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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 56

[Docket No. PY–97–003]

Voluntary Shell Egg Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service (AMS) is amending the regulations governing the voluntary shell egg grading program. The revisions require that scales of stated precision be provided to the grader; provide an alternative grademark for shell eggs; provide for the use of a ''Produced From'' grademark to officially identify products that originate from officially graded shell eggs; and remove the requirement for continuous overflow of water during the egg washing process. From time to time, sections in the regulations are affected by changes in egg processing technology and egg marketing. This rule updates the regulations to reflect these changes.

EFFECTIVE DATE: April 20, 1998.

FOR FURTHER INFORMATION CONTACT: Douglas C. Bailey, Chief, Standardization Branch, (202) 720–3506.

SUPPLEMENTARY INFORMATION: This rule has been determined to be not significant for purposes of Executive Order 12866 and has not been reviewed by the Office of Management and Budget (OMB).

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This action is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), AMS has considered the economic impact of this action on small entities as defined in the RFA (5 U.S.C. 601). There are almost 200 plants using the Agency's shell egg grading services and many of them are small entities.

Requiring electronic digital-display scales will affect some processors by requiring the purchase of one or more scales that cost from $150 to $1,000 each. This equipment will improve the accuracy of egg weight determinations, allowing processors to avoid the expense incurred when product is unnecessarily retained and re-processed.

Shell egg processors will be allowed to use a shield displayed in three colors on packaging materials to officially identify USDA graded eggs. Similarly, producers of products originating from officially graded shell eggs will be allowed to use a ''Produced From'' grademark on packaging materials. The use of these alternative forms of the USDA grademark gives processors greater flexibility in packaging and marketing their products. Since these alternative grademarks are used at the processors' discretion, any economic impact caused by their use is by the choice of the processors.

Removing the requirement for the continuous overflow of water during egg washing will conserve water and energy resources, decrease operating expenses of processors, and lessen the environmental impact of shell egg processing. This is expected to have a positive economic impact on processors.

Other editorial-type changes will clarify or update the existing regulations and will have no additional economic impact on entities using voluntary shell egg grading services.

For the above reasons, the Agency has certified that this action will not have a significant impact on a substantial number of small entities.

The information collection requirement in § 56.37 to be amended by this rule has been previously approved by OMB and assigned OMB Control Number 0581–0127 under the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Background and Comments

Shell egg grading is a voluntary program provided under the Agricultural Marketing Act of 1946, as amended, and is offered on a fee-for-service basis. It is designed to assist the orderly marketing of shell eggs by providing for the official certification of egg quality, quantity, size, temperature, packaging, and other factors. Changes in egg processing technology and egg marketing require that the regulations governing shell egg grading be updated from time to time.

A proposed rule to amend the voluntary shell egg grading regulations was published in the **Federal Register** (62 FR 42944) on August 11, 1997. Comments on the proposed rule were solicited from interested parties until October 10, 1997.

During the 60-day comment period, the Agency received eight comments regarding the proposal. Comments from two State government agencies and one egg producer association expressed overall support for the proposal. The one egg producer who commented objected to the proposed requirement for precision scales. Comments from two State cooperative extension service specialists and two equipment manufacturers dealt with egg wash water overflow. The proposals and the comments are discussed below.

Scales

Grading personnel certify egg weights according to the official U.S. weight classes. Today, the highly mechanized, state-of-the-art equipment used to package shell eggs weighs individual eggs with high precision to satisfy container weight requirements. For processors to receive fair, uniform, accurate weight certification, graders need to have similarly precise scales to certify egg weights. Therefore, the Agency proposed to amend § 56.17(a). The proposal requires plants to replace balance or spring-type scales with electronic digital-display scales gradated in increments of 1/10-ounce or less and 1/4-ounce or less for weighing individual eggs and consumer packages, respectively. It also requires that scales used for weighing shipping containers be gradated in increments of 1/4-pound or less. The proposal continues to require test weights for calibrating all scales.

The one egg producer who commented felt that existing scales should only be replaced when they are clearly unreliable. One of the State government agencies commented that all plants receiving resident grading service in their State had already replaced their balance and spring-type scales with digital scales that comply with the proposed rule.

The Agency still finds the proposal to establish a minimum level of scale precision beneficial and appropriate for the conduct of a nationwide grading program and will issue it as a final rule. We continue to be of the view that for processors to receive fair, uniform, accurate weight certification, graders need to have similarly precise scales to certify egg weights and the change to the regulation made by this action will accomplish this.

Grademarks

Many processors want to identify their consumer-pack USDA graded shell eggs, or products prepared from those eggs, with a USDA grademark. The Agency proposed amending § 56.36 to allow processors additional flexibility in packaging and marketing their products. The proposal permits the use of a new grademark that contains horizontal bands of three colors. It also provides for the use of a new ''Produced From'' grademark to officially identify products produced from U.S. Grade AA or Grade A shell eggs for which there are no U.S. grade standards (e.g., pasteurized shell eggs). It also removes the option of using terms such as ''Federal-State Graded'' within the grademark because this option is no longer used. Finally, the proposal clarifies the organization and wording of § 56.36 and corrects references to § 56.36 that are in § 56.37 and § 56.40.

There were no comments about this proposal and the Agency will issue the final rule as it was proposed.

Overflow of Wash Water

Basically, the egg washing process involves moving eggs through brushes under a spray of wash water delivered through a system of pipes. The wash water, a mixture of water and an approved cleaning compound, is filtered and recirculated through the system of pipes from a holding tank. The tank is designed to permit both the inflow and overflow of wash water. Overflow occurs when the volume of wash water exceeds the holding capacity of the tank. When the tank is filled with water and the washer is turned on, the water is pumped from the tank into the system of pipes and the water level in the tank lowers. Also, some water is lost due to evaporation and other causes. Replacement water is added continuously and cleaning compound is added as necessary to maintain the cleaning efficacy of the wash water. Approximately every 4 hours and between shifts, wash water tanks are emptied and refilled with clean, potable water.

The Agency currently requires that replacement water be added continuously to the wash water in order to maintain a continuous overflow of water. However, the rate at which replacement water is added to today's egg washing equipment is not always of sufficient volume to provide for continuous overflow, particularly at the beginning of shifts or when the washing equipment is stopped and restarted during the day. Accordingly, the Agency proposed to amend § 56.76(e)(5) by omitting the requirement for maintaining a continuous overflow of water in shell egg washers.

One equipment manufacturer expressed support for the proposal as written. Another equipment manufacturer recommended that the regulation be reworded to suggest that the overflow of water be expected 10 to 15 minutes after start-up, and recommended that egg washers be equipped with a double rinse and traveling filter system. The two State cooperative extension specialists raised the concern that by not requiring continuous overflow of water, waste could build up in the wash water and overwhelm the detergents and sanitizers.

The Agency recognizes that rate of replacement water inflow, concentration of cleaning compound in the wash water, and rate of overflow all affect wash water quality. The proposal was published in recognition that the continuous overflow of wash water is not necessary to maintain the cleaning efficacy of the wash water. The Agency's existing requirement that replacement water be continuously added to the washing system will likely result in a periodic overflow of wash water during the washing process, with the frequency and rate of overflow dependent on factors such as the rate of replacement water inflow, tank size, rate of evaporation, and the number of eggs cleaned. While the proposal would eliminate the requirement for continuous overflow of wash water, it would not eliminate the periodic overflow of wash water.

The Agency continues to find no evidence that continuous wash water overflow is necessary to maintain the cleaning efficacy of wash water, and no comments provided evidence to the contrary. Moreover, the Agency believes the proposal to eliminate continuous overflow of wash water provides egg packers the flexibility they need to responsibly use today's egg cleaning equipment and technologies and to provide their customers with the cleanest eggs possible. Therefore, it will issue the final rule as proposed.

List of Subjects in 7 CFR Part 56

Eggs and egg products, Food grades and standards, Food labeling, Reporting and record keeping requirements.

For reasons set forth in the preamble, Title 7, Code of Federal Regulations Part 56 is amended as follows:

PART 56—VOLUNTARY GRADING OF SHELL EGGS

1. The heading for part 56 is revised to read as set forth above.

1a. The authority citation for part 56 continues to read as follows:

Authority: 7 U.S.C. 1621–1627.

2. In § 56.17, paragraphs (a)(2) and (a)(3) are removed and new paragraphs (a)(2) through (5) are added to read as follows:

§ 56.17 Facilities and equipment for graders.

* * * * *

(a) * * *

(2) Electronic digital-display scales graduated in increments of 1/10-ounce or less for weighing individual eggs and test weights for calibrating such scales. Plants packing product based on metric weight must provide scales graduated in increments of 1-gram or less;

(3) Electronic digital-display scales graduated in increments of 1/4-ounce or less for weighing the lightest and heaviest consumer packages packed in the plant and test weights for calibrating such scales;

(4) Scales graduated in increments of 1/4-pound or less for weighing shipping containers and test weights for calibrating such scales;

(5) An acceptable candling light.

* * * * *

3. Section 56.36 is revised to read as follows:

§ 56.36 Form of grademark and information required.

(a) *Form of official identification symbol and grademark.* (1) The shield set forth in Figure 1 of this section shall be the official identification symbol for purposes of this part and when used, imitated, or simulated in any manner in connection with shell eggs, shall be deemed prima facia to constitute a representation that the product has been

officially graded for the purposes of § 56.2.

(2) Except as otherwise authorized, the grademark permitted to be used to officially identify USDA consumer-graded shell eggs shall be of the form and design indicated in Figures 2 through 4 of this section. The shield shall be of sufficient size so that the printing and other information contained therein is legible and in approximately the same proportion as shown in these figures.

(3) The ''Produced From'' grademark in Figure 5 of this section may be used to identify products for which there are no official U.S. grade standards (*e.g.*, pasteurized shell eggs), provided that these products are approved by the Agency and are prepared from U.S. Consumer Grade AA or A shell eggs under the continuous supervision of a grader.

(b) *Information required on grademark*. (1) Except as otherwise authorized by the Administrator, each grademark used shall include the letters ''USDA'' and the U.S. grade of the product it identifies, such as ''A Grade,'' as shown in Figure 2 of this section. Such information shall be printed with the shield and the wording within the shield in contrasting colors in a manner such that the design is legible and conspicuous on the material upon which it is printed.

(2) The size or weight class of the product, such as ''Large,'' may appear within the grademark as shown in Figure 3 of this section. If the size or weight class is omitted from the grademark, it must appear prominently on the main panel of the carton.

(3) Except as otherwise authorized, the bands of the shield in Figure 4 of this section shall be displayed in three colors, with the color of the top, middle, and bottom bands being blue, white, and red, respectively.

(4) The ''Produced From'' grademark in Figure 5 of this section may be any one of the designs shown in Figures 2 through 4 of this section. The text outside the shield shall be conspicuous, legible, and in approximately the same proportion and close proximity to the shield as shown in Figure 5 of this section.

(5) The plant number of the official plant preceded by the letter ''P'' must be shown on each carton or packaging material.

BILLING CODE 3410–02–P

Figure 1

Figure 2

Figure 3

Figure 4

Figure 5

BILLING CODE 3410–02–C

4. In § 56.37, the first sentence is revised to read as follows:

§ 56.37 Lot marking of officially identified product.

Each carton identified with the grademarks shown in § 56.36 shall be legibly lot numbered on either the carton or the consumer package. * * *

5. In § 56.40, paragraph (a) is revised to read as follows:

§ 56.40 Grading requirements of shell eggs identified with consumer grademarks.

(a) Shell eggs to be identified with the grademarks illustrated in § 56.36 must be individually graded by a grader or by authorized personnel pursuant to § 56.11 and thereafter check graded by a grader.

* * * * *

6. In § 56.76, the first sentence in paragraph (e)(5) is revised to read as follows:

§ 56.76 Minimum facility and operating requirements for shell egg grading and packing plants.

* * * * *

(e) * * *

(5) Replacement water shall be added continuously to the wash water of washers. * * *

* * * * *

Dated: March 13, 1998.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 98–7156 Filed 3–18–98; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–289–AD; Amendment 39–10401; AD 98–06–23]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Saab Model SAAB 2000 series airplanes, that requires application of sealant to the auxiliary power unit (APU) firezone bulkhead. 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 hazardous amounts of flame, fuel, and vapor from entering compartments outside the fire zone due to unsealed openings in the firezone bulkhead, which could result in a fire outside the APU firezone compartment.

DATES: Effective April 23, 1998.

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

ADDRESSES: The service information referenced in this AD may be obtained from Saab Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linköping, Sweden. 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 Saab Model SAAB 2000 series airplanes was published in the **Federal Register** on December 18, 1997 (62 FR 66315). That action proposed to require application of sealant to the auxiliary power unit (APU) firezone bulkhead.

Comments

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

Request To Revise Description of the Addressed Unsafe Condition

One commenter notes that the description of the addressed unsafe condition that appeared in the proposal states, in part, ‘‘ * * * to prevent hazardous amounts of flame, fuel, and vapor from entering the passenger compartments * * *.’’ The commenter states that there are other compartments between the APU firezone compartments and the passenger compartment; the actual design makes it unlikely that flames, fuel, or vapor will enter the passenger compartment due to unsealed openings in the firezone bulkhead. The commenter suggests that a more accurate description of the unsafe condition would be ‘‘* * * to prevent hazardous amounts of flame, fuel, and vapor from entering compartments outside the fire zone * * *.’’

The FAA concurs that the commenter’s proposed wording is a more accurate statement of the unsafe condition. The FAA has revised this final rule accordingly.

Conclusion

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

Cost Impact

The FAA estimates that 3 Model SAAB 2000 series 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 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 $360, or $120 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:

98–06–23 Saab Aircraft AB: Amendment 39–10401. Docket 97–NM–289–AD.

Applicability: Model SAAB 2000 series airplanes, serial numbers –004 through –040 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 hazardous amounts of flame, fuel, and vapor from entering compartments outside the fire zone due to unsealed openings in the firezone bulkhead, which could result in an uncontrollable fire outside the auxiliary power unit (APU) firezone compartment, accomplish the following:

(a) Within 400 flight hours or 2 months after the effective date of this AD, whichever occurs later, apply sealant to the APU firezone bulkhead, in accordance with Saab Service Bulletin 2000–53–024, dated December 2, 1996.

(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 Saab Service Bulletin 2000–53–024, dated December 2, 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 Saab Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linköping, Sweden. 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 Swedish airworthiness directive SAD No. 1–105, dated December 4, 1996.

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

Issued in Renton, Washington, on March 10, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–6761 Filed 3–18–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–77–AD; Amendment 39–10400; AD 98–06–22]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A310 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all Airbus Model A310 Series Airplanes, that currently requires measurement of the force required to move the interior control handle of the emergency exit doors, and various follow-on corrective actions, if necessary. This amendment adds repetitive functional tests to measure the force necessary to move the interior control handle of the emergency exit doors; and requires adjusting an emergency exit door or replacing the bearing of the door lifting mechanism, if necessary. This amendment is prompted by reports of seizure of a bearing and increased door handle forces that were outside the limits of the required hand forces due to seizure of two teflon line bearings on the lifting shaft. The actions specified by this AD are intended to prevent impeding passenger evacuation during an emergency due to difficulty in lifting the interior control handle that is used to open the emergency exit door.

DATES: Effective April 23, 1998.

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

The incorporation by reference of Airbus All Operators Telex 52 08, Revision 1, dated December 1, 1994, was approved previously by the Director of the Federal Register as of May 2, 1995 (60 FR 19155, April 17, 1995).

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) by superseding AD 95–08–07, amendment 39–9196 (60 FR 19155, April 17, 1995), which is applicable to all Airbus Model A310 series airplanes, was published in the **Federal Register** on October 14, 1997 (62 FR 53269). The action proposed to supersede AD 95–08–07 to continue to require measurement of the force required to move the interior control handle of the emergency exit doors, and various follow-on corrective actions, if necessary. The action also proposed to require repetitive functional tests to measure the force necessary to move the interior control handle of the emergency exit doors; and adjusting an emergency exit door or replacing the bearing of the door lifting mechanism, if necessary.

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

Request for Additional Functional Testing

One commenter requests that testing of the force required to open the door be accomplished at least three times during accomplishment of the functional test. The commenter states that this would aid in identifying cases where the door handle force was very close to the limit.

The FAA does not concur with the commenter's request. The procedures described in the referenced service information indicate that the emergency exit door is to be moved at least three times into the closed position, and lifted each time. Additionally, the service information specifies that the operation of the door should be assessed during the lifting process for an aligned movement; since the movement of the interior control handle is smooth, constant hand force is required. In light of this, the FAA finds that the requirements of this AD, as proposed, are adequate to address the identified unsafe condition.

Request for Pre-Flight Checks

The commenter also requests that a requirement be added to the proposal to check the handle force on a pre-flight basis to ensure that the force would not exceed the limit shortly after the inspection is performed. The

commenter indicates that the manner in which Teflon bearings fail is gradual.

The FAA does not concur with the commenter's request. In developing the proposed inspection interval of three months, the FAA has determined that this interval is appropriate in light of the safety implications, the average utilization rate of the affected fleet, and the practical aspects of an orderly inspection of the fleet during regular maintenance periods.

Conclusion

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

Cost Impact

There are approximately 6 airplanes of U.S. registry that will be affected by this AD.

The actions that are currently required by AD 95–08–07 take approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be $360, or $60 per airplane.

The new actions that are required by this new AD will take approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the new requirements of this AD on U.S. operators is estimated to be $360, or $60 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–9196 (60 FR 19155, April 17, 1995), and by adding a new airworthiness directive (AD), amendment 39– , to read as follows:

98–06–22 Airbus Industrie: Amendment 39–10400. Docket 97–NM–77–AD. Supersedes AD 95–08–07, Amendment 39–9196.

Applicability: Model A310 series airplanes, except those airplanes that have been modified in accordance with Supplemental Type Certificate (STC) ST0001NY; 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 (f) 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 impeding passenger evacuation during an emergency due to difficulty in lifting the interior control handle that is used to open the emergency exit door, accomplish the following:

Restatement of Requirements of AD 95–08–07, Amendment 39–9196

(a) Within 60 days after May 2, 1995 (the effective date of AD 95–08–07), measure the amount of force required to move the interior control handle of the emergency exit doors, in accordance with Airbus All Operators Telex (AOT) 52 08, Revision 1, dated December 1, 1994.

(b) If the force required to move the interior control handle of the door is equal to or does not exceed 20 daN (45 foot-pounds), no further action is required by this paragraph for that door.

(c) If the force required to move the interior control handle of the door exceeds 20 daN (45 foot-pounds), prior to further flight, perform a full functional test of the emergency exit doors to measure the amount of force required to open the doors, in accordance with the AOT.

(1) If the force required to open the door does not exceed 20 daN (45 foot-pounds), no further action is required by this paragraph for that door.

(2) If the force required to open the door exceeds 20 daN (45 foot-pounds), prior to further flight, perform a visual inspection to detect discrepancies of the mechanism inside the door, in accordance with the AOT.

(i) If no discrepancy is found, prior to further flight, replace seized bearings with new or serviceable bearings, in accordance with AOT.

(ii) If any discrepancy is found, prior to further flight, repair the discrepancy in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(d) Within 10 days after accomplishing the inspection required by paragraph (a) of this AD, submit a report of the findings of discrepancies to Airbus Industrie, Engineering Services, Attention: Mr. R. Filaquier, AI/SE E121, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

New Requirements of This AD

(e) Within 3 months after the effective date of this AD, perform a functional test to measure the force necessary to move the interior control handle of the emergency exit doors, in accordance with Airbus Service Bulletin A310–52–2060, dated July 22, 1996.

(1) If the emergency exit door opens and the force required to move the interior control hand is less than or equal to the limits specified in the service bulletin, repeat the test thereafter at intervals not to exceed 3 months.

(2) If the emergency exit door does not open or the force required to move the interior handle is greater than the limits specified in the service bulletin, prior to further flight, perform an inspection to detect discrepancies of the mechanisms inside the door, in accordance with the service bulletin.

(i) If no discrepancy is detected, prior to further flight, replace the bearings with new

bearings, in accordance with the service bulletin. Repeat the test thereafter at intervals not to exceed 3 months.

(ii) If any discrepancy is detected, prior to further flight, adjust the emergency exit doors in accordance with the service bulletin. Repeat the test thereafter at intervals not to exceed 3 months.

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, 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.

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

(h) The actions shall be done in accordance with Airbus All Operators Telex (AOT) 52 08, Revision 1, dated December 1, 1994; and Airbus Service Bulletin A310–52–2060, dated July 22, 1996.

(1) The incorporation by reference of Airbus Service Bulletin A310–52–2060, dated July 22, 1996, is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of Airbus AOT 52 08, Revision 1, dated December 1, 1994, was approved previously by the Director of the Federal Register as of May 2, 1995 (60 FR 19155, April 17, 1995).

(3) 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 96–239–205(B), dated October 23, 1996.

(i) This amendment becomes effective on April 23, 1998.

Issued in Renton, Washington, on March 10, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–6760 Filed 3–18–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–200–AD; Amendment 39–10399; AD 98–06–21]

RIN 2120–AA64

Airworthiness Directives; British Aerospace BAe Model ATP Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace BAe Model ATP airplanes, that requires repetitive inspections to detect uneven wear of the heat pack of the main landing gear (MLG) brake unit; measurement and setting of the wear remaining length (WRL) of the wear indicator pin (WIP); and replacement of the brake heat pack unit with a serviceable unit, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to detect uneven wear of the brake heat pack unit and prevent failure of the pressure stator of the MLG brake unit, which could result in reduced braking efficiency and consequent longer stopping distances upon landing.

DATES: Effective April 23, 1998.

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

ADDRESSES: The service information referenced in this AD may be obtained from AI(R) American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the 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 British Aerospace BAe Model ATP airplanes was published in the **Federal Register** on November 26, 1997 (62 FR 63042). That action proposed to require repetitive inspections to detect uneven wear of the heat pack of the main landing gear (MLG) brake unit; measurement and setting of the wear remaining length (WRL) of the wear indicator pin (WIP); and replacement of the brake heat pack unit with a serviceable unit, if necessary.

Comments

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

One commenter supports the proposed rule.

One commenter requests that the proposal be withdrawn because no instances of uneven brake wear of the brake heat pack have occurred. The commenter states that its airplanes have the lowest brake life of the worldwide fleet of the affected airplanes, the operating environment is different from all other operators of these airplanes models, and that, during maintenance, the whole brake assembly (rather than just the brake heat packs) are changed.

The FAA does not concur with the commenter's request to withdraw the proposal. As explained in the preamble of the proposal, this action was prompted by reports indicating that the heat pack unit of the main landing gear brake unit exhibited uneven wear at the pressure stator/first rotor interface in some instances, which resulted in a small number of failures of the pressure stator. In light of these reports, the FAA identified the existence of an unsafe condition that is likely to exist or develop in the affected airplanes. As a result, the FAA is issuing this AD to eliminate that unsafe condition by requiring repetitive inspections to detect uneven wear of the heat pack; measurement and setting of the wear remaining length of the wear indicator pin; and replacement of the brake heat pack unit with a serviceable unit, if necessary. The AD is the appropriate vehicle for mandating such actions.

Removal of Service Bulletin Citation

The FAA has revised this final rule to move references to Jetstream Service Bulletin ATP/J61–32–71, dated May 23, 1996, from paragraphs (a) and (b) of this AD to a new Note 2. This new note indicates that accomplishment of the actions required by those paragraphs prior to the effective date of this AD in accordance with the original issue of the

service bulletin is considered acceptable for compliance with those actions. The FAA has determined that the actions recommended by the original issue of the service bulletin are essentially identical to those specified in Revision 1. Therefore, the FAA finds that it is appropriate to cite the latest revision of the service bulletin and reference the original issue in a note.

Conclusion

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

Cost Impact

The FAA estimates that 10 airplanes of U.S. registry will be affected by this AD, that it will take approximately 5 work hours per airplane to accomplish the required 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 $3,000, or $300 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

98–06–21 British Aerospace Regional Aircraft [Formerly Jetstream Aircraft Limited; British Aerospace (Commercial Aircraft) Limited]: Amendment 39–10399. Docket 96–NM–200–AD.

Applicability: BAe Model ATP airplanes having constructors numbers 2002 through 2067 inclusive, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To detect uneven wear of the brake heat pack unit and prevent failure of the pressure stator of the main landing gear (MLG) brake unit, which could result in reduced braking efficiency and consequent longer stopping distances upon landing, accomplish the following:

Note 2: Accomplishment of the actions required by paragraphs (a) and (b) of this AD prior to the effective date of this AD in accordance with Jetstream Service Bulletin ATP/J61–32–71, dated May 23, 1996, is considered acceptable for compliance with the applicable actions specified in this amendment.

(a) Within 300 hours time-in-service (TIS) after the effective date of this AD: Perform an inspection of the brake units of the left and right MLG to detect uneven wear at the pressure stator/first rotor interface, measure the wear remaining length (WRL) of the wear indicator pin (WIP), and accomplish the action specified in paragraph (a)(1) or (a)(2) of this AD, as applicable; in accordance with Jetstream Service Bulletin ATP/J61–32–71, Revision 1, dated June 18, 1996.

Note 3: Jetstream Service Bulletin ATP/J61–32–71, dated May 23, 1996, and Revision 1, dated June 18, 1996, reference Dunlop Service Bulletin AHA1612/AHA2004–32–1122, dated April 16, 1996, as an additional source of service information for procedures to inspect the brakes, measure the WRL of the WIP, and set the corrected length of the pin.

(1) If the WRL of the WIP is greater than or equal to 0.5 inches: Repeat the action required in paragraph (a) of this AD thereafter at intervals not to exceed 300 hours TIS.

(2) If the WRL of the WIP is less than 0.5 inches: Prior to further flight, measure the thickness of the pressure stator and accomplish the action specified in paragraph (a)(2)(i) or (a)(2)(ii) of this AD, as applicable; and repeat the action required in paragraph (a) of this AD thereafter at intervals not to exceed 300 hours TIS.

(i) If the pressure stator is less than or equal to 0.31 inches thick: Replace the heat pack of the MLG brake unit with a serviceable unit and set the WRL of the WIP to indicate the corrected WRL measurement.

(ii) If the pressure stator exceeds 0.31 inches thick: Set the WRL of the WIP to indicate the corrected WRL measurement.

(b) If, during any inspection required by this AD, the WRL of the WIP on any brake unit shows that the wear status of the brake heat pack is not within the acceptable limits specified in Jetstream Service Bulletin ATP/J61–32–71, dated May 23, 1996, or Revision 1, dated June 18, 1996: Prior to further flight, replace the brake heat pack unit with a serviceable unit in accordance with Jetstream Service Bulletin ATP/J61–32–71, Revision 1, dated June 18, 1996; and repeat the action required in paragraph (a) of this AD thereafter at intervals not to exceed 300 hours TIS.

(c) An alternative method of compliance or adjustment of the initial 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 additional comments, and then send it to the Manager, International Branch, ANM–116.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

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

(e) The actions shall be done in accordance with Jetstream Service Bulletin ATP/J61–32–71, Revision 1, dated April 16, 1996, which contains the specified effective pages:

Revision level page number	Shown on page	Date shown on page
1, 3	1	June 18, 1996.
2, 4, 5	Original	May 23, 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 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 5: The subject of this AD is addressed in British airworthiness directive 002–05–96.

(f) This amendment becomes effective on April 23, 1998.

Issued in Renton, Washington, on March 10, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–6759 Filed 3–18–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 556

Tolerances for Residues of New Animal Drugs In Food; Carbadox

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Pfizer, Inc. The supplemental NADA provides for a revised tolerance for residues of carbadox used in Type A medicated articles to make Type C medicated swine feeds.

EFFECTIVE DATE: March 19, 1998.

FOR FURTHER INFORMATION CONTACT: Lynn G. Friedlander, Center for Veterinary Medicine (HFV–151), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–0675.

SUPPLEMENTARY INFORMATION: Pfizer, Inc., 235 East 42d St., New York, NY 10017, is sponsor of NADA 41–061 that provides for the use of Mecadox® 10 (carbadox) Type A medicated articles used to make Type C medicated swine feeds used for control of swine dysentery, control of bacterial swine enteritis, increased rate of weight gain, and improved feed efficiency. The sponsor filed a supplemental NADA that provides for a revised finite tolerance for residues of carbadox and its metabolites in edible swine tissues. The supplement is approved as of January 30, 1998, and the regulations are revised in § 556.100 (21 CFR 556.100) to reflect the approval. The basis of approval is discussed in the freedom of information summary.

A tolerance for no residues of carbadox or its metabolites and the method to determine said residues in the edible swine tissues had been previously established. Because better and more accurate regulatory procedures are found in general use, the analytical procedure is no longer codified. At this time, the method of analysis is removed and a finite tolerance for residues of quinoxaline-2-carboxylic acid (marker residue) in liver (target tissue) is established by amending § 556.100.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), approval of this supplement qualifies for 3 years of marketing exclusivity beginning January 30, 1998, because the supplement contains substantial evidence of effectiveness of the drug involved, studies of animal safety or, in the case of food producing animals, human food safety studies (other than bioequivalence or residue studies) required for approval of the supplement and conducted or sponsored by the applicant. Exclusivity applies only to the new tolerance as established by human food safety studies (total residue depletion and metabolism) which are summarized in the freedom of information summary.

The agency has determined under 21 CFR 25.33(a)(1) 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.

List of Subjects in 21 CFR Part 556

Animal drugs, Foods.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 556 is amended as follows:

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

1. The authority citation for 21 CFR part 556 continues to read as follows:

Authority: 21 U.S.C. 342, 360b, 371.

2. Section 556.100 is revised to read as follows:

§ 556.100 Carbadox.

A tolerance of 30 parts per billion is established for residues of quinoxaline-2-carboxylic acid (marker residue) in liver (target tissue) of swine.

Dated: February 26, 1998.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 98–7057 Filed 3–18–98; 8:45 am]

BILLING CODE 4160–01–F

UNITED STATES INFORMATION AGENCY

22 CFR Part 514

Exchange Visitor Program, Insurance Coverage

AGENCY: United States Information Agency.

ACTION: Notice to sponsors of exchange visitor programs.

SUMMARY: In March 1993, the United States Information Agency (''Agency'') published a comprehensive set of final rules governing the exchange visitor program established under the authority of the Mutual Educational and Cultural Exchange Act of 1961 (22 CFR Part 514.) Section 514.14 establishes requirements regarding health insurance coverage on exchange visitors who come to the United States on the J visa. Those requirements merely establish criteria for insurance coverage on exchange

visitors, and they in no way purport to invalidate, impair or supersede State laws regulating the insurance industry.

DATES: This Notice to Sponsors is effective March 19, 1998.

ADDRESSES: United States Information Agency, Office of the General Counsel, Rulemaking 115, 301 Fourth Street, SW, Room 700, Washington, DC 20547–0001.

FOR FURTHER INFORMATION CONTACT: William G. Ohlhausen, Assistant General Counsel, United States Information Agency, 301 Fourth Street, S.W., Washington, DC 20547; telephone (202) 619–6972.

SUPPLEMENTARY INFORMATION: The final rules adopted by the Agency in March 1993 include a rule requiring that exchange visitors entering the United States on the J visa be covered by health insurance providing certain minimum coverage levels and that the insurance be underwritten by insurance corporations meeting certain nationally or internationally recognized financial ratings. 22 CFR 514.14. Federal, State or local government agencies, State colleges and universities, public community colleges, and, with Agency permission, non-governmental sponsors, may self-insure. 22 CFR 514.14 (c) and (d).

It has long been established by statute that the business of insurance, and every person engaged therein, is subject to the laws of the State or States in which such business is conducted. Federal law makes it clear that no Act of Congress shall be construed to invalidate, impair or supersede any State law regulating or taxing the business of insurance. [15 U.S.C. 1012 (known as the ''McCarran-Ferguson Act of 1948'']] That law allows an exception only with respect to the Sherman and Clayton Antitrust Acts and the Federal Trade Commission Act, and then only to the extent that the insurance business is not regulated by State law.

The Agency's regulation set forth at 22 CFR 514.14 does not purport to regulate the business of insurance, either in the United States or in foreign countries. It merely establishes mandatory minimum levels of coverage on health insurance policies issued to exchange visitors and requires that insurance companies underwriting such policies meet certain minimum financial ratings set by recognized insurance company rating services.

It has come to the Agency's attention that there have been instances where foreign insurance companies and their agents have been conducting business *in* a State or States where they are ''unauthorized,'' i.e., unlicensed or otherwise not meeting the requirements of State law. Merely complying with the Agency's insurance regulation does not permit foreign insurance companies to do business in a State if the conduct of the business is a violation of that State's laws.

Nothing in the foregoing is meant to suggest that exchange visitors are prohibited from obtaining the required insurance coverage in their home country, as long as the policy of insurance and the company from which it is purchased meets USIA's requirements. However, foreign insurance companies and their agents conducting exchange visitor program health insurance business *in* the United States are required to be in compliance with the laws governing the business of insurance in the State or States where such business is being conducted.

List of Subjects in 22 CFR Part 514

Cultural Exchange Programs.

Authority: 8 U.S.C. 1101(a)(15)(J), 1182, 1184, 1258; 22 U.S.C. 1431–1442, 2451–2460; Reorganization Plan No. 2 of 1997, 3 CFR, 1977 Comp., p. 200; E.O. 12048 of 3/27/78, 3 CFR, 1978 Comp., p. 168.

Dated: March 13, 1998.

Les Jin,

General Counsel.

[FR Doc. 98–7065 Filed 3–18–98; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, and 1926

Office of Management and Budget Control Numbers Under Paperwork Reduction Act for Miscellaneous General Industry, Shipyard Employment and Construction Industry Rules and Regulations

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule; amendments and announcements of OMB approval of information collection requirements.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is announcing that the Office of Management and Budget (OMB) recently extended the approval for a number of information collection requirements in OSHA's rules and regulations. OSHA sought approval under the Paperwork Reduction Act of 1995 (PRA–95) and, as required by that Act, is announcing the approval numbers and expiration dates for 19 approved requirements. Seventeen of the approvals apply to certification records, records which provide information to verify that certain tests, inspections, or training activities required in parts 1910, 1915, and 1926 have been performed. The other two approvals announce the extension of approval for the collection of information requirements associated with the Safety Testing and Certification requirements and the Construction Industry Fall Protection Plans and Records. OSHA is also correcting the approval number for the certification record associated with Resistance Welding and removing the OMB approval numbers for four provisions no longer subject to approval by OMB under PRA–95.

EFFECTIVE DATE: These amendments are effective March 19, 1998.

FOR FURTHER INFORMATION CONTACT: Barbara Bielaski, Office of Regulatory Analysis, Directorate of Policy, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3627, 200 Constitution Avenue, NW., Washington, D.C. 20210, telephone (202) 219–8076, ext. 142.

SUPPLEMENTARY INFORMATION: In 1995, OSHA sought and obtained approval from OMB for 30 provisions in its general industry, shipyard employment and construction industry safety standards (parts 1910, 1915, and 1926) that require employers to prepare, maintain, and sign and date a certification record to verify that certain tests, inspections, maintenance checks or training activities had been performed. These provisions were all combined under one submission to OMB and received approval under one OMB Control Number, 1218–0210. Prior to the expiration of the approvals in late 1997, OSHA sought public comment on its burden hour and cost estimates through a series of **Federal Register** notices requesting public comment. At the conclusion of the public comment period, the Agency sought an extension of OMB's approval on 26 of the certification records. In accordance with the Paperwork Reduction Act (PRA–95) (44 U.S.C. 3501–3520), OMB has renewed its approval for these information collection requirements and issued separate OMB approval numbers, some approvals covering more than one provision. Below is a listing of the certification records, the citations they cover, the approval numbers, and the expiration dates for those records. OSHA is amending the tables in 1910.8, 1915.8 and 1926.5, as necessary, to display the new OMB Approval Numbers. The listing also contains the

date and page numbers of the **Federal Register** in which public comment was sought on the certification records. The approvals for all of the collections in this table expire on November 30, 1999.

Title	Federal Register date & number	OMB control No.
Forging Machines, Inspection Certification—29 CFR 1910.218(a)(2)(i) and 1910.218(a)(2)(ii).	July 2, 1997, 62 FR 34838	1218–0228
Portable Fire Extinguishers, Hydrostatic Test Certification Record—29 CFR 1910.157(f)(16).	July 7, 1997, 62 FR 36311	1218–0218
Telecommunication, Training Certification—29 CFR 1910.268(c)	July 7, 1997, 62 FR 36313	1218–0225
Manlifts, Inspection Certifications—29 CFR 1910.68(e)(3)	July 8, 1997, 62 FR 36576	1218–0226
Mechanical Power Presses, Inspection Certification—29 CFR 1910.217(e)(1)(i) and 1910.217(e)(1)(ii).	July 9, 1997, 62 FR 36849	1218–0229
Overhead and Gantry Cranes, Inspection Certification—29 CFR 1910.179(j)(2)(iii), (j)(2)(iv), (m)(1), and (m)(2).	July 14, 1997, 62 FR 37625	1218–0224
Servicing Multi-Piece and Single-Piece Rim Wheels, Manufacturer's Certification—29 CFR 1910.177(d)(3)(iv).	July 14, 1997, 62 FR 37626	1218–0219
Crawler, Locomotive, and Truck Cranes, Inspection Certifications—29 CFR 1910.180(d), 1910.180(g)(1), and 1910.180(g)(2)(ii).	July 15, 1997, 62 FR 37934	1218–0221
Aerial Lifts, Manufacturer's Certification of Modification—29 CFR 1910.67(b)(2)	July 15, 1997, 62 FR 37937	1218–0230
Derricks, Inspection Certifications—29 CFR 1910.181(g)(1) and 1910.181(g)(3)	July 16, 1997, 62 FR 38124	1218–0222
Certification Records for Slings—29 CFR 1910.184	July 16, 1997, 62 FR 38127	1218–0223
Shipyard Certification Records—29 CFR 1915.113(b)(1) and 29 CFR 1915.172(d)	July 18, 1997, 62 FR 38587	1218–0220
Rigging Equipment for Material Handling—29 CFR 1926.251(c)(150(ii)	July 14, 1997, 62 FR 37621	1218–0233
Crawler, Locomotive, and Truck Crane Inspection Records—29 CFR 1926.550(b)(2)	July 14, 1997, 62 FR 37624	1218–0232
Construction Records for Tests and Inspection for Personnel Hoists—29 CFR 1926.552(c)(15).	July 14, 1997, 62 FR 37621	1218–0231
Blasting Operations—29 CFR 1926.900(k)(3)(I)	July 14, 1997, 62 FR 37622	1218–0217
Trucks Used Underground to Transport, Explosives, Inspection Certification—29 CFR 1926.903(e).	July 14, 1997, 62 FR 37623	1218–0227

In addition to the certification records, in the April 29, 1997, **Federal Register**, at 62 FR 23277, OSHA announced its intent to request Office of Management and Budget (OMB) approval for construction fall protection plans and records. This included provisions addressing safety net certification records and fall protection plans and training certification records. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), OMB has extended the approval of this information collection requirement under OMB control number 1218–0197, which expires on November 30, 2000.

Also, in the **Federal Register** of July 18, 1997, OSHA issued a notice stating that it intended to seek an extension of approval from OMB on its collection entitled, Safety Testing and Certification in 29 CFR 1910.7. OMB has extended the approval of the information collection requirements in this section under OMB Approval Number 1218–0147. The approval expires on November 30, 2000.

OSHA is also removing the approval numbers for four provisions. Two provisions, §§ 1926.1001 and 1926.1002 concerning rollover protective structures are no longer in existence hence they no longer need approval numbers. The other two provisions in §§ 1910.106 and 1926.152, requiring employers to keep a copy of the manufacturer's test have been determined to be exempt from approval under the Paperwork Reduction Act. OSHA explained the reasons for the withdrawals in the **Federal Register** of July 7 and July 10, 1997 (62 FR 36312 and 62 FR 36850, respectively) and provided a period for public comment.

Finally, OSHA is making a correction to the table in 1910.8 to insert the correct OMB Approval Number for the collection of information requirement in 1910.255(e). OSHA has incorrectly listed its number in the last printing of approval numbers. The correct approval number is 1218–0207.

Under 5 CFR 1320.5(b), an Agency may not conduct or sponsor a collection of information unless: (1) The collection displays a valid control number, and (2) the Agency informs potential persons who may respond to the collections of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Accordingly, now that OMB has extended the approval on these collections, OSHA is codifying the current OMB control numbers into §§ 1910.7, 1910.8, 1915.8, and 1926.5, as appropriate (if not already listed), which are the sections in which OSHA displays its approved collections under the Paperwork Reduction Act.

List of Subjects

29 CFR Parts 1910 and 1915

Occupational safety and health, Reporting and recordkeeping requirements.

29 CFR Part 1926

Construction industry; Occupational safety and health; Reporting and recordkeeping requirements.

Authority and Signature

This document was prepared under the direction of Charles N. Jeffress, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 11th day of March 1998.

Charles N. Jeffress,

Assistant Secretary of Labor.

Accordingly, the Occupational Safety and Health Administration amends 29 CFR parts 1910, 1915, and 1926 as set forth below.

PART 1910—[AMENDED]

1. The authority citation for Subpart A of part 1910 continues to read as follows:

Authority: Secs. 4, 6, 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83

(48 FR 35736), 1–90 (55 FR 9033), or 6–96 (62 FR 111), as applicable.

Sections 1910.7 and 1910.8 also issued under 29 CFR part 1911.

2. In § 1910.8, the table is amended by removing 1910.106(b) and its accompanying OMB control number, and revising the entries for the following sections, in numerical order, to read as follows:

§ 1910.8 OMB control numbers under the Paperwork Reduction Act.

1910.67(b)	1218–0230
1910.68	1218–0226
* * * * *	
1910.157(f)(16)	1218–0218
1910.177(d)(3)(iv)	1218–0219
1910.179(j)(2)(iii) and (iv)	1218–0224
1910.179(m)(1) and (m)(2)	1218–0224
1910.180(d)(6)	1218–0221
1910.180(g)(1) and (g)(2)(ii)	1218–0221
1910.181(g)(1) and (g)(3)	1218–0222
1910.184(e)(4), (f)(4) and (i)(8)(ii)	1218–0223
1910.217(e)(1)(i) and (ii)	1218–0229
* * * * *	
1910.218(a)(2)(i) and (ii)	1218–0228
* * * * *	
1910.255(e)	1218–0207
* * * * *	
1910.268	1218–0225
* * * * *	

PART 1915—[AMENDED]

1. The authority citation for part 1915 continues to read in part as follows:

Authority: Sec. 41, Longshore and Harbor Workers' Compensation Act (33 U.S.C. 941); Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736) of 1–90 (55 FR 9033), as applicable; 29 CFR part 1911.

* * * * *

2. In § 1915.8, the table is amended by revising the entries for the following sections, in numerical order, to read as follows:

§ 1915.8 OMB Control numbers under the Paperwork Reduction Act.

* * * * *	
1915.113	1218–0220
* * * * *	
1915.172	1218–0220
* * * * *	

PART 1926—[AMENDED]

1. The authority citation for subpart A of part 1926 continues to read as follows:

Authority: Section 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order 12–71 (36 FR 8754), 8–76 (41 FR 25059), or 1–90 (55 FR 9033), as applicable; 29 CFR part 1911.

2. In § 1926.5, the table is amended by removing the entries for 1926.152, 1926.1001 and 1926.1002 and be revising the entries for the following sections, in numerical order, to read as follows:

§ 1926.5 OMB control numbers under the Paperwork Reduction Act

* * * * *	
§ 1926.251	1218–0233
* * * * *	
§ 1926.550(b)(2)	1218–0232
* * * * *	
§ 1926.552	1218–0231
* * * * *	
§ 1926.900	1218–0217
* * * * *	
§ 1926.903	1218–0227
* * * * *	

[FR Doc. 98–6871 Filed 3–18–98; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

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

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy has determined that USS MCFAUL (DDG 74) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

DATES: Effective 31 October 1997.

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

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS MCFAUL (DDG 74) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 2(f)(i) pertaining to placement of the masthead light or lights above and clear of all other lights and obstructions; Annex I, paragraph 2(f)(ii) pertaining to the vertical placement of task lights; Annex I, paragraph 3(a) pertaining to the location of the forward masthead light in the forward quarter of the vessel, and the horizontal distance between the forward and after masthead lights; and, Annex I, paragraph 3(c) pertaining to placement of task lights not less than two meters from the fore and aft centerline of the ship in the athwartship direction. The Deputy Assistant Judge Advocate General (Admiralty) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

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

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

Accordingly, 32 CFR Part 706 is amended as follows:

PART 706—[AMENDED]

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

Authority: 33 U.S.C. 1605.

2. Table Four, Paragraph 15 of § 706.2 is amended by adding, in numerical order, the following entry for USS MCFAUL:

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

* * * * *

Vessel	Number	Horizontal distance from the fore and aft centerline of the vessel in the athwartship direction
* * * * *	*	*
USS MCFAUL	DDG 74	1.91 meters.
* * * * *	*	*

3. Table Four, Paragraph 16 of § 706.2 is amended by adding, in numerical order, the following entry for USS MCFAUL:

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

* * * * *

Vessel	Number	Obstruction angle relative ship's headings
* * * * *	*	*
USS MCFAUL	DDG 74	102.00 thru 112.50E.
* * * * *	*	*

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

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

* * * * *

TABLE FIVE

Vessel	No.	Masthead lights not over all other lights and obstructions. annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship. annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light. annex I, sec. 3(a)	Percentage horizontal separation attained
* * *		*	*	*	*
USS MCFAUL	DDG74	X	X	X	13.9
* * *		*	*	*	*

Dated: October 31, 1997.

Approved:

R.R. Pixa,

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

[FR Doc. 98–7126 Filed 3–18–98; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

RIN 1024–AC33

Shenandoah National Park, Recreational Fishing Regulations

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: The National Park Service (NPS) is removing the special fishing regulations for Shenandoah National Park. The NPS believes that the general regulations found at 36 CFR parts 1 and 2 will provide adequate regulatory control to enable the Superintendent to manage the fishing resources within Shenandoah National Park. This duplication of regulations is unnecessary and often confusing.

EFFECTIVE DATE: This final rule becomes effective on April 20, 1998.

FOR FURTHER INFORMATION CONTACT: Greg Stiles, Assistant Chief Ranger, Shenandoah National Park, 3655 U.S. Highway 211 East, Luray, VA 22835. Telephone 540–999–3401.

SUPPLEMENTARY INFORMATION:

Background

The special regulations for fishing for Shenandoah National Park are codified at 36 CFR 7.15(a). These regulations

permit recreational fishing in selected streams of the Park as designated by the Superintendent, establish seasons, creel and size limits and licensing requirements. A proposed rule to eliminate these special regulations was published in the **Federal Register** on February 12, 1997 (61 FR 5354). Six comments were received during the public comment period. This final rule will eliminate all paragraphs of 36 CFR 7.15 pertaining to recreational fishing in Shenandoah National Park. General regulations found at 36 CFR 1.5 (Closures and public use limits) and 36 CFR 2.3 (Fishing) provide sufficient control for the park to adequately manage its fishing resources.

Section-by-Section Analysis

1. Open Waters and Applicability

The general regulations for Fishing, found at 36 CFR 2.3, establish that fishing in the parks, except in designated areas, will be in accordance with nonconflicting laws and regulations of the State within whose exterior boundaries a park area is located. Existing State fishing regulations are sufficient for the proper management of the fisheries at Shenandoah National Park. The opening, closing and public use limits for recreational fishing in the parks require an annual review by park management. Any possible changes in public use associated with fisheries resources are adequately covered at 36 CFR 1.5. Therefore, special regulation 36 CFR 7.15(a)(1) Open Waters, is not necessary and will be removed.

2. Applicability

In that the NPS is proposing to remove all special regulations pertaining to fishing, a separate paragraph on the applicability of special fishing regulations is not necessary. Therefore, 36 CFR 7.15(a)(2) Applicability, will be removed.

3. Season

The State of Virginia has established a year-round open season to permit fishing on all state designated trout streams. Special regulation 36 CFR 7.15(a) established an opening date that coincided with the State opening date, which no longer exists. However, 36 CFR 2.3 Fishing, provides for recreational fishing, except in designated areas, in accordance with the laws and regulations of the State. 36 CFR 1.5(a)(2) allows the park to designate areas for a specific use or activity, or impose conditions or restrictions on a use or activity. This will allow the park to establish limits in certain designated areas when necessary. Therefore, 36 CFR 7.15(a)(3) is no longer needed and will be removed.

4. License

36 CFR 2.3 establishes that fishing in the parks will be in accordance with State laws. All persons 16 years and older fishing in the Shenandoah National Park must have a Virginia State fishing license in his/her possession. Since there is no need for a special regulation for licensing, 36 CFR 7.15(a)(4) will be removed.

5. Size and Creel Limits

The State of Virginia has increased the minimum size limit for trout from eight (8) inches to nine (9) inches and has a maximum creel limit of six (6) fish compared to current limit of five (5) the park has. To avoid confusion and to be consistent with the limits established by the State, the park uses the State's limits. Size and creel limits for other species of game-fish caught in the park will also be in compliance with those established by the State of Virginia. Special regulations concerning size and creel limits are not needed as 36 CFR 2.3, Fishing, would apply. Therefore, 36 CFR 7.15(a)(5) and 36 CFR 7.15(a)(6) will be removed.

6. Lures; Bait

36 CFR 2.3 Fishing, currently regulates the use of bait, and the State of Virginia permits only the use of a single hook, which may be barbed or barbed-less. A special regulation concerning lures and bait is not necessary, therefore 36 CFR 7.15(a)(7) will be removed.

7. Fish for Fun

The term ''fish for fun'' is normally associated with activities provided by fish stocking programs in specially designated streams. Fish stocking does not occur within the Park. However, the State law for ''Catch and Release'' adequately allows for the protection of native and non-native fish populations on designated streams. 36 CFR 1.5(a)(2) and 36 CFR 2.3(a) allow for the designation of ''Catch and Release'' streams that are consistent with State regulations. Therefore, 36 CFR 7.15(a)(8) is not necessary and will be removed.

Public Comments

The NPS received six comments during the public comment period. Five of the commenters supported the regulatory change. One of the commenters stated that the proposed rulemaking would not protect park fisheries as well as the special regulations. The NPS has determined that this is not a valid concern, as the use of existing regulations at 36 CFR parts 1 and 2 allow the Superintendent to take necessary action to protect fisheries at any time, including actions that may have the same effect as the special regulations, as well as actions which can be more or less restrictive. These actions can be taken in a much more timely manner than rulemaking allows.

Drafting Information

The process used to develop this proposed rule included numerous reviews by Park staff, consultations with Virginia Department of Game and Inland Fisheries Biologists, consultations with numerous fisheries biologists from other parks, agencies, research institutions and organizations. The primary authors of this rulemaking are William J. Cook, Center for Resources, Shenandoah National Park, Greg Stiles, Resource and Visitor Protection Services, Shenandoah National Park, and Dennis Burnett, Washington Office of Ranger Activities, National Park Service.

Paperwork Reduction Act

This rule does not contain collections of information that require approval by the Office of Management and Budget under the Paperwork Reduction Act of 1995.

Compliance With Other Laws

This rule was not subject to Office of Management and Budget review under Executive Order 12866. The Department of the Interior determined that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et.seq.). The economic effects of this rulemaking are local in nature and negligible in scope.

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

The Department has determined that this rule meets the applicable standards provided in Section 3(a) and 3(b)(2) of Executive Order 12988.

This rule is not a major rule under the Congressional review provisions of the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 804(2)).

The NPS has determined that this proposed rulemaking will not have a significant effect on the quality of the

human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;

(b) Introduce incompatible uses which compromise the nature and character of the area or causing physical damage to it;

(c) Conflict with adjacent ownerships or land uses; or

(d) Cause a nuisance to adjacent owners or occupants.

Based on this determination, the rulemaking is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) and by Departmental guidelines in 516 DM 6 (49 FR 21438). As such, neither an Environmental Assessment nor an Environmental Impact Statement has been prepared.

This final rulemaking is consistent with and supportive of Executive Order 12962, *Recreational Fisheries,* issued June 7, 1995. Through this Executive Order, Federal agencies will, to the extent permitted by law and where practicable, and in cooperation with States and Tribes, improve the quantity, function, sustainable productivity and distribution of U.S. aquatic resources for increased recreational fishing opportunities. Establishment of this rulemaking is consistent with the extent and purposes of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a–d, and e–j), the Fish and Wildlife Coordination Act (16 U.S.C. 661–666c) and the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801–1882).

List of Subjects in 36 CFR Part 7

National parks, District of Columbia, Reporting and recordkeeping requirements.

In consideration of the foregoing, the NPS is amending 36 CFR Chapter I as follows:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

1. The authority citation for Part 7 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 460(q), 462(k); § 7.96 also issued under D.C. Code 8–137 (1981) and D.C. Code 40–721 (1981).

§ 7.15 Shenandoah National Park.

2. Section 7.15 is amended by removing paragraph (a) and redesignating paragraphs (b) through (d) as new paragraphs (a) through (c).

Dated: January 16, 1998.

Donald J. Barry,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 98–7110 Filed 3–18–98; 8:45 am]

BILLING CODE 4310–70–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[IA 040–1040(a); FRL–5980–2]

Approval and Promulgation of Implementation Plans; and Designation of Areas for Air Quality Planning Purposes; State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: In this action, the EPA is approving a request by the state of Iowa to redesignate to attainment the portion of Muscatine County currently designated as nonattainment for the sulfur dioxide (SO_2) National Ambient Air Quality Standards (NAAQS). With this approval, the entire state of Iowa will be in attainment status for SO_2. The EPA is also approving the maintenance plan for the Muscatine County nonattainment area which was submitted to ensure that attainment of the NAAQS will be maintained.

DATES: This action is effective May 18, 1998 unless by April 20, 1998 relevant adverse comments are received. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to Wayne Kaiser, Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the: Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Wayne Kaiser at (913) 551–7603.

SUPPLEMENTARY INFORMATION:

I. Background

A portion of Muscatine County, Iowa, was designated nonattainment for SO_2 on March 10, 1994, due to violations of the SO_2 NAAQS in 1991 and 1992. The state developed a control strategy for the area and submitted a nonattainment State Implementation Plan (SIP) satisfying the requirements of section 110 and part D of the Act. This SIP revision was approved by the EPA on December 1, 1997 (62 FR 63454).

As a result of source compliance with the control strategy and no violations of the standard since 1992, the state submitted a maintenance plan and redesignation request on April 21, 1997. Consequently, as discussed below, the EPA is taking final action to approve the maintenance plan and to redesignate the area to attainment. Additional technical material for this action is contained in the Technical Support Document (TSD) which is available from the contact listed above.

II. Evaluation Criteria

Section 107(d)(3)(D) of the Act, as amended in 1990, authorizes the governor of a state to request the redesignation of an area from nonattainment to attainment. The criteria used to review redesignation requests are derived from the Act. An area can be redesignated to attainment if the following conditions are met:

1. The area has attained the applicable NAAQS;
2. The area has a fully approved SIP under section 110(k) of the Act;
3. The EPA has determined that the improvement in air quality in the area is due to permanent and enforceable emission reductions;
4. The EPA has determined that the maintenance plan for the area has met all of the requirements of section 175A of the Act; and
5. The state has met all requirements applicable to the area under section 110 and part D of the Act.

III. Summary of State Submittal

The following paragraphs discuss how the state's redesignation request for Muscatine County addresses the Act's requirements.

A. Demonstrated Attainment of the NAAQS

Eight consecutive quarters of data showing SO_2 NAAQS attainment are required for redesignation. A violation of the NAAQS occurs when more than one exceedance of the SO_2 NAAQS is recorded in any year (40 CFR 50.4). The state's submittal includes ambient monitoring data from the three monitors in the Muscatine nonattainment area which show that this requirement has been met. The last violation of the NAAQS was in 1992 and the last exceedance in 1995. No additional exceedances of the NAAQS have been recorded in the Aerometric Information and Retrieval system database through December 1997.

B. Fully Approved SIP

The SIP for the area must be fully approved under section 110(k) of the Act and must satisfy all requirements that apply to the area. The EPA's guidance for implementing section 110 of the Act is discussed in the General Preamble to title I (57 FR 13498, April 16, 1992). The SO_2 SIP for Muscatine met the requirements of section 110 of the Act and was approved by the EPA on December 1, 1997 (62 FR 63454).

C. Permanent and Enforceable Reductions in Emissions

Permanent and enforceable emissions reductions are contained in the revised permits issued to the three major SO_2 sources in the nonattainment area. These permits contain emission limitations and operating restrictions which result in both actual and potential SO_2 emission reductions. These permits are nonexpiring and are Federally enforceable.

D. Fully Approved Maintenance Plan

Section 175A of the Act requires states which submit a redesignation request for a nonattainment area to include a maintenance plan in order for an area to be redesignated to attainment. The maintenance plan is intended to ensure that the area will maintain the attainment status it has achieved, and, that if there is a violation, the plan will serve to bring the area back into attainment with prescribed measures.

Dispersion modeling for the nonattainment SIP demonstrated attainment and maintenance in the area except in the vicinity of one of the three monitoring sites, as was discussed in detail in the TSD and the **Federal Register** notice for the nonattainment SIP (62 FR 43681). Using the roll-back analysis as a basis for negotiating emission reductions with major SO_2 sources in the area, the state set emission rates and operating conditions in the major source permits which it believes will result in both attainment and maintenance of the NAAQS for the next ten years. The emissions from the sources cannot increase above those specified in the Federally approved permits. If the current analysis fails to result in the expected reductions and provide for the continued maintenance of the NAAQS, the state commits to reevaluate the emission rates and seek appropriate modification of the SIP, as well as implementing its contingency measures.

Once an area has been redesignated, the state must continue to operate an appropriate air quality monitoring network, in accordance with 40 CFR part 58, to verify the attainment status of the area. The maintenance plan should contain provisions for continued operation of air quality monitors that will provide such verification. In its submittal, the state commits to continue to operate and maintain the three existing SO_2 monitors in the area to demonstrate ongoing compliance with the SO_2 NAAQS.

Section 175A of the Act also requires that a maintenance plan include contingency provisions, as necessary, to promptly correct any violation of the NAAQS that occurs after redesignation of the area. These contingency measures are distinguished from those generally required for nonattainment areas under section 172(c)(9). However, if an area has been able to attain the NAAQS without implementation of the Part D nonattainment SIP contingency measures, and the contingency plan includes a requirement that the state will implement all of the SO_2 control measures which were contained in the SIP before redesignation to attainment, then the state can carry over into the area's maintenance plan the part D SIP measures not previously implemented. The state has included contingency measures which meet both the section 172 and 175A requirements.

E. Section 110 and Part D Requirements

To be redesignated to attainment, section 107(d)(3)(E) requires that an area must have met all applicable requirements of section 110 and part D of title I of the Act.

The EPA interprets this to mean that for a redesignation request to be approved, the state must have met all requirements that applied to the subject area prior to or at the time of a complete redesignation request.

The section 110 and part D requirements submitted and approved with the nonattainment SIP also satisfy the requirements for the redesignation request. As required by part D, the state has a fully approved and implemented new source review program. The state may elect to apply the existing Federally approved prevention of significant deterioration program subsequent to the redesignation, in order to help ensure maintenance of the standards.

F. Section 176 Conformity Requirements

The EPA promulgated final general conformity regulations on November 30, 1993 (58 FR 63214). The conformity regulations require states to adopt general conformity provisions in the SIPs for areas designated nonattainment or subject to a maintenance plan approved under section 175A of the Act. The state has adopted the general conformity requirements and thus meets the conformity requirements for maintenance areas.

The transportation conformity regulations do not apply in this instance since SO_2 is not emitted by transportation sources. Thus, the state need not adopt (and has not adopted) the transportation conformity regulations.

IV. Final Action

The EPA is approving the state's maintenance plan and request to redesignate a portion of Muscatine County to attainment for SO_2. With this approval, the entire state of Iowa will be designated attainment for the SO_2 NAAQS.

The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, the EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This rule will be effective May 18, 1998, without further notice unless the Agency receives relevant adverse comments by April 20, 1998.

If the EPA receives such comments, then the EPA will publish a document withdrawing the final rule and informing the public that the rule did not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on the proposed rule. Only parties interested in commenting on the proposed rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on May 18, 1998, and no further action will be taken on the proposed rule.

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

V. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, the EPA must

prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604). Alternatively, the EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements but simply approve requirements that the state is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids the EPA to base its actions concerning SIPs on such grounds (*Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2)).

Redesignation of an area to attainment under section 107(d)(3)(E) of the CAA does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. The EPA certifies that the approval of the redesignation request will not affect a substantial number of small entities.

C. Unfunded Mandates

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

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

D. Submission to Congress and the Comptroller General

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

E. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 18, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: March 2, 1998.

William Rice,

Acting Regional Administrator, Region VII.

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart Q—Iowa

2. Subpart Q is amended by adding § 52.834 to read as follows:

§ 52.834 Control strategy: Sulfur dioxide.

Approval—On April 21, 1997, the Iowa Department of Natural Resources (IDNR) submitted a maintenance plan and redesignation request for the Muscatine County nonattainment area. The maintenance plan and redesignation request satisfy all applicable requirements of the Clean Air Act.

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

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

Subpart Q—Iowa

2. Section 81.316 is amended by revising the table for ''Iowa-SO_2'' to read as follows:

§ 81.316 Iowa.

* * * * *

IOWA–SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Entire state				X

* * * * *

[FR Doc. 98–7133 Filed 3–18–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[FRL–5983–7]

Technical Amendments to Clean Air Act Interim Approval of Operating Permits Program; Commonwealth of Virginia; Correction of Effective Date Under Congressional Review Act (CRA)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction of effective date under CRA.

SUMMARY: On June 10, 1997 (62 FR 31516), the Environmental Protection Agency published in the **Federal Register** a final rule granting interim approval, pursuant to Title V of the Clean Air Act, of the operating permits program which the Commonwealth of Virginia had submitted for the purpose of complying with federal requirements for an approvable state program to issue operating permits to all major stationary sources, and to certain other sources. The June 10, 1997, document stated that the interim approval would be effective July 10, 1997. This document corrects the effective date of the interim approval to March 12, 1998, consistent with sections 801 and 808 of the Congressional Review Act (CRA), enacted as part of the Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. 801 and 808.

EFFECTIVE DATE: This interim approval is effective on March 12, 1998.

FOR FURTHER INFORMATION CONTACT: Tom Eagles, OAR, at (202) 260–9766.

SUPPLEMENTARY INFORMATION:

A. Background

Section 801 of the CRA precludes a rule from taking effect until the agency promulgating the rule submits a rule report, which includes copy of the rule, to each House of the Congress and to the Comptroller General of the General Accounting Office (GAO). The EPA recently discovered that it had inadvertently failed to submit the above rule as required; thus, although the rule was promulgated June 10, 1997, by operation of law, the rule did not take effect on July 10, 1997, as stated therein. Now that EPA has discovered its error, EPA is submitting the rule to both Houses of Congress and the GAO. This document amends the effective date of the rule consistent with the provisions of the CRA.

Section 553(b) of the Administrative Procedure Act, 5 U.S.C. 553(b), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, an agency may issue a rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because EPA merely is correcting the effective date of the promulgated rule to be consistent with the congressional review requirements of the Congressional Review Act as a matter of law and has no discretion in this mater. Thus, notice and public procedure are unnecessary. The Agency finds that this constitutes good cause under 5 U.S.C. 553(b). Moreover, since today's action does not create any new regulatory requirements and affected parties have known of the underlying rule since June 10, 1997, EPA finds that good cause exists to provide for an immediate effective date pursuant to 5 U.S.C. 553(d)(3) and 808(2).

B. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). EPA's compliance with these statutes and Executive Orders for the underlying rule, to the extent they applied, is discussed in the June 10, 1997, **Federal Register** document.

Pursuant to 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office; however, in accordance with 5 U.S.C. 808(2), the Agency finds that there is good cause to make this rule effective on March 12, 1998, for the reasons stated previously. This rule is not a ''major rule'' as defined in 5 U.S.C. 804(2).

This final rule only amends the effective date of the underlying rule; it does not amend any substantive requirements contained in the rule. Accordingly, to the extent it is available, judicial review is limited to the amended effective date. Pursuant to section 307(b)(1) of the Clean Air Act, challenges to this amendment must be brought within 60 days of the amendment.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: March 12, 1998.

Carol M. Browner,

Administrator.

For reasons set out in the preamble, Appendix A to part 70 of title 40, chapter I, of the Code of Federal Regulations is amended as follows:

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

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

2. Appendix A to part 70 is amended by revising paragraph (a) in the entry for Virginia to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Virginia

(a) The Commonwealth of Virginia's Title V operating permit and fee program regulations submitted on September 10, 1996, the acid rain operating permit regulations submitted on September 12, 1996, and the non-regulatory operating permit program provisions submitted on November 12, 1993, January 14, 1994, January 9, 1995, May 17, 1995, February 6, 1997, and February 27, 1997; interim approval effective on March 12, 1998; interim approval expires on March 12, 1999.

* * * * *

[FR Doc. 98–7137 Filed 3–18–98; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 90–44, RM–7123, RM–7367]

FM Broadcasting Services; East Los Angeles and Long Beach, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: The Chief, Policy and Rules Division dismissed the petition for reconsideration, filed by Antelope Broadcasting Co., Inc., of the *Report and Order* in this proceeding, 60 FR 15255, March 23, 1995 at the request of Antelope. *The Report and Order* had granted the petition (RM–7123) of Spanish Broadcasting System of Florida, Inc. to reallot Channel 250B from Long Beach, California to East Los Angeles, California, and to modify its permit to specify East Los Angeles as the new community of license. With this action, the proceeding is terminated.

DATES: Effective March 19, 1998.

FOR FURTHER INFORMATION CONTACT: J. Bertron Withers, Jr., Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Memorandum Opinion and Order,* MM Docket No. 90–44, 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 Commission's Reference Center (Room 239), 1919 M Street, N.W., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, 1231 20th Street, N.W., Suite 140, Washington, DC 20036, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Charles W. Logan,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98–6849 Filed 3–18–98; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

[Docket No. 980225046–8060–02; I.D. 073097E]

Endangered and Threatened Species: Threatened Status for Two ESUs of Steelhead in Washington, Oregon, and California

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

ACTION: Final rule; notice of determination.

SUMMARY: Previously, NMFS completed a comprehensive status review of west coast steelhead (*Oncorhynchus mykiss,* or *O. mykiss*) populations in Washington, Oregon, Idaho, and California, and identified 15 Evolutionarily Significant Units (ESUs) within this range. After soliciting additional data to resolve scientific disagreements, NMFS now issues a final rule to list two ESUs as threatened under the Endangered Species Act (ESA). The threatened steelhead ESUs are located in Washington, Oregon, and California (Lower Columbia River and Central Valley, California ESUs). NMFS will issue shortly protective regulations under section 4(d) of the ESA for these threatened ESUs.

NMFS has determined that the Oregon Coast, Klamath Mountains Province (KMP), and Northern California ESUs do not warrant listing at this time. Available scientific information and conservation measures indicate these ESUs are now at a lower risk of extinction than at the time of the proposed rule. However, NMFS remains concerned about the status of steelhead in these areas; therefore, the Oregon Coast, KMP, and Northern California ESUs warrant classification as candidate species. NMFS will reevaluate the status of these ESUs within four years to determine whether listing is warranted.

In the two ESUs identified as threatened, only naturally spawned populations of steelhead (and their progeny) residing below naturally and man-made impassable barriers (*e.g.,* impassable waterfalls and dams) are listed. NMFS has examined the relationship between hatchery and natural populations of steelhead in these ESUs and has assessed whether any hatchery populations are essential for their recovery. At this time, no hatchery populations are deemed essential for recovery (and hence listed) in either of the two listed ESUs.

At this time, NMFS is listing only anadromous life forms of *O. mykiss.*

DATES: Effective May 18, 1998.

ADDRESSES: Branch Chief, Protected Resources Division, NMFS, Northwest Region, 525 NE Oregon Street, Suite 500, Portland, OR 97232–2737.

FOR FURTHER INFORMATION CONTACT: Garth Griffin, 503–231–2005, Craig Wingert, 562–980–4021, or Joe Blum, 301–713–1401.

SUPPLEMENTARY INFORMATION:

Species Background

Oncorhynchus mykiss exhibit one of the most complex suites of life history traits of any salmonid species. *Oncorhynchus mykiss* may exhibit anadromy (meaning they migrate as juveniles from fresh water to the ocean, and then return to spawn in fresh water) or freshwater residency (meaning they reside their entire lives in fresh water). Resident forms are usually referred to as ''rainbow'' or ''redband'' trout, while anadromous life forms are termed ''steelhead.'' Few detailed studies have been conducted regarding the relationship between resident and anadromous *O. mykiss* and, as a result, the relationship between these two life forms is poorly understood. Recently the scientific name for the biological species that includes both steelhead and rainbow trout was changed from *Salmo gairdneri* to *O. mykiss*. This change reflects the premise that all trouts from western North America share a common lineage with Pacific salmon.

Steelhead typically migrate to marine waters after spending 2 years in fresh water. They then reside in marine waters for typically 2 or 3 years prior to returning to their natal stream to spawn as 4- or 5-year-olds. Unlike other Pacific salmon, steelhead are iteroparous, meaning they are capable of spawning more than once before they die. However, it is rare for steelhead to spawn more than twice before dying; most that do so are females. Steelhead adults typically spawn between December and June (Bell, 1990; Busby *et al.,* 1996). Depending on water temperature, steelhead eggs may incubate in ''redds'' (nesting gravels) for 1.5 to 4 months before hatching as ''alevins'' (a larval life stage dependent on food stored in a yolk sac). Following yolk sac absorption, young juveniles or ''fry'' emerge from the gravel and begin actively feeding. Juveniles rear in fresh water from 1 to 4 years, then migrate to the ocean as ''smolts.''

Biologically, steelhead can be divided into two reproductive ecotypes, based

on their state of sexual maturity at the time of river entry and the duration of their spawning migration. These two ecotypes are termed ''stream maturing'' and ''ocean maturing.'' Stream maturing steelhead enter fresh water in a sexually immature condition and require several months to mature and spawn. Ocean maturing steelhead enter fresh water with well developed gonads and spawn shortly after river entry. These two reproductive ecotypes are more commonly referred to by their season of freshwater entry (*i.e.*, summer-run and winter-run steelhead, respectively).

Two major genetic groups or ''subspecies'' of steelhead occur on the west coast of the United States: a coastal group and an inland group, separated in the Fraser and Columbia River Basins approximately by the Cascade crest (Huzyk and Tsuyuki, 1974; Allendorf, 1975; Utter and Allendorf, 1977; Okazaki, 1984; Parkinson, 1984; Schreck *et al.*, 1986; Reisenbichler *et al.*, 1992). Behnke (1992) proposed classifying the coastal subspecies as *O. m. irideus* and the inland subspecies as *O. m. gairdneri*. These genetic groupings apply to both anadromous and nonanadromous forms of *O. mykiss*. Both coastal and inland steelhead occur in Washington and Oregon. California is thought to have only coastal steelhead while Idaho has only inland steelhead.

Historically, steelhead were distributed throughout the North Pacific Ocean from the Kamchatka Peninsula in Asia to the northern Baja Peninsula. Presently, the species distribution extends from the Kamchatka Peninsula, east and south along the Pacific coast of North America, to approximately Malibu Creek in southern California. There are infrequent anecdotal reports of steelhead occurring as far south as the Santa Margarita River in San Diego County (McEwan and Jackson, 1996). Historically, steelhead likely inhabited most coastal streams in Washington, Oregon, and California as well as many inland streams in these States and Idaho. However, during this century, over 23 indigenous, naturally reproducing stocks of steelhead are believed to have been extirpated, and many more are thought to be in decline in numerous coastal and inland streams in Washington, Oregon, Idaho, and California. Forty-three stocks have been identified as being at moderate or high risk of extinction (Nehlsen et al., 1991).

Previous Federal ESA Actions Related to West Coast Steelhead

The history of petitions received regarding west coast steelhead is summarized in the proposed rule published on August 9, 1996 (61 FR 56138). The most comprehensive petition was submitted by Oregon Natural Resources Council and 15 co-petitioners on February 16, 1994. In response to this petition, NMFS assessed the best available scientific and commercial data, including technical information from Pacific Salmon Biological Technical Committees (PSBTCs) and interested parties in Washington, Oregon, Idaho, and California. The PSBTCs consisted primarily of scientists (from Federal, state, and local resource agencies, Indian tribes, industries, universities, professional societies, and public interest groups) possessing technical expertise relevant to steelhead and their habitats. A total of seven PSBTC meetings were held in the States of Washington, Oregon, Idaho, and California during the course of the west coast steelhead status review. NMFS also established a Biological Review Team (BRT), composed of staff from NMFS' Northwest and Southwest Fisheries Science Centers and Southwest Regional Office, as well as a representative of the U.S. Geological Survey Biological Resources Division (formerly the National Biological Service), which conducted a coastwide status review for west coast steelhead (Busby et al., 1996).

Based on the results of the BRT report and after considering other information and existing conservation measures, NMFS published a proposed listing determination (61 FR 56138, August 9, 1996) that identified 15 ESUs of steelhead in the States of Washington, Oregon, Idaho, and California. Ten of these ESUs were proposed for listing as threatened or endangered species; four were found not warranted for listing; and one was identified as a candidate for listing.

On August 18, 1997, NMFS published a final rule listing five ESUs as threatened and endangered under the ESA (62 FR 43937). In a separate notice published on the same day, NMFS determined substantial scientific disagreement remained for the five proposed ESUs addressed herein (62 FR 43974, August 18, 1997). In accordance with section 4(b)(6)(B)(i) of the ESA, NMFS deferred its decision on these five remaining steelhead ESUs for 6 months for the purpose of soliciting additional data.

During the 6-month period of deferral, NMFS received new scientific information concerning the status of the proposed ESUs. This new information was considered by NMFS' BRT, and NMFS has now completed an updated status review that analyzes this new information (Memorandum to William Stelle and William Hogarth from M. Schiewe, December 18, 1997, Status of Deferred and Candidate ESUs of West Coast Steelhead). During this period, NMFS also assessed the status of existing hatchery stocks to determine their ESU status (Memorandum from Michael Schiewe to William Stelle and William Hogarth, January 13, 1998, Status Review Update for Deferred ESUs of West Coast Steelhead: Hatchery Populations). Copies of these memoranda are available upon request (see **ADDRESSES**). Based on this updated status review and other information, NMFS now issues its final determinations for these five proposed ESUs.

Summary of Comments Received in Response to the Proposed Rule

NMFS held 16 public hearings in California, Oregon, Idaho, and Washington to solicit comments on the proposed rule. One hundred eighty-eight individuals presented testimony at these public hearings. During the 90-day public comment period, NMFS received 939 written comments on the proposed rule from Federal, state, and local government agencies, Indian tribes, non-governmental organizations, the scientific community, and other individuals. A number of comments addressed specific technical issues pertaining to a particular geographic region or *O. mykiss* population. These technical comments were considered by NMFS' BRT in its re-evaluation of ESU boundaries and status and are discussed in the updated Status Review document (NMFS, 1997a).

On July 1, 1994, NMFS, jointly with the U.S. Fish and Wildlife Service (FWS), published a series of policies regarding listings under the ESA, including a policy for peer review of scientific data (59 FR 34270). In accordance with this policy, NMFS solicited 22 individuals to take part in a peer review of its west coast steelhead proposed rule. All individuals solicited are recognized experts in the field of steelhead biology and represent a broad range of interests, including Federal, state, and tribal resource managers, private industry consultants, and academia. Eight individuals took part in the peer review of this action; comments from peer reviewers were considered by NMFS' BRT and are summarized in the updated Status Review document (NMFS, 1997a).

The following is a summary of the comments received in response to the proposed rule:

Issue 1: Sufficiency and Accuracy of Scientific Information and Analysis

Comment: Numerous commenters disputed the sufficiency and accuracy of data which NMFS employed in its proposed rule to list 10 steelhead ESUs as either threatened or endangered under the ESA. Several commenters urged NMFS to delay any ESA listing decisions for steelhead until additional scientific information is available concerning this species.

Response: Section 4(b)(1)(A) of the ESA requires that NMFS make its listing determinations solely on the basis of the best available scientific and commercial data after reviewing the status of the species. NMFS believes that information contained in the agency's status review (Busby et al., 1996), together with more recent information obtained in response to the proposed rule (NMFS, 1997a), represents the best scientific information presently available for the steelhead ESUs addressed in this final rule. NMFS has conducted an exhaustive review of all available information relevant to the status of this species. NMFS has also solicited information and opinion from all interested parties, including peer reviewers as described above. If new data become available to change these conclusions, NMFS will act accordingly.

Issue 2: Description and Status of Steelhead ESUs

Comment: A few commenters disputed NMFS' conclusions regarding the geographic boundaries for some of the ESUs and questioned NMFS' basis for determining these boundaries. Most of these comments pertained to the ESUs south of San Francisco Bay, suggesting that particular river systems be excluded from listing because of the historical or occasional absence of steelhead or rainbow trout.

Response: NMFS has published a policy describing how it will apply the ESA definition of ''species'' to anadromous salmonid species (56 FR 58612, November 20, 1991). More recently, NMFS and FWS published a joint policy, which is consistent with NMFS' policy, regarding the definition of ''distinct population segments'' (61 FR 4722, February 7, 1996). The earlier policy is more detailed and applies specifically to Pacific salmonids and, therefore, was used for this determination. This policy indicates that one or more naturally reproducing salmonid populations will be considered to be distinct and, hence, species under the ESA, if they represent an ESU of the biological species. To be considered an ESU, a population must satisfy two criteria: (1) It must be reproductively isolated from other population units of the same species; and (2) it must represent an important component in the evolutionary legacy of the biological species. The first criterion, reproductive isolation, need not be absolute but must have been strong enough to permit evolutionarily important differences to occur in different population units. The second criterion is met if the population contributes substantially to the ecological or genetic diversity of the species as a whole. Guidance on applying this policy is contained in a scientific paper entitled: ''Pacific Salmon (*Oncorhynchus* spp.) and the Definition of 'Species' Under the Endangered Species Act.'' It is also found in a NOAA Technical Memorandum: ''Definition of 'Species' Under the Endangered Species Act: Application to Pacific Salmon'' (Waples, 1991). A more detailed discussion of individual ESU boundaries is provided below under ''Summary of ESU Determinations.''

Comment: Several commenters questioned NMFS' methodology for determining whether a given steelhead ESU warranted listing. In most cases, such commenters also expressed opinions regarding whether listing was warranted for a particular steelhead ESU. A few commenters provided substantive new information relevant to making risk assessments.

Response: Section 3 of the ESA defines the term ''endangered species'' as ''any species which is in danger of extinction throughout all or a significant portion of its range.'' The term ''threatened species'' is defined as ''any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' NMFS has identified a number of factors that should be considered in evaluating the level of risk faced by an ESU, including, (1) Absolute numbers of fish and their spatial and temporal distribution, (2) current abundance in relation to historical abundance and current carrying capacity of the habitat, (3) trends in abundance, (4) natural and human-influenced factors that cause variability in survival and abundance, (5) possible threats to genetic integrity (e.g., from strays or outplants from hatchery programs), and (6) recent events (e.g., a drought or changes in harvest management) that have predictable short-term consequences for abundance of the ESU. A more detailed discussion of status of individual ESUs is provided under the section ''Summary of Conclusions Regarding Listed ESUs.''

Issue 3: Factors Contributing to the Decline of West Coast Steelhead

Comment: Many commenters identified factors they believe have contributed to the decline of west coast steelhead. Factors identified include overharvest by recreational fisheries, predation by pinnipeds and piscivorous fish species, effects of artificial propagation, and the deterioration or loss of freshwater and marine habitats.

Response: NMFS agrees that many factors, past and present, have contributed to the decline of West Coast steelhead. NMFS also recognizes that natural environmental fluctuations have likely played a role in the species' recent declines. However, NMFS believes other human-induced impacts (e.g., incidental catch in certain fisheries, hatchery practices, and habitat modification) have played an equally significant role in this species' decline. Moreover, these human-induced impacts have likely reduced the species' resiliency to natural factors for decline, such as drought and poor ocean conditions (NMFS, 1996a).

Since the time of this proposed listing, NMFS has published a report describing the impacts of California sea lions and Pacific harbor seals upon salmonids and on the coastal ecosystems of Washington, Oregon, and California (NMFS, 1997b). This report concludes that in certain cases where pinniped populations co-occur with depressed salmonid populations, salmon populations may experience severe impacts due to predation. An example of such a situation is Ballard Locks, Washington, where sea lions are known to consume significant numbers of adult winter-run steelhead. This study further concludes that data regarding pinniped predation are quite limited and that substantial additional research is needed to fully address this issue. Existing information on the seriously depressed status of many salmonid stocks is sufficient to warrant actions to remove pinnipeds in areas of co-occurrence where pinnipeds prey on depressed salmonid populations (NMFS, 1997b). For additional information on this issue see Summary of Factors Affecting Steelhead.

Comment: One peer reviewer and several commenters stated that NMFS' assessment underestimated the significant influence of natural environmental fluctuations on salmonid populations. Several commenters stated that ocean conditions are one of the primary factors for decline. These commenters suggested that any listing

activity should be postponed until the complete oceanographic cycle can be observed.

Response: Environmental changes in both marine and freshwater habitats can have important impacts on steelhead abundance. For example, a pattern of relatively high abundance in the mid-1980s followed by (often sharp) declines over the next decade occurred in steelhead populations from most geographic regions of the Pacific Northwest. This result is most plausibly explained by broad-scale changes in ocean productivity. Similarly, 6 to 8 years of drought in the late 1980s and early 1990s adversely affected many freshwater habitats for steelhead throughout the region. These natural phenomena put increasing pressure on natural populations already stressed by anthropogenic factors, such as habitat degradation, blockage of migratory routes, and harvest (NMFS, 1996a).

Improvement of cyclic or episodic environmental conditions (for example, increases in ocean productivity or shifts from drought to wetter conditions) can help alleviate extinction risk to steelhead populations. However, NMFS cannot reliably predict future environmental conditions, making it unreasonable to assume improvements in abundance as a result of improvements in such conditions. Furthermore, steelhead and other species of Pacific salmon have evolved over the centuries with such cyclical environmental stresses. This species has persisted through time in the face of these conditions largely due to the presence of freshwater and estuarine refugia. As these refugia are altered and degraded, Pacific salmon species are more vulnerable to episodic events, such as shifts in ocean productivity and drought cycles (NMFS, 1996a).

Issue 4: Consideration of Existing Conservation Measures

Comment: Several commenters argued that NMFS had not considered existing conservation programs designed to enhance steelhead stocks within a particular ESU. Some commenters provided specific information on some of these programs to NMFS concerning the efficacy of existing conservation plans.

Response: NMFS has reviewed existing conservation plans and measures relevant to the five ESUs addressed in this final rule and concludes that existing conservation efforts in some cases have helped ameliorate risks facing the species. These conservation efforts are discussed in detail under the section Existing Conservation Efforts.

While several of the plans addressed in comments show promise for ameliorating risks facing steelhead, some of the measures described in comments have not been implemented. Some of these measures are also geographically limited to individual river basins or political subdivisions, thereby improving conditions for only a small portion of the entire ESU.

Even though in two ESUs existing conservation efforts and plans are not sufficient to preclude the need for listings at this time, they are, nevertheless, valuable for improving watershed health and restoring fishery resources. In those cases where well-developed, reliable conservation plans exist, NMFS may choose to incorporate them into the recovery planning process. In the case of threatened species, NMFS also has flexibility under section 4(d) to tailor protective regulations based on the contents of available conservation measures. NMFS has already adopted a 4(d) rule recognizing state conservation efforts that adequately address one or more factors contributing to the decline of a threatened species. For example, the interim 4(d) rule for Southern Oregon/Northern California coho salmon (62 FR 38479, July 18, 1997) relied on an Oregon fishery management plan and regulations rather than applying general take prohibitions to freshwater fishing activity in the Oregon portion of the ESU. It also relied on habitat restoration plans that meet specified standards. In appropriate cases, 4(d) rules could similarly rely on state or tribal forestry, agriculture, road construction and maintenance, or other programs found to provide adequate protections for threatened species.

These examples show that NMFS may apply modified take prohibitions in light of the strong protections provided in a state or tribal plan. There may be other circumstances as well in which NMFS would use the flexibility of section 4(d). For example, in some cases there may be a healthy population of salmon or steelhead within an overall ESU that is listed. In such a case it may not be necessary to apply the full range of prohibitions available in section 9. NMFS intends to use the flexibility of the ESA to respond appropriately to the biological condition of each ESU and the populations within it and to the strength of state and tribal plans in place to protect them.

Issue 5: Steelhead Biology and Ecology

Comment: Several commenters and a peer reviewer asserted that resident rainbow trout should be included in listed steelhead ESUs. Several commenters also stated that NMFS and FWS should address how the presence of rainbow trout populations may ameliorate risks facing anadromous populations within listed ESUs.

Response: In its August 9, 1996, proposed rule (61 FR 41541), NMFS stated that it was the consensus of NMFS scientists, as well as regional fishery biologists, that based on available genetic information, resident fish should generally be considered part of the steelhead ESUs. However, NMFS concluded that available data were inconclusive regarding the relationship of resident rainbow trout and steelhead. NMFS requested additional data in the proposed rule to clarify this relationship and determine whether resident rainbow trout should be included in listed steelhead ESUs.

In response to this request for additional information, many groups and individuals expressed opinions regarding this issue. In most cases these opinions were not supported by new information that resolves existing uncertainty. Two state fishery management agencies (California Department of Fish and Game (CDFG) and Washington Department of Fish and Wildlife (WDFW)) and one peer reviewer provided comments and information supporting the inclusion of resident rainbow trout in listed steelhead ESUs. In general, these parties also felt that rainbow trout may serve as an important reservoir of genetic material for at-risk steelhead stocks.

While conclusive evidence does not yet exist regarding the relationship of resident and anadromous *O. mykiss,* NMFS believes available evidence suggests that resident rainbow trout should be included in listed steelhead ESUs in certain cases. Such cases include (1) where resident *O. mykiss* have the opportunity to interbreed with anadromous fish below natural or man-made barriers or (2) where resident fish of native lineage once had the ability to interbreed with anadromous fish but no longer do because they are currently above human-made barriers and are considered essential for recovery of the ESU. Whether resident fish that exist above any particular man-made barrier meet these criteria must be reviewed on a case-by-case basis by NMFS. NMFS recognizes that there may be many such cases in California alone. Resident fish above long-standing natural barriers and those that are derived from the introduction of non-native rainbow trout would not be considered part of any salmonid ESU.

Several lines of evidence exist to support this conclusion. Under certain conditions, anadromous and resident *O.*

mykiss are apparently capable not only of interbreeding, but also of having offspring that express the alternate life history form, that is, anadromous fish can produce nonanadromous offspring, and vice versa (Shapovalov and Taft, 1954; Burgner et al., 1992). Mullan et al. (1992) found evidence that, in very cold streams, juvenile steelhead had difficulty attaining ''mean threshold size for smoltification'' and concluded that ''Most fish here [Methow River, Washington] that do not emigrate downstream early in life are thermally-fated to a resident life history regardless of whether they were the progeny of anadromous or resident parents.'' Additionally, Shapovalov and Taft (1954) reported evidence of *O. mykiss* maturing in fresh water and spawning prior to their first ocean migration; this life history variation has also been found in cutthroat trout (*O. clarki*) and Atlantic salmon (*Salmo salar*).

NMFS believes resident fish can help buffer extinction risks to an anadromous population by mitigating depensatory effects in spawning populations, by providing offspring that migrate to the ocean and enter the breeding population of steelhead, and by providing a ''reserve'' gene pool in freshwater that may persist through times of unfavorable conditions for anadromous fish. In spite of these potential benefits, presence of resident populations is not a substitute for conservation of anadromous populations. A particular concern is isolation of resident populations by human-caused barriers to migration. This interrupts normal population dynamics and population genetic processes and can lead to the loss of a genetically based trait (anadromy). As discussed in NMFS' ''species identification'' paper (Waples, 1991), the potential loss of anadromy in distinct population segments may in and of itself warrant listing the ESU as a whole.

On February 7, 1996, FWS and NMFS adopted a joint policy to clarify their interpretation of the phrase ''distinct population segment (DPS) of any species of vertebrate fish or wildlife'' for the purposes of listing, delisting, and reclassifying species under the ESA (61 FR 4722). DPSs are ''species'' pursuant to section 3(15) of the ESA. Previously, NMFS had developed a policy for stocks of Pacific salmon where an ESU of a biological species is considered to be a DPS if (1) it is substantially reproductively isolated from other conspecific population units, and (2) it represents an important component in the evolutionary legacy of the species (56 FR 58612, November 20, 1991). NMFS believes available data suggest that resident rainbow trout are in many cases part of steelhead ESUs. However, the FWS, which has ESA authority for resident fish, maintains that behavioral forms can be regarded as separate DPSs (e.g., western snowy plover) and that absent evidence suggesting resident rainbow trout need ESA protection; the FWS concludes that only the anadromous forms of each ESU should be listed under the ESA (Department of Interior (DOI), 1997; FWS, 1997).

In its review of West Coast steelhead, NMFS'' BRT stated that rainbow trout and steelhead in the same area may share a common gene pool at least over evolutionary time periods (NMFS, 1997a). The importance of any recovery action is measured in terms of its ability to recover the listed species in the foreseeable future. FWS believes that steelhead recovery will not rely on the intermittent exchange of genetic material between resident and anadromous forms (FWS, 1997). As a result, without a clear demonstration of any risks to resident rainbow trout or of the need to protect rainbow trout to recover steelhead in the foreseeable future, the FWS concludes that only the anadromous forms of *O. mykiss* should be included in the listed steelhead ESUs at this time (FWS, 1997).

Comment: Several commenters and peer reviewers questioned NMFS'' inclusion of both summer- and winter-run steelhead in the same ESU. These commenters suggested that summer- and winter-run steelhead be segregated into individual ESUs based on life history differences.

Response: While NMFS considers both life history forms (summer-and winter-run steelhead) to be important components of diversity within the species, new genetic data reinforce previous conclusions that, within a geographic area, summer-and winter-run steelhead typically are more genetically similar to one another than either is to populations with similar run timing in different geographic areas. This indicates that an ESU that included summer-run populations from different geographic areas but excluded winter-run populations (or vice-versa) would be an inappropriate unit. The only biologically meaningful way to have summer- and winter-run steelhead populations in separate ESUs would be to have a very large number of ESUs, most consisting of just one or a very few populations. This would be inconsistent with the approach NMFS has taken in defining ESUs in other anadromous Pacific salmonids. Taking these factors into consideration, NMFS concludes that summer- and winter-run steelhead should be considered part of the same ESU in geographic areas where they co-occur.

Summary of ESU Determinations

The following is a summary of NMFS'' ESU determinations for these species. A more detailed discussion of ESU determinations is presented in the documents entitled ''Status Review Update for West Coast Steelhead from Washington, Idaho, Oregon, and California'' (NMFS, 1997a) and ''Status Review Update for Deferred ESUs of West Coast Steelhead: Hatchery Populations'' (NMFS, 1998a). Copies of these documents are available upon request (see **ADDRESSES**).

(1) Lower Columbia River ESU

This coastal steelhead ESU occupies tributaries to the Columbia River between the Cowlitz and Wind Rivers in Washington, inclusive, and the Willamette and Hood Rivers in Oregon, inclusive. Excluded are steelhead in the upper Willamette River Basin above Willamette Falls, and steelhead from the Little and Big White Salmon Rivers in Washington. This similarity results from the shared geology of the area and the transportation of Columbia River sediments northward along the Washington coast. Rivers draining into the Columbia River have their headwaters in increasingly drier areas, moving from west to east. Columbia River tributaries that drain the Cascade Mountains have proportionally higher flows in late summer and early fall than rivers on the Oregon coast.

Steelhead populations in this ESU are of the coastal genetic group (Schreck *et al.*, 1986; Reisenbichler *et al.*, 1992; Chapman *et al.*, 1994), and a number of genetic studies have shown that they are part of a different ancestral lineage than inland steelhead from the Columbia River Basin. Genetic data also show steelhead from this ESU to be distinct from steelhead from the upper Willamette River and coastal streams in Oregon and Washington. WDFW data show genetic affinity between the Kalama, Wind, and Washougal River steelhead. These data show differentiation between the Lower Columbia River ESU and the Southwest Washington and Middle Columbia River Basin ESUs. This ESU is composed of both winter- and summer-run steelhead.

NMFS determines that no changes in the boundaries of the Lower Columbia River ESU are warranted. No new information was received from peer reviewers or from other commenters regarding the boundaries of this ESU.

Hatchery Populations Pertaining to This ESU

Hatchery populations considered part of the ESU include late-spawning Cowlitz Trout Hatchery stock (winter-run) and Clackamas River Oregon Department of Fish and Wildlife (ODFW) stock # 122. For late-spawning Cowlitz River steelhead, this decision was based on the following: (1) Their April to late-May spawning period that mirrors the spawn timing of wild winter-run steelhead in this system; (2) the 58-chromosome count exhibited by this stock, which is indicative of native Columbia River Basin origin, in contrast to the 59 or 60 chromosomes seen in Chambers Creek steelhead; and (3) a genetic clustering with native late-spawning winter-run steelhead in the Clackamas River. Clackamas River ODFW hatchery stock # 122, which were recently established, are part of the ESU based on its apparent origin from a local wild population.

Hatchery populations not considered part of the ESU include Chambers Creek/lower Columbia River mix (early-spawning winter-run), Skamania Hatchery stock (summer-run), Eagle Creek National Fish Hatchery (NFH) stock (Clackamas River ODFW stock # 19) (winter-run), Clackamas River ODFW stock # 20 (winter-run), and Hood River ODFW stock # 50 (winter-run). For both Chambers Creek/lower Columbia River mix of early spawning steelhead hatchery stocks and the Eagle Creek NFH stock (also known as Clackamas River ODFW stock # 19), this conclusion is based on the substantial inclusion of original broodstock from outside the ESU and on significant deviation in current run-timing compared with native winter-run steelhead.

Available information indicates that a portion of the original broodstocks for Skamania Hatchery stock (summer-run) and the Clackamas River ODFW stock # 20 (winter-run) originated from outside the ESU. Also, Skamania summer hatchery steelhead stock exhibits a 3-month advanced spawn timing compared with wild summer-run steelhead in the Washougal River. Skamania Hatchery summer-run steelhead were derived from a combination of native Washougal River summer-run steelhead and summer-run steelhead imported from the Klickitat River, which is in the Middle Columbia River ESU. Clackamas River ODFW stock # 20 (raised at Clackamas Hatchery) originated from the Eagle Creek NFH stock (ODFW stock # 19), which was derived from a mixture of indigenous Clackamas River steelhead, Big Creek Hatchery steelhead from the Southwest Washington ESU, and Donaldson rainbow trout.

At this time, NMFS concludes that Hood River winter-run steelhead ODFW stock # 50 does not warrant inclusion in this ESU. Insufficient genetic data exist at this time to conclusively determine the stock's ESU status.

(2) Oregon Coast ESU

This coastal steelhead ESU occupies river basins on the Oregon coast north of Cape Blanco, excluding rivers and streams that are tributaries of the Columbia River. Most rivers in this area drain the Coast Range Mountains, have a single peak in flow in December or January, and have relatively low flow during summer and early fall. The coastal region receives fairly high precipitation levels, and the vegetation is dominated by Sitka spruce and western hemlock. Upwelling off the Oregon coast is much more variable and generally weaker than in areas south of Cape Blanco. While marine conditions off the Oregon and Washington coasts are similar, the Columbia River has greater influence north of its mouth, and the continental shelf becomes broader off the Washington coast.

Recent genetic data from steelhead in this ESU are limited, but they show a level of differentiation from populations from Washington, the Columbia River Basin, and coastal areas south of Cape Blanco. Ocean migration patterns also suggest a distinction between steelhead populations north and south of Cape Blanco. Steelhead (as well as chinook and coho salmon) from streams south of Cape Blanco tend to be south-migrating rather than north-migrating (Everest, 1973; Nicholas and Hankin, 1988; Pearcy et al., 1990; Pearcy, 1992).

The Oregon Coast ESU primarily contains winter-run steelhead; there are only two native stocks of summer-run steelhead. Summer-run steelhead occur only in the Siletz River, above a waterfall, and in the North Umpqua River, where migration distance may prevent full utilization of available habitat by winter-run steelhead. Alsea River winter-run steelhead have been widely used for steelhead broodstock in coastal rivers. Populations of nonanadromous *O. mykiss* are relatively uncommon on the Oregon coast, as compared with other areas, occurring primarily above migration barriers and in the Umpqua River Basin (Kostow, 1995).

Little information is available regarding migration and spawn timing of natural steelhead populations within this ESU. Age structure appears to be similar to other west coast steelhead, dominated by 4-year-old spawners. Iteroparity is more common among Oregon coast steelhead than in populations to the north.

NMFS determines that no changes in the boundaries of the Oregon Coast ESU are warranted. No new information was received from peer reviewers or from other commenters regarding the boundaries of this ESU.

Hatchery Populations Pertaining to This ESU

At this time, NMFS has not identified hatchery populations pertaining to this ESU.

(3) Klamath Mountains Province ESU

This coastal steelhead ESU occupies river basins from the Elk River in Oregon to the Klamath and Trinity Rivers in California, inclusive. A detailed discussion of this ESU is presented in a previous NMFS status review (Busby *et al.*, 1994). Geologically, this region includes the KMP, which is not as erosive as the Franciscan formation terrains south of the Klamath River Basin. Dominant vegetation along the coast is redwood forest, while some interior basins are much drier than surrounding areas and are characterized by many endemic species. Elevated stream temperatures are a factor affecting steelhead and other species in some of the larger river basins. With the exception of major river basins, such as the Rogue and Klamath, most rivers in this region have a short duration of peak flows. Strong and consistent coastal upwelling begins at about Cape Blanco and continues south into central California, resulting in a relatively productive nearshore marine environment.

Protein electrophoretic analyses of coastal steelhead have indicated genetic discontinuities between the steelhead of this region and those to the north and south (Hatch, 1990; Busby et al., 1993 and 1994). Chromosomal studies have also identified a distinctive karyotype that has been reported only from populations within this ESU. Steelhead within this ESU include both winter-run- and summer steelhead as well as the unusual ''half-pounder'' life history (characterized by immature steelhead that return to fresh water after only 2 to 4 months in salt water, overwinter-run in rivers without spawning, then return to salt water the following spring).

Among the remaining questions regarding this ESU is the relationship between *O. mykiss* below and above Klamath Falls, OR. Behnke (1992) has proposed that the two groups are in different subspecies and that the upper group, a redband trout (*O. m. newberrii*),

exhibited anadromy until blocked by the Copco dams in the early 1900s. However, Moyle (1976) stated that Klamath Falls was the upstream barrier to anadromous fish prior to construction of the dams.

NMFS determines that no changes in the boundaries of the KMP ESU are warranted. No new information was received from peer reviewers or from other commenters regarding the boundaries of this ESU.

Hatchery Populations Pertaining to This ESU

While NMFS has analyzed the relationship of hatchery stocks to naturally spawned steelhead within the KMP ESU (NMFS, 1998a), this discussion is omitted here since NMFS concludes that KMP steelhead do not warrant listing at this time.

(4) Northern California ESU

This coastal steelhead ESU occupies river basins from Redwood Creek in Humboldt County, CA, to the Gualala River, inclusive. Dominant vegetation along the coast is redwood forest, while some interior basins are much drier than surrounding areas and are characterized by many endemic species. This area includes the extreme southern end of the contiguous portion of the Coast Range Ecoregion (Omernick, 1987). Elevated stream temperatures are a factor in some of the larger river basins (greater than 20° Celsius (C)), but not to the extent that they are in river basins farther south. Precipitation is generally higher in this geographic area than in regions to the south, averaging 100–200 centimeters (cm) of rainfall annually (Donley *et al.*, 1979). With the exception of major river basins, such as the Eel, most rivers in this region have peak flows of short duration. Strong and consistent coastal upwelling begins at approximately Cape Blanco and continues south into central California, resulting in a relatively productive nearshore marine environment.

There are life history similarities between steelhead of the Northern California ESU and the KMP ESU. This ESU includes both winter-run- and summer steelhead, including what is presently considered to be the southernmost population of summer-run steelhead, in the Middle Fork Eel River. Half-pounder juveniles also occur in this geographic area, specifically in the Mad and Eel Rivers. Snyder (1925) first described the half-pounder from the Eel River; however, Cramer et al. (1995) suggested that adults with the half-pounder juvenile life history may not spawn south of the Klamath River Basin. As with the Rogue and Klamath Rivers, some of the larger rivers in this area have migrating steelhead year round, and seasonal runs have been named. River entry ranges from August through June, and spawning from December through April, with peak spawning in January in the larger basins and late February and March in the smaller coastal basins.

NMFS determines that no changes in the boundaries of the Northern California ESU are warranted. No new information was received from peer reviewers or from other commenters regarding the boundaries of this ESU.

Hatchery Populations Pertaining to This ESU

While NMFS has analyzed the relationship of hatchery stocks to naturally spawned steelhead within the KMP ESU (NMFS, 1998a), this discussion is omitted here since NMFS concludes that Northern California steelhead do not warrant listing at this time.

(5) Central Valley, California ESU

This coastal steelhead ESU occupies the Sacramento and San Joaquin Rivers and their tributaries. Excluded are steelhead from San Francisco and San Pablo Bays which are part of the Central California Coast ESU. In the San Joaquin Basin, the best available information suggests that the current range of steelhead has been limited to the Stanislaus, Tuolumne, and Merced Rivers (tributaries) and the mainstem San Joaquin River to its confluence with the Merced River by human alteration of formerly available habitat. The Sacramento and San Joaquin Rivers offer the only migration route to the drainages of the Sierra Nevada and southern Cascade mountain ranges for anadromous fish. The distance from the Pacific Ocean to spawning streams can exceed 300 km, providing unique potential for reproductive isolation among steelhead. The Central Valley is much drier than the coastal regions to the west, receiving on average of only 10 to 50 cm of rainfall annually. The valley is characterized by alluvial soils, and native vegetation was dominated by oak forests and prairie grasses prior to agricultural development. Steelhead within this ESU have the longest freshwater migration of any population of winter-run steelhead. There is essentially one continuous run of steelhead in the upper Sacramento River. River entry ranges from July through May, with peaks in September and February. Spawning begins in late December and can extend into April (McEwan and Jackson, 1996).

There are two recognized taxonomic forms of native *O. mykiss* within the Sacramento River Basin: Coastal steelhead/rainbow trout (*O. m. irideus*, Behnke, 1992) and Sacramento redband trout (*O. m. stonei*, Behnke, 1992). It is not clear how the coastal and Sacramento redband forms of *O. mykiss* interacted in the Sacramento River prior to construction of Shasta Dam in the 1940s. However, it appears the two forms historically co-occurred at spawning time, but may have maintained reproductive isolation.

Two questions were raised by commenters regarding the extent of the Central Valley, California, ESU. These are (1) whether steelhead were native to the San Joaquin River Basin, and (2) whether steelhead in the Central Valley comprised a single ESU or multiple ESUs. New information received during the 6-month deferral period has aided somewhat in addressing these questions.

Recent observations resulting from monitoring efforts for chinook salmon document steelhead juveniles and/or adults in the lower San Joaquin River, the Stanislaus River, the Tuolumne River, and the Merced River. These steelhead appear to represent natural production since hatchery releases in recent years have been made only into the Mokelumne River. CDFG presented evidence that steelhead historically occurred in the San Joaquin River Basin, and, historically, there is no evidence that have been any obvious barriers to colonization of the basin by steelhead. NMFS notes that spring chinook salmon and steelhead have somewhat similar ecological requirements and that the San Joaquin River Basin historically supported large runs of spring chinook salmon. From this, NMFS concludes that steelhead probably historically occurred in the San Joaquin River Basin.

Ecological information provides additional insight into species diversity within this region. First, the Central Valley as a whole can be divided into three ecoregions based largely on elevation and associated changes in climate and rainfall: (1) A mountainous region, averaging about 1000 m elevation, that includes the headwaters of the Sacramento and tributaries to the San Joaquin Rivers; (2) a region of tablelands and hills at intermediate elevation, through which the tributary rivers flow; and (3) the valley itself, which includes broad, flat lands that border the Sacramento and San Joaquin Rivers. Geologically, the upper Sacramento River Basin, which arises from the volcanic Cascade Range, differs from the lower Sacramento and San Joaquin River Basins, which flow out of

the northern and southern Sierra Nevada. The upper Sacramento River Basin is also hydrologically distinct, and it supports native subspecies of resident *0. mykiss*. The southern part of the San Joaquin River Basin is also very distinct ecologically. Limited run-timing information suggests there may have been historic differences between populations in the Sacramento River Basin, three distinct runs may have occurred there as recently as 1947 (McEwan and Jackson, 1996), including a summer-run in the American River (Cramer et al., 1995; McEwan and Jackson, 1996) but the data are far from conclusive. Currently, CDFG considers all Central Valley steelhead to be winter-run steelhead (McEwan and Jackson, 1996), others call them fall-run steelhead (Cramer et al., 1995).

Genetic data indicate that, as a group, Central Valley steelhead are quite distinct from all coastal populations. However, existing data are not very informative regarding historical relationships among populations within the Central Valley. The single sample we have from the San Joaquin River basin is genetically similar to samples from Coleman Hatchery, Feather River Hatchery, and Deer and Mill Creeks in the Sacramento River. It is not clear whether this reflects historical relationships or more recent effects of stock transfers and/or straying by hatchery fish.

After considering this information in the aggregate, NMFS concludes that it is likely that, historically, more than one ESU of steelhead occurred in the Central Valley. However, at this time, existing scientific information does not permit the formulation of ESU boundaries for more than one ESU in this region. Therefore, NMFS concludes that steelhead in the Sacramento and San Joaquin River Basins (Central Valley) should be considered a single ESU until additional information becomes available.

Hatchery Populations Pertaining to This ESU

Hatchery populations considered part of this ESU include the Coleman NFH stock and Feather River Hatchery stock (winter-run). The Coleman NFH and Feather River Hatchery steelhead stocks are part of the ESU since broodstock histories and genetic evidence show these two stocks to be similar to wild steelhead in Deer and Mill Creeks.

Hatchery populations not considered part of the ESU include the Nimbus Hatchery stock and Mokelumne Hatchery stock. Nimbus Hatchery steelhead cluster genetically with Eel River steelhead (Northern California ESU), the source of much of the steelhead broodstock used to found the Nimbus Hatchery stock. Nimbus Hatchery has provided the vast majority of eggs to the Mokelumne Hatchery.

Summary of Factors Affecting the Species

Section 4(a)(1) of the ESA and NMFS' implementing regulations (50 CFR part 424) set forth procedures for listing species. The Secretary of Commerce (Secretary) must determine, through the regulatory process, whether a species is endangered or threatened based upon any one or a combination of the following factors: (1) The present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial, recreational, scientific, or education purposes; (3) disease or predation; (4) inadequacy of existing regulatory mechanisms; or (5) other natural or human-made factors affecting its continued existence.

As noted earlier, NMFS received numerous comments regarding the relative importance of various factors contributing to the decline of West Coast steelhead. Several recent documents describe in more detail the impacts of various factors contributing to the decline of steelhead and other salmonids (e.g., NMFS, 1997c). NMFS has prepared a supporting document that addresses the factors leading to the decline of this species entitled ''Factors for Decline: A supplement to the notice of determination for west coast steelhead'' (NMFS, 1996a). This report, available upon request (see **ADDRESSES**), concludes that all of the factors identified in section 4(a)(1) of the ESA have played a role in the decline of the species. The report identifies destruction and modification of habitat, overutilization for recreational purposes, and natural and human-made factors as being the primary causes for the decline of West Coast steelhead. The following discussion briefly summarizes findings regarding factors for decline across the range of west coast steelhead. While these factors have been treated here in general terms, it is important to underscore that impacts from certain factors are more acute for specific ESUs. For example, impacts from water diversion are more pervasive for the Central Valley, California, ESU than for some coastal ESUs.

(1) The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range

Steelhead on the West Coast of the United States have experienced declines in abundance in the past several decades as a result of natural and human factors. Forestry, agriculture, mining, and urbanization have degraded, simplified, and fragmented habitat. Water diversions for agriculture, flood control, domestic, and hydropower purposes (especially in the Columbia River and Sacramento-San Joaquin Basins) have greatly reduced or eliminated historically accessible habitat. Studies estimate that during the last 200 years, the lower 48 states have lost approximately 53 percent of all wetlands and the majority of the rest are severely degraded (Dahl, 1990; Tiner, 1991). Washington and Oregon's wetlands are estimated to have diminished by one-third, while California has experienced a 91 percent loss of its wetland habitat (Dahl, 1990; Jensen *et al.*, 1990; Barbour *et al.*, 1991; Reynolds *et al.*, 1993). Loss of habitat complexity has also contributed to the decline of steelhead. For example, in national forests in Washington, there has been a 58 percent reduction in large, deep pools due to sedimentation and loss of pool-forming structures, such as boulders and large wood (Forest Ecosystem Management Assessment Team (FEMAT), 1993). Similarly, in Oregon, the abundance of large, deep pools on private coastal lands has decreased by as much as 80 percent (FEMAT, 1993). Sedimentation from land-use activities is recognized as a primary cause of habitat degradation in the range of West Coast steelhead.

(2) Overutilization for Commercial, Recreational, Scientific, or Education Purposes

Steelhead support an important recreational fishery throughout their range. During periods of decreased habitat availability (e.g., drought conditions or summer low flow when fish are concentrated), the impacts of recreational fishing on native anadromous stocks may be heightened. NMFS has reviewed and evaluated the impacts of recreational fishing on west coast steelhead populations (NMFS, 1996a). Steelhead are not generally targeted in commercial fisheries. High seas driftnet fisheries in the past may have contributed slightly to a decline of this species in local areas, but could not be solely responsible for the large declines in abundance observed along most of the Pacific coast over the past several decades.

A particular problem occurs in the main stem of the Columbia River where naturally spawned steelhead from the Upper Columbia and Snake River Basin ESUs migrate at the same time and are subject to the same fisheries as hatchery-produced steelhead, chinook,

and coho salmon. Incidental harvest mortality in mixed-stock sport and commercial fisheries may exceed 30 percent of naturally spawned populations.

(3) Disease or Predation

Infectious diseases constitute one of many factors that can influence adult and juvenile steelhead survival. Steelhead are exposed to numerous bacterial, protozoan, viral, and parasitic organisms in spawning and rearing areas, hatcheries, migratory routes, and the marine environments. Specific diseases, such as bacterial kidney disease (BKD), ceratomyxosis, columnaris, furunculosis, infectious hematopoietic necrosis virus, redmouth and black spot disease, erythrocytic inclusion body syndrome, and whirling disease, among others, are present and are known to affect steelhead and salmon (Rucker *et al.*, 1953; Wood, 1979; Leek, 1987; Foott *et al.*, 1994; Gould and Wedemeyer, undated). Very little current or historical information exists to quantify changes in infection levels and mortality rates attributable to these diseases for steelhead. However, studies have shown that naturally spawned fish tend to be less susceptible to pathogens than hatchery-reared fish (Buchanon *et al.*, 1983; Sanders *et al.*, 1992).

Introductions of non-native species and habitat modifications have resulted in increased predator populations in numerous river systems, thereby increasing the level of predation experienced by salmonids. Predation by marine mammals is also of concern in some areas experiencing dwindling steelhead run sizes.

(4) Inadequacy of Existing Regulatory Mechanisms

Federal Land and Water Management

The Northwest Forest Plan (NFP) is a Federal management policy with important benefits for steelhead. While the NFP covers a very large area, the overall effectiveness of the NFP in conserving steelhead is limited by the extent of Federal lands and the fact that Federal land ownership is not uniformly distributed in watersheds within the affected ESUs. The extent and distribution of Federal lands limits the NFP's ability to achieve its aquatic habitat restoration objectives at watershed and river basin scales and highlights the importance of complementary salmon habitat conservation measures on non-Federal lands within the subject ESUs.

On February 25, 1995, the U.S. Forest Service and Bureau of Land Management adopted the Implementation of Interim Strategies for Managing Anadromous Fish-producing Watersheds in eastern Oregon and Washington, Idaho, and portions of California (known as PACFISH). The strategy was developed in response to significant declines in naturally reproducing salmonid stocks, including steelhead, and to the widespread degradation of anadromous fish habitat throughout public lands in Idaho, Washington, Oregon, and California outside the range of the northern spotted owl. Like the NFP, PACFISH is an attempt to provide a consistent approach for maintaining and restoring aquatic and riparian habitat conditions which, in turn, are expected to promote the sustained natural production of anadromous fish. However, as with the NFP, PACFISH is limited by the extent of Federal lands, and Federal land ownership is not uniformly distributed in watersheds within all the affected ESUs.

Within the range of KMP steelhead, the majority of available steelhead habitat is covered by the requirements of the NFP. Furthermore, on May 6, 1997, Southern Oregon/Northern California coho salmon were listed as a threatened species under the ESA (62 FR 24588) resulting in some new habitat protections. These existing management efforts have resulted in improvements in aquatic habitat conditions for salmonids within this region.

Over the past 3 years, NMFS has consulted with the Arcata, Redding, and Clear Lake U.S. Bureau of Land Management (BLM) Resource Areas and the Six Rivers, Klamath, Shasta-Trinity, and Mendocino National Forests (Forests) on all ongoing and proposed activities that may affect coho salmon and steelhead and their habitats. During this period of time, NMFS reviewed thousands of activities throughout northern California and helped develop numerous programmatic biological assessments (BAs) with the BLM and the Forests. These BAs cover a wide range of management activities, including forest and/or resource area-wide routine and non-routine road maintenance, hazard tree removal, range allotment management, watershed and instream restoration, special use permits (e.g., mining, ingress/egress), timber sale programs (e.g., green tree, fuel reduction, thinning, regeneration, and salvage), and BLM's land tenure adjustment program. Numerous other project-specific BAs received consultations and conferences. These forest and resource area-wide BAs include region-specific best management practices, all necessary measures to minimize impacts for all listed/proposed anadromous salmonids, monitoring, and environmental baseline checklists for each project. These BAs have resulted in a more consistent approach to management of public lands throughout the NFP and PACFISH areas.

On October 27, 1986, the Klamath Act (Pub. L. 99–552) was passed by Congress authorizing a 20-year-long Federal-State cooperative Klamath River Basin Conservation Area Restoration Program for the rebuilding of the river's fish resources. The Act created a 14-member Klamath River Basin Fisheries Task Force and directs the U.S. Secretary of Interior to cooperate with the Task Force in the creation and implementation of a Klamath River Basin Conservation Area Fishery Restoration Program (KRBFTF, 1991). The Task Force members are appointed by, and represent, the Governors of California and Oregon; the U.S. Secretaries of Interior, Commerce and Agriculture; the California counties of Del Norte, Humboldt, Siskiyou and Trinity; Hoopa Valley, Karuk and Yurok Indian tribal fishers; as well as by anglers and commercial fishermen. The KMP Act also created an 11-member Klamath Fishery Management Council to ''establish a comprehensive long-term plan and policy * * * for the management of the in-river and ocean harvesting that affects or may affect Klamath and Trinity River basin anadromous salmon populations.'' The Council comprises essentially the same interests as the Task Force, except for the four county representatives which hold seats only on the Task Force.

In October 1984, the Trinity River Basin Fish and Wildlife Restoration Act (Act) was enacted by Congress. The Act appropriated $33 million over a 10-year period for design and construction of restoration projects and $2.4 million annually for operation, maintenance, and monitoring. The Act embodied in law an 11-point plan to restore and maintain fish and wildlife resources in the basin at levels which occurred prior to the construction of the Trinity River Diversion, Central Valley Project. The Trinity River Basin Fish and Wildlife Task Force was formed to investigate and develop an action plan to identify and correct fish and wildlife problems in the Trinity River basin. In 1982, the Task Force issued the Trinity River Basin Fish and Wildlife Management Program Report, which outlined five major goals to restore fish and wildlife. The report identified ten major actions and associated costs to restore fish populations and rehabilitate habitat. A 3-year action plan was issued by the

Task Force in 1988 and a second 3-year plan was issued in 1992. This most recent plan identifies over 100 restoration, supplementation, and monitoring activities to be completed over the next 3 years. Presently, final flow measurements are being analyzed by FWS to determine necessary flows and system capabilities for anadromous salmonids in the basin, and an Environmental Impact Statement, and National Environmental Policy Act (NEPA) report should be released in 1998. The funding for this project expired at the end of Fiscal Year (FY) 1995 and was re-authorized through FY 1998. However, many of the identified restoration activities have only just begun, and, unless this legislation is re-authorized, they will not be completed.

The Pacific Gas and Electric's (PG&E) Potter Valley hydroelectric project is a major diverter of water from the mainstem Eel River located in the Northern California ESU. This water is diverted into the Russian River basin to generate hydroelectric power and provide water for agriculture and urban uses. Pursuant to a Federal Energy Regulatory Commission (FERC) licensing requirement, PG&E was required, in consultation with FWS and CDFG, to develop and implement a 10-year monitoring program and develop recommendations for modifications in the flow release schedule or project structures and operations necessary to protect and maintain fishery resources. This study was completed in 1996, as was construction of a $14 million fish screen facility at the Van Arsdale Dam diversion on the Eel River. Based on the results of the monitoring study, NMFS, FWS, CDFG, and PG&E have recently completed negotiations on a plan to increase project flows to the Eel River by an additional 15 percent (20 TAF), as well as to make non-flow related capital improvements. This plan will be submitted to FERC by March 30, 1998, which will in turn trigger a NEPA review of the proposal. The provision of additional instream flows in the Eel River, in conjunction with the new fish screening facility, are expected to improve habitat quality and benefit steelhead in this ESU by increasing survival. As part of the proposal being carried forward to FERC, PG&E will also implement or fund additional mitigation measures that will provide benefits to both salmon and steelhead in the Eel River. These measures include direct funding of $30,000 annually to CDFG, funding of squawfish suppression in the Eel River, and funding of various monitoring activities.

Central Valley steelhead are benefitting from two major conservation initiatives which are being simultaneously implemented and developed to conserve and restore anadromous fish resources, including steelhead, in California's Central Valley. These include the Federal Central Valley Project Improvement Act (CVPIA) which was passed by Congress in 1992 and the CALFED Bay-Delta Program (CALFED Program) which is a joint State/Federal effort implemented in 1995.

The CVPIA is specifically intended to remedy habitat and other problems associated with the construction and operation of the Bureau of Reclamation's (BOR's) Central Valley Project. The CVPIA has two key features related to steelhead. First, it directs the Secretary of the Interior to develop and implement a program that makes all reasonable efforts to double natural production of anadromous fish in Central Valley streams (Section 3406(b)(1)) by the year 2002. This plan, which is called the Anadromous Fish Restoration Program (AFRP), was initially drafted in 1995 and subsequently revised in 1997. Funding has been appropriated since 1995 to implement restoration projects identified in the AFRP planning process. Second, the CVPIA dedicates up to 800,000 acre feet (AF) of water annually for fish, wildlife, and habitat restoration purposes (Section 3406(b)(2)) and provides for the acquisition of additional water to supplement the 800,000 AF (Section 3406(b)(3)). FWS, in consultation with other Federal and State agencies, has directed the use of this dedicated water yield since 1993.

The AFRP addresses six anadromous fish species, including steelhead, identified for restoration in the CVPIA. The revised 1997 plan presents the goals, objectives, and strategies of the AFRP; describes processes the AFRP used to identify, develop, and select restoration actions; and lists actions and evaluations determined at a programmatic level to be reasonable to implement as part of the AFRP. FWS intends to finalize this restoration plan in 1998 following completion of the Programmatic Environmental Impact Statement (PEIS) required by Section 3409 of the CVPIA. Additionally, FWS and BOR have released guidelines in the form of two administrative proposals that will provide guidance for several key aspects of the AFRP implementation. A draft administrative proposal regarding the development of the AFRP was released in June 1997. A final administrative proposal on the management of section 3406(b)(2) water and a set of flow-related actions for the next 5 years was released by DOI in November, 1997. These plans will be updated to include new information, consistent with the adaptive management approach described in the AFRP. To make restoration efforts as efficient as possible, the AFRP has committed to coordinate restoration efforts with those by other groups or programs. DOI has committed to working with NMFS, CDFG, and others to coordinate actions in this implementation and recovery plans for anadromous fish and for listed and proposed species under the ESA.

The CVPIA obligated $1.9 million in 1996 for 11 site-specific restoration actions and evaluations authorized by the AFRP, and $9.7 million for over 30 restoration projects in 1997. In 1998, the AFRP's projected budget for habitat restoration activities in the Central Valley is $8.2 million. Continued long term funding of AFRP restoration activities is currently authorized in the CVPIA. An estimated $20 million to $35 million will be spent on AFRP restoration actions per year for 25 years ($500 million to $875 million estimated total), most of which will be closely integrated with funding for activities implemented through the CALFED Bay-Delta Program.

The second conservation initiative that benefits Central Valley steelhead and other species is the CALFED Program. In June 1994, state and Federal agencies, including NMFS, signed a framework agreement that pledged all agencies would work together to formulate water quality standards to protect the Bay-Delta, coordinate State Water Project and Central Valley Project operations in the Bay-Delta, and develop a long-term Bay-Delta solution that would address ecosystem restoration and other objectives. In December 1994, a diverse group of state and Federal agencies, water agencies, and environmental organizations signed the Bay-Delta Accord which set out specific interim (3-year plan) measures for environmental protection, including the protection of Central Valley anadromous salmonids. The CALFED Program, which began in June 1995, is charged with the responsibility of developing a long-term Bay-Delta solution. The 1994 Bay-Delta Accord was recently extended through December 31, 1998.

Three types of environmental protection measures are detailed in the Bay-Delta Accord: (1) Control of freshwater outflow in the Delta to improve estuarine conditions in the shallow-water habitat of the Bay-Delta estuary (Category I measures); (2) regulation of water project operations

and flows to minimize harmful environmental impacts of water exports (Category II measures); and (3) implementation of projects to address non-flow related factors affecting the Bay-Delta ecosystem, such as unscreened diversions, physical habitat degradation, and pollution (Category III measures). Many of the Category I and II measures identified in the agreement were implemented by a Water Quality Control Plan that was adopted by the State Water Resources Control Board in 1995. Efforts were also initiated to fund and implement Category III non-flow projects beginning in 1995.

The CALFED Program completed Phase I in September 1996 with the identification of problems confronting the Bay-Delta system, the development of a mission statement and guiding principals, and the development of three basic alternative approaches to solving the problems. Currently in Phase II, the CALFED Program has refined the preliminary alternatives and is conducting a comprehensive programmatic environmental review with implementation strategies. In addition to the development of three water conveyance and storage alternatives, the CALFED Program has developed four common programs to resolve regional problems: ecosystems quality, water quality, levee system vulnerability, and water system reliability. A major element of the CALFED Program is the Ecosystem Restoration Program Plan (ERPP) which is intended to provide the foundation for long-term ecosystem and water quality restoration and protection throughout the region. Since adoption of the Bay-Delta Accord, urban water users have contributed approximately $21 million and State Proposition 204 has generated an additional $60 million for Category III non-flow habitat restoration projects. Among the non-flow factors for decline that have been targeted by the Category III program are unscreened diversions, waste discharges and water pollution prevention, impacts due to poaching, land derived salts, exotic species, fish barriers, channel alterations, loss of riparian wetlands, and other causes of estuarine habitat degradation. To ensure that Category III habitat restoration projects are coordinated with the Federal CVPIA and implemented in accordance with the draft ERPP, the CALFED Program's Restoration Coordination Program administers Category III funds and coordinates its funding with other related restoration programs and funding sources.

Continued funding of CALFED program activities and the Category III program are assured through funds provided by State Proposition 204, Federal funding through the DOI, and contributions by water development agencies under Category III. The total cost for implementing the ERPP component of the long-term CALFED Program has been estimated at $1.5 billion, of which about half should be available through State Proposition 204 bonds and expected Federal appropriations. These funds will be used to provide the initial funding necessary to begin implementing the ERPP. The current ERPP implementation strategy assumes that $390 million of Proposition 204 funding will be available for use after the CALFED Program's long-term plan is formally adopted by the CALFED agencies through filing of a Record of Decision for the Federal EIS and certification of the EIS by the California Resources Agency in late 1998.

Collectively, the CVPIA and CALFED conservation programs have the potential to provide a comprehensive conservation response to the extensive ecological problems facing steelhead and other salmonids in the Central Valley. However, the scope, intensity and effectiveness of the CALFED Program is still coming into focus. Therefore, NMFS concludes that the conservation measures provided by these programs are not currently sufficient to ensure recovery of steelhead. Nevertheless, NMFS believes the level of risk faced by the Central Valley steelhead ESU has diminished considerably since the 1996 listing proposal as a result of habitat restoration and other measures that have recently been implemented through the CALFED and CVPIA programs. NMFS is committed to working with the State and CALFED agencies to build on these programs to ensure that all risks to steelhead are adequately addressed. Through the prioritization of restoration funds available through the CALFED and CVPIA programs, NMFS can assist with the establishment of objectives and targets and implementation strategies which address many of the primary risk factors for Central Valley steelhead.

In the San Joaquin River Basin of the Central Valley, collaboration between water interests and state and Federal resource agencies, including NMFS, has led to the development of a scientifically based, adaptive fisheries management plan known as the Vernalis Adaptive Management Plan (VAMP). The VAMP will provide environmental benefits for fall-run chinook salmon smolts in the Delta and lower San Joaquin River and its tributaries by (1) using current scientific knowledge to enhance smolts survival by modifying flows; and (2) gathering additional scientific information on the effects of various San Joaquin River flows and Delta water export rates on the survival of salmon smolts to permit adaptive changes. This 12-year plan will be implemented through experimental flows in the San Joaquin Basin and operational changes at the Delta pumping plants during the peak chinook salmon smolts out-migration period (about April 15 to May 15). Initial implementation of the VAMP is scheduled for spring 1998; however, negotiations regarding some aspects of the program continue. The current focus of VAMP is to provide better protection for fall chinook in the San Joaquin basin. However, NMFS expects that the long-term commitment of all participating parties to fully implement the plan will provide ancillary benefits to Central Valley steelhead through improved flow and passage conditions.

State Land Management

The California Department of Forestry and Fire Protection (CDF) enforces the State of California's forest practice rules (CFPRs) on private and State managed forests, and these rules are promulgated through the State Board of Forestry (BOF). Timber harvest activities have been documented to result in negative effects on streams and streamside zones, including the loss of large woody debris, increased sedimentation, loss of riparian vegetation, and the loss of habitat complexity and connectivity. In the California portion of the KMP steelhead ESU, a relatively small percentage of the major river basins (i.e., the Smith, Klamath, and Trinity River basins) are composed of private forest lands where timber harvest is managed by CDFG. In these basins, private forest lands average approximately 18 percent of the total acreage, with a range of 17 (Trinity River) to 23 (Smith River) percent. In contrast, a much higher percentage of the acreage comprising the major river basins in the Northern California ESU (i.e., Redwood Creek, Mad River, Eel River, Mattole River, Ten Mile River, Noyo River, Big River, Albion River, Navarro River, Garcia River, and Gualala River) are composed of private forest lands where timber harvest is managed by CDFG. In these 11 river basins, private forest lands average about 75 percent of the total acreage, with a range of 42 percent (Eel River) to 94 percent (Gualala River).

NMFS has reviewed the CFPRs to determine their adequacy for protecting anadromous salmonids in California. Specifically, the review determined that, although the CFPRs mandate

protection of sensitive resources such as salmonids, the CFPR provisions and their implementation and enforcement, fall short of accomplishing his objective. Specific problems with the CFPRs include the inclusion of many protective provisions that are not supported by or with scientific literature; (2) provisions that are scientifically inadequate to protect salmonids including steelhead; (3) inadequate and ineffective cumulative effects analysis; (4) dependency upon registered professional foresters (RPFs) that may not possess the necessary level of multi-disciplinary technical expertise to develop appropriate THPs; (5) dependency by CDFG on other State agencies to review and comment on THPs; (6) failure of CDFG to incorporate recommendations from other agencies; and (7) inadequate enforcement due to staffing limitations.

On April 29, 1997, CDFG issued guidelines to RPF's for the protection of coho salmon which had been recently listed under the ESA. These ''coho considerations'' are an improvement over the CFPRs for the protection of steelhead in addition to coho salmon, but they are voluntary and not part of the CFPR provisions. Consequently, implementation of these provisions is unpredictable.

The CFPRs could be an effective vehicle for protecting steelhead and other species and reversing the factors for decline if there were substantial changes made to the provisions and their implementation and enforcement. Such changes include the following: (1) The provision for scientific peer review of the CFPRs, including science-based recommendations for modification of provisions; (2) development of comprehensive cumulative effects analyses; (3) implementation of mandatory provisions to protect anadromous fish; (4) additional and specialized training of RPFs, increased funding and staffing to review THPs; (5) improved enforcement of the CFPRs and THP requirements; and (6) mandatory incorporation of other State agency comments and modifications into THPs. Until a comprehensive scientific peer review process is adopted and appropriate changes to the CFPRs and the THP approval process are made, properly functioning habitat conditions will not exist in the KMP and Northern California steelhead ESUs.

The State is currently funding a conservation planning effort in Del Norte, Humboldt, Mendocino, Siskyou, and Trinity counties to review and analyze all county General Plans, ordinances, and policies relating to activities affecting salmon and steelhead. Examples of such activities include riparian habitat maintenance and setbacks, riparian water withdrawal, grading, erosion and sediment control, storm water retention, floodplain development, and stream crossings. Gaps or inconsistent policy application will be identified and General Plans or ordinances will be modified to better protect salmon and steelhead.

The Washington Department of Natural Resources implements and enforces the State of Washington's forest practice rules (WFPRs) which are promulgated through the Forest Practices Board. These WFPRs contain provisions that can be protective of steelhead if fully implemented. This is possible given that the WFPR's are based on adaptive management of forest lands through watershed analysis, development of site-specific land management prescriptions, and monitoring. Watershed analysis prescriptions can exceed WFPR minima for stream and riparian protection. However, NMFS believes the WFPRs, including watershed analysis, do not provide properly functioning conditions in riparian and instream habitats. Specifically, the base WFPRs do not adequately address large woody debris (LWD) recruitment, tree retention to maintain stream bank integrity and channel networks within floodplains, and chronic and episodic inputs of coarse and fine sediment that maintain habitats that are properly functioning for all life stages of steelhead.

The Oregon Forest Practices Act (OFPA), while modified in 1995 and improved over the previous OFPA, does not have implementing rules that adequately protect salmonid habitat. In particular, the current OFPA does not provide adequate protection for the production and introduction of LWD to medium, small and non-fish bearing streams. Small non-fish bearing streams are vitally important to the quality of downstream habitats. These streams carry water, sediment, nutrients, and LWD from upper portions of the watershed. The quality of downstream habitats is determined, in part, by the timing and amount of organic and inorganic materials provided by these small streams (Chamberlin *et al.* in Meehan, 1991). Given the existing depleted condition of most riparian forests on non-Federal lands, the time needed to attain mature forest conditions, the lack of adequate protection for non-riparian LWD sources in landslide-prone areas and small headwater streams (which account for about half the wood found naturally in stream channels) (Burnett and Reeves, 1997 citing Van Sickle and Gregory, 1990; McDade *et al.*, 1990; and McGreary, 1994), and current rotation schedules (approximately 50 years), there is a low probability that adequate LWD recruitment could be achieved under the current requirements of the OFPA. Also, the OFPA does not adequately consider and manage timber harvest and road construction on sensitive, unstable slopes subject to mass wasting, nor does it address cumulative effects.

Agricultural activity has had multiple and often severe impacts on salmonid habitat. These include depletion of needed flows by irrigation withdrawals; blocking of fish passage by diversion or other structures; destruction of riparian vegetation and bank stability by grazing or cultivation practices; and channelization resulting in loss of side channel and wetland-related habitat (NMFS, 1996b).

Historically, the impacts to fish habitat from agricultural practices have not been closely regulated. The Oregon Department of Agriculture has recently completed guidance for development of agricultural water quality management plans (AWQMPs) (as enacted by State Senate Bill 1010). The guidance focuses on achieving state water quality standards. It is open to question, however, whether they will adequately address salmonid habitat factors, such as properly functioning riparian conditions. Their ability to address all relevant factors will depend on the manner in which they are implemented. AWQMPs are anticipated to be developed at a basin scale and will include regulatory authority and enforcement provisions. The Healthy Streams Partnership schedules adoption of AWQMPs for all impaired waters by 2001.

Washington also has not historically regulated impacts of agricultural activity on fish habitat overall, although there are some special requirements in the Puget Sound area, and Department of Ecology is currently giving close attention to impacts from dairy operations. As in Oregon, development of Total Maximum Daily Loads (TMDLs; see following discussion) should over the long-term improve water quality; the extent to which other habitat impacts will be ameliorated is unknown.

Impacts from agricultural and grazing practices have not historically been closely regulated in California. This is an important concern to NMFS because a substantial amount of acreage in the KMP and Northern California ESU is comprised of farmland. Private lands, and public lands not administered by the federal government, are now being

addressed by the California Rangeland Water Quality Management Plan (CRWQMP) which was adopted by the State Water Resources Control Board as a voluntary compliance effort in accordance with its Non-point Source Management Plan. The emphasis of the CRWQMP is on outreach and education with assistance from the Natural Resources Conservation Service (NRCS), University of California Cooperative Extension, and California Association of Resource Conservation Districts (CSRCSs), and the California Cattleman's Association. The Best Management Practices (BMPs) contained in the CRWQMP are derived from the NRCS Field Office Technical Guides.

Under this program, the NRCS, Cooperative Extension and CARCD encourage rangeland owners to develop and implement ranch plans or other documents detailing their management goals and practices. NRCS and Cooperative extension provide training in this effort and the NRCS can condition assistance on implementation of the BMPs set forth in the CRWQMP. The Regional Water Control Boards promote implementation of the CRWQMP by also encouraging landowners to develop plans and by requiring ranch plans to be developed and implemented in accordance with the CRWQMP for watershed listed under section 303(d) of the CWA as requiring the development of TMDLs. As noted below, TMDLs will be developed for most all streams in the Northern California and KMP steelhead ESUs under the terms of a recent consent decree. Between 1995–1998, rangeland plans were developed under the CRWQMP for more than 250,000 acres on the north coast ranging from San Francisco to the Oregon border. The State plans to review the implementation status of these plans at intervals of 3, 5 and 10 years, provided resources are available. Efforts are currently in progress to incorporate existing rangeland management plans in the Garcia River into the TMDL development process for that watershed. NMFS is encouraged by these ongoing efforts. Plans that are consistent with this guidance are likely to result in meeting state water quality standards, but the program is voluntary and it is uncertain to what extent their implementation will contribute to improved habitat conditions and riparian function.

Dredge, Fill, and Inwater Construction Programs

The Army Corps of Engineers (COE) regulates removal/fill activities under section 404 of the Clean Water Act (CWA), which requires that the COE not permit a discharge that would ''cause or contribute to significant degradation of the waters of the United States.'' One of the factors that must be considered in this determination is cumulative effects. However, the COE guidelines do not specify a methodology for assessing cumulative impacts or how much weight to assign them in decision making. Furthermore, the COE does not have in place any process to address the additive effects of the continued development of waterfront, riverine, coastal, and wetland properties.

The Corps of Engineers, State, and local governments recently developed and implemented procedures reviewing, approving and monitoring gravel mining activities in Del Norte and Humboldt counties which are authorized under a Letter of Permission process. This process now regulates gravel mining in a substantial portion of the north coast, including all of the Klamath Mountains Province in California and a substantial portion of the Northern California ESU (including the Mad, Eel and Van Duzen Rivers). These procedures are designed to provide substantially improved protection for anadromous fish and their habitats, including steelhead. Important features of this new process include: A prohibition on gravel mining in the active channel except in limited instances, a restriction of gravel operations to the dry season, monitoring of channel cross section to detect channel degradation, fisheries monitoring, gravel mining on a sustained yield basis, and watershed-level analysis of gravel mining. NMFS participated in the development of these procedures and has concluded, through section 7 consultation with the Corps, that these procedures will not jeopardize the continued existence of coho salmon or steelhead in the KMP and Northern California ESUs.

Water Quality Programs

The Federal CWA is intended to protect beneficial uses, including fishery resources. To date, implementation has not been effective in adequately protecting fishery resources, particularly with respect to non-point sources of pollution.

Section 303(d)(1)(C) and (D) of the CWA requires states to prepare TMDLs for all water bodies that do not meet state water quality standards. TMDLs are a method for quantitative assessment of environmental problems in a watershed and identifying pollution reductions needed to protect drinking water, aquatic life, recreation, and other use of rivers, lakes, and streams. TMDLs may address all pollution sources including point sources such as sewage or industrial plant discharges, and non-point discharges such as runoff from roads, farm fields, and forests. Furthermore, TMDLs for water quality-limited waterbodies may address several factors including, temperature levels, sediment load, nutrient input, and dissolved oxygen levels.

The CWA gives state governments the primary responsibility for establishing TMDLs. However, EPA is required to do so if a state does not meet this responsibility. As a result of a recent consent decree, EPA and the North Coast Regional Water Quality Control Board (Board) have committed to preparing TMDLs for 18 river basins in California. All of these river basins are located within the Northern California or KMP steelhead ESUs, the majority of which (12) are located within the Northern California ESU. The consent decree establishes a schedule for developing TMDL criteria for listed rivers. Under this schedule, seven river basins in the Northern California ESU will have TMDLs developed within the next 2 years, with the remaining rivers having TMDLs developed by 2002. TMDLs for rivers in the KMP steelhead ESU (e.g., Klamath, Trinity, Scott, and Shasta Rivers) will not be developed until after 2001. This legally-binding schedule will result in significant progress on improving the beneficial uses of these watersheds, where the beneficial use has been identified as habitat for salmonids.

Currently, a sediment TMDL has been established for the Garcia River in the Northern California steelhead ESU. This TMDL will ultimately be adopted into the Water Quality Control Plan for the North Coast Basin (Basin Plan) in 1998. The adoption of the Strategy into the Basin Plan carries significant weight for compliance. The completion of the Garcia River TMDL and the initiation of TMDLs for the other listed rivers represent a significant step forward in improving watershed health for steelhead and other salmonids on the north coast of California.

State agencies in Oregon are committed to completing TMDLs for coastal drainages within 4 years, and all impaired waters within 10 years. Similarly ambitious schedules are being developed for Washington.

The ability of these TMDLs to protect steelhead should be significant in the long term; however, it will be difficult to develop them quickly in the short term, and their efficacy in protecting steelhead habitat will be unknown for years to come. Furthermore, it is essential EPA consults with NMFS on

the formulation of TMDLs in waters that contain listed salmonids. Such consultations will help ensure TMDLs adequately address the needs of these species.

State Hatchery and Harvest Management

In an attempt to mitigate the loss of habitat and to enhance fishing opportunities, extensive hatchery programs have been implemented throughout the range of steelhead on the West Coast. While some of these programs have succeeded in providing fishing opportunities, the impacts of these programs on native, naturally reproducing stocks are not well understood. Competition, genetic introgression, and disease transmission resulting from hatchery introductions may significantly reduce the production and survival of native, naturally reproducing steelhead (NMFS, 1996a). Collection of native steelhead for hatchery broodstock purposes often harms small or dwindling natural populations. Artificial propagation can play an important role in steelhead recovery through carefully controlled supplementation programs.

In the past, non-native steelhead stocks have been introduced as broodstock in hatcheries and widely transplanted in many coastal rivers and streams in California (Bryant, 1994; Busby *et al.*, 1996; NMFS, 1997a). Because of problems associated with this practice, CDFG developed its Salmon and Steelhead Stock Management Policy. This policy recognizes that such stock mixing is detrimental and seeks to maintain the genetic integrity of all identifiable stocks of salmon and steelhead in California, as well as to minimize interactions between hatchery and natural populations. To protect the genetic integrity of salmon and steelhead stocks, this policy directs CDFG to evaluate each salmon and steelhead stream and to classify it according to its probable genetic source and degree of integrity.

Hatchery programs and harvest management have strongly influenced steelhead populations in the Lower Columbia River and Central Valley, California, ESUs. Hatchery programs intended to compensate for habitat losses have masked declines in natural stocks and have created unrealistic expectