or concerns regarding the status of your individual submission of this form, write directly to:* Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 600 Independence Avenue, SW., Room 5090, Switzer Building, Washington, D.C. 20202-6510.

#### **Instructions for the Application Narrative**

##### *Mandatory Page Limit for the Application Narrative*

The narrative portion of the application must not exceed 45 pages. These pages must be double-spaced and printed on one side only. A legible font size and adequate margins should be used. The narrative section must be paginated and should include a one-page abstract. The 45-page limit applies to the abstract, proposal narrative, charts, graphs, tables, graphics, position descriptions (and résumés, if included), and any appendices. The page limit does not apply to application forms, attachments to those forms, assurances, certifications, and the table of contents. The page limit applies only to item 14 and not to the other items in the Checklist for Applicants. *Applications with a narrative section that exceeds the page limit will not be considered for funding.*

The narrative section should begin with an abstract that includes a short description of the population to be served by the project, project objectives, and planned project activities.

##### *Selection Criteria*

The narrative should address fully all aspects of the selection criteria in the order listed and should give detailed information regarding each criterion. Do not simply paraphrase the criteria. Do not include résumés or curriculum vitae for project personnel; provide position descriptions instead.

#### **Additional Guidance**

##### *Table of Contents*

The application should include a table of contents listing the sections in the order required.

##### *Budget*

Budget line items must support the goals and objectives of the proposed project and must be directly related to the instructional design and all other project components.

##### *Final Application Preparation*

Use the Checklist for Applicants to verify that your application is complete. Submit three copies of the application, including an original copy containing an original signature for each form requiring the signature of the authorized representative. Do not use elaborate bindings or covers. The application package must be mailed or hand-delivered to the Application Control Center (ACC) and postmarked by the deadline date.

##### *Submission of Application to State Educational Agency*

Section 7116(a)(2) of the authorizing statute (Elementary and Secondary Education Act of 1965, as amended by the Improving America's Schools Act of 1994, Pub. L. 103-382) requires all applicants except schools funded by the Bureau of Indian Affairs to submit a copy of their application to their State educational agency (SEA) for review and comment (20 U.S.C. 7426(a)(2)). Section 75.156 of the Education Department General Administrative Regulations (EDGAR) requires these applicants to submit their application to the SEA on or before the deadline date for submitting their application to the Department of Education. This section of EDGAR also requires applicants to attach to their application a copy of their letter that requests the SEA to comment on the application (34 CFR 75.156). A copy of this letter should be attached to the Project Documentation Form contained in this application package. *Applicants that do not submit a copy of their application to their state educational agency in accordance with these statutory and regulatory requirements will not be considered for funding.*

#### **Notice to All Applicants**

Thank you for your interest in this program. The purpose of this enclosure is to inform you about a new provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department

programs. This provision is section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Pub. L. 103-382).

*To Whom Does This Provision Apply?*

Section 427 of GEPA affects applicants for new discretionary grant awards under this program. *All applicants for new awards must include information in their applications to address this new provision in order to receive funding under this Program.*

*What Does This Provision Require?*

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its federally assisted program for students, teachers, and other program beneficiaries with special needs.

This section allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation that you may address: gender, race, national origin, color, disability, or age. Based on local circumstances, you can determine whether these or other barriers may prevent your students, teachers, etc. from equitable access or participation. Your description need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve

to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

*What are Examples of How an Applicant Might Satisfy the Requirement of This Provision?*

The following examples may help illustrate how an applicant may comply with section 427.

(1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.

(2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in braille for students who are blind.

(3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct "outreach" efforts to girls, to encourage their enrollment.

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

**Estimated Burden Statement**

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 1801-0004 (Exp. 8/31/98). The time required to complete this information collection is estimated to

vary from 1 to 3 hours per response, with an average of 1.5 hours, including the time to review instructions, search existing data resources, gather and maintain the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, DC 20202-4651.

**Checklist for Applicants**

The following forms and other items must be included in the application in the order listed below:

1. Application for Federal Assistance Form (SF 424).
2. Budget Information Form (ED Form No. 524).
3. Itemized budget for each year.
4. Assurances—Non-Construction Programs Form (SF 424B).
5. Certifications Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements Form (ED 80-0013).
6. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions Form (ED 80-0014) (if applicable).
7. Disclosure of Lobbying Activities Form (SF-LLL).
8. Information that addresses section 427 of the General Education Provisions Act. (See the above section entitled NOTICE TO ALL APPLICANTS (OMB No. 1801-0004)).
9. Table of Contents.
10. Application narrative, including abstract (not to exceed 45 pages).
11. One original and two copies of the application for transmittal to the Education Department's Application Control Center.

BILLING CODE 4000-01-P

**APPLICATION FOR FEDERAL ASSISTANCE**

<b>1. TYPE OF SUBMISSION:</b> <i>Application</i> <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Non-Construction  <i>Pre-application</i> <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		<b>2. DATE SUBMITTED</b>	Applicant Identifier
		<b>3. DATE RECEIVED BY STATE</b>	State Application Identifier
		<b>4. DATE RECEIVED BY FEDERAL AGENCY</b>	Federal Identifier
<b>5. APPLICANT INFORMATION</b>			
Legal Name:		Organizational Unit:	
Address (give city, county, state, and zip code):		Name and telephone number of the person to be contacted on matters involving this application (give area code)	
<b>6. EMPLOYER IDENTIFICATION NUMBER (EIN):</b> [ ] [ ] - [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]		<b>7. TYPE OF APPLICANT: (enter appropriate letter in box)</b> <input type="checkbox"/> A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify): _____	
<b>8. TYPE OF APPLICATION:</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es): <input type="checkbox"/> <input type="checkbox"/> A. Increase Award    B. Decrease Award    C. Increase Duration D. Decrease Duration    Other (specify): _____			
<b>9. NAME OF FEDERAL AGENCY:</b> U. S. DEPARTMENT OF EDUCATION			
<b>10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:</b> 8   4   ■   2   9   2B TITLE: Bilingual Education: Field-Initiated Research		<b>11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:</b>	
<b>12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):</b>			
<b>13. PROPOSED PROJECT:</b>		<b>14. CONGRESSIONAL DISTRICTS OF:</b>	
Start Date	Ending Date	a. Applicant	b. Project
<b>15. ESTIMATED FUNDING:</b>		<b>16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?</b>	
a. Federal	\$ .00	a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE _____	
b. Applicant	\$ .00	b. NO. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
c. State	\$ .00		
d. Local	\$ .00		
e. Other	\$ .00		
f. Program Income	\$ .00	<b>17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?</b> <input type="checkbox"/> Yes    If "Yes," attach an explanation. <input type="checkbox"/> No	
g. TOTAL	\$ .00		
<b>18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED</b>			
a. Typed Name of Authorized Representative		b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed	

## INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

- | Item: | Entry:   | Item: | Entry:   |
|-------|--|-------|--|
| 1.    | Self-explanatory.  | 12.   | List only the largest political entities affected (e.g., State, counties, cities).   |
| 2.    | Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).  | 13.   | Self-explanatory.  |
| 3.    | State use only (if applicable).  | 14.   | List the applicant's Congressional District and any District(s) affected by the program or project.  |
| 4.    | If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.  | 15.   | Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <i>only</i> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15. |
| 5.    | Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.   | 16.   | Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.  |
| 6.    | Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.  | 17.   | This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.  |
| 7.    | Enter the appropriate letter in the space provided.  | 18.   | To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)  |
| 8.    | Check appropriate box and enter appropriate letter(s) in the space(s) provided:<br>— "New" means a new assistance award.<br>— "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.<br>— "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. |       |  |
| 9.    | Name of Federal agency from which assistance is being requested with this application.   |       |  |
| 10.   | Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.  |       |  |
| 11.   | Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.  |       |  |

 <p style="text-align: center;"><b>U.S. DEPARTMENT OF EDUCATION</b> <b>BUDGET INFORMATION</b> <b>NON-CONSTRUCTION PROGRAMS</b></p>		<p>OMB Control No. 1875-0102</p> <p>Expiration Date: 9/30/98</p>				
<p>Name of Institution/Organization</p>		<p>Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.</p>				
<p><b>SECTION A - BUDGET SUMMARY</b> <b>U.S. DEPARTMENT OF EDUCATION FUNDS</b></p>						
Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

Name of Institution/Organization		SECTION B - BUDGET SUMMARY NON-FEDERAL FUNDS					
Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.		Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel							
2. Fringe Benefits							
3. Travel							
4. Equipment							
5. Supplies							
6. Contractual							
7. Construction							
8. Other							
9. Total Direct Costs (lines 1-8)							
10. Indirect Costs							
11. Training Stipends							
12. Total Costs (lines 9-11)							
		SECTION C - OTHER BUDGET INFORMATION (see instructions)					

Public reporting burden for this collection of information is estimated to vary from 13 to 22 hours per response, with an average of 17.5 hours, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202-4651; and the Office of Management and Budget, Paperwork Reduction Project 1875-0102, Washington, D.C. 20503.

## INSTRUCTIONS FOR ED FORM NO. 524

### General Instructions

This form is used to apply to individual U.S. Department of Education discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached.

### Section A - Budget Summary U.S. Department of Education Funds

All applicants must complete Section A and provide a breakdown by the applicable budget categories shown in lines 1-11.

**Lines 1-11, columns (a)-(e):** For each project year for which funding is requested, show the total amount requested for each applicable budget category.

**Lines 1-11, column (f):** Show the multi-year total for each budget category. If funding is requested for only one project year, leave this column blank.

**Line 12, columns (a)-(e):** Show the total budget request for each project year for which funding is requested.

**Line 12, column (f):** Show the total amount requested for all project years. If funding is requested for only one year, leave this space blank.

### Section B - Budget Summary Non-Federal Funds

If you are required to provide or volunteer to provide matching funds or other non-Federal resources to the project, these should be shown for each applicable budget category on lines 1-11 of Section B.

**Lines 1-11, columns (a)-(e):** For each project year for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

**Lines 1-11, column (f):** Show the multi-year total for each budget category. If non-Federal contributions are provided for only one year, leave this column blank.

**Line 12, columns (a)-(e):** Show the total matching or other contribution for each project year.

**Line 12, column (f):** Show the total amount to be contributed for all years of the multi-year project. If non-Federal contributions are provided for only one year, leave this space blank.

### Section C - Other Budget Information Pay attention to applicable program specific instructions, if attached.

1. Provide an itemized budget breakdown, by project year, for each budget category listed in Sections A and B.
2. If applicable to this program, enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period. In addition, enter the estimated amount of the base to which the rate is applied, and the total indirect expense.
3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.
4. Provide other explanations or comments you deem necessary.

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# BILINGUAL EDUCATION: FIELD INITIATED RESEARCH PROGRAM

## ELIGIBILITY CERTIFICATION

### Application Information

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Name of Institution

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Address (give city, county, state, zip code)

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Type of Institution (IHE, NPO, SEA, LEA)

Grant awards received during Subpart 1 or 2 of Part A of Title VII of the Elementary and Secondary Education Act (or Parts A and B of Title VII of ESEA, as in effect prior to its amendment on October 20, 1994). Grants must have been received within the previous five years.

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Type of Grant

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Grant Number

**ASSURANCES — NON-CONSTRUCTION PROGRAMS**

**Note:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age;
- (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

## CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

### 1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

### 2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110--

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

### 3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about-

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will-

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 600 Independence Avenue, S.W. (Room 3600, GSA Regional Office Building No. 3), Washington, DC 20202-4130. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted-

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Check  if there are workplaces on file that are not identified here.

**DRUG-FREE WORKPLACE  
(GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610-

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, Department of Education, 600 Independence Avenue, S.W. (Room 3600, GSA Regional Office Building No. 3), Washington, DC 20202-4130. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND / OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

## Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

### Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

### Certification

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

**DISCLOSURE OF LOBBYING ACTIVITIES**

Approved by OMB  
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C 1352  
(See reverse for public burden disclosure.)

<p><b>1. Type of Federal Action:</b></p> <p><input type="checkbox"/> a. contract  <input type="checkbox"/> b. grant  <input type="checkbox"/> c. cooperative agreement  <input type="checkbox"/> d. loan  <input type="checkbox"/> e. loan guarantee  <input type="checkbox"/> f. loan insurance</p>	<p><b>2. Status of Federal Action:</b></p> <p><input type="checkbox"/> a. bid/offer/application  <input type="checkbox"/> b. initial award  <input type="checkbox"/> c. post-award</p>	<p><b>3. Report Type:</b></p> <p><input type="checkbox"/> a. initial filing  <input type="checkbox"/> b. material change</p> <p><b>For Material Change Only:</b>  year ____ quarter ____  date of last report ____</p>
<p><b>4. Name and Address of Reporting Entity:</b></p> <p><input type="checkbox"/> Prime                      <input type="checkbox"/> Subawardee  Tier ____, if known:</p> <p><b>Congressional District, if known:</b></p>	<p><b>5. If Reporting Entity in No.4 is Subawardee, Enter Name and Address of Prime:</b></p> <p><b>Congressional District, if known:</b></p>	
<p><b>6. Federal Department/Agency:</b></p>	<p><b>7. Federal Program Name/Description:</b></p> <p>CFDA Number, if applicable:</p>	
<p><b>8. Federal Action Number, if known:</b></p>	<p><b>9. Award Amount, if known:</b></p> <p>\$ _____</p>	
<p><b>10. a. Name and Address of Lobbying Entity Registrant (if individual, last name, first name, MI):</b></p>	<p><b>b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI):</b></p>	
<p><b>11. Amount of Payment (check all that apply):</b></p> <p>— \$ _____ <input type="checkbox"/> actual <input type="checkbox"/> planned</p>	<p><b>13. Type of Payment (Check all that apply):</b></p> <p><input type="checkbox"/> a. retainer  <input type="checkbox"/> b. one-time fee  <input type="checkbox"/> c. commission  <input type="checkbox"/> d. contingent fee  <input type="checkbox"/> e. deferred  <input type="checkbox"/> f. other; specify: _____</p>	
<p><b>12. Form of Payment (check all that apply):</b></p> <p><input type="checkbox"/> a. cash  <input type="checkbox"/> b. in-kind, specify: nature _____  value _____</p>		
<p><b>14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s); or Member(s) contacted, for Payment Indicated in Item 11:</b></p> <p>_____</p> <p style="text-align: center;"><i>(attach Continuation Sheet(s) SF-LLL-A, if necessary)</i></p>		
<p><b>15. Continuation Sheet(s) SF-LLL attached:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No</p>		
<p><b>16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</b></p>	<p>Signature: _____</p> <p>Print Name: _____</p> <p>Title: _____</p> <p>Telephone No.: _____ Date: _____</p>	
<p><b>Federal Use Only</b></p>	<p><b>Authorized for Local Reproduction Standard Form - LLL</b></p>	

## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. ~~Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate.~~ Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee" then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number, grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state, and zip code of the ~~lobbying entity~~ registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.  
 (b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).
- ~~11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this a material change report, enter the cumulative amount of payment made or planned to be made.~~
- ~~12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of in-kind payment.~~
- ~~13. Check the appropriate box(es). Check all boxes that apply. If other specify nature.~~
- ~~14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.~~
- ~~15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.~~
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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- Fruits and vegetables; importation—
- Papayas from Brazil and Costa Rica; published 3-13-98

**ENERGY DEPARTMENT****Federal Energy Regulatory Commission**

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**FARM CREDIT ADMINISTRATION**

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- Loan policies and operations—
- Funding relationship between Farm credit bank and direct lender association, etc.; published 3-13-98

**HEALTH AND HUMAN SERVICES DEPARTMENT****Health Care Financing Administration**

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**TRANSPORTATION DEPARTMENT****Federal Aviation Administration**

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- Aerostar Aircraft Corp.; published 2-17-98
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**TRANSPORTATION DEPARTMENT****Federal Highway Administration**

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- Civil penalties for regulation violations as adjusted for inflation; published 3-13-98

**COMMENTS DUE NEXT WEEK****AGRICULTURE DEPARTMENT****Agricultural Marketing Service**

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- National organic program; establishment; comments due by 3-16-98; published 12-16-97

Olives grown in California; comments due by 3-19-98; published 2-17-98

Peanuts, domestically produced; comments due by 3-17-98; published 1-16-98

**AGRICULTURE DEPARTMENT****Federal Crop Insurance Corporation**

Crop insurance regulations:

- Nursery crop; 1995 and prior crop years; comments due by 3-16-98; published 1-29-98

**AGRICULTURE DEPARTMENT****Food Safety and Inspection Service**

Meat and poultry inspection:

- Nutrient content claims; "healthy" definition; comments due by 3-16-98; published 2-13-98

**AGRICULTURE DEPARTMENT****Grain Inspection, Packers and Stockyards Administration**

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**LIST OF PUBLIC LAWS**

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202-523-6641. This list is also available online at <http://www.nara.gov/fedreg>.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual

pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202-512-1808). The text will also be made available on the Internet from GPO Access at [http://www.access.gpo.gov/su\\_docs/](http://www.access.gpo.gov/su_docs/). Some laws may not yet be available.

**S. 916/P.L. 105-161**

To designate the United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, as the "Blaine H. Eaton Post Office Building". (Mar. 9, 1998; 112 Stat. 28)

**S. 985/P.L. 105-162**

To designate the post office located at 194 Ward Street in Paterson, New Jersey, as the "Larry Doby Post Office". (Mar. 9, 1998; 112 Stat. 29)

**Last List March 10, 1998****Public Laws Electronic Notification Service (PENS)**

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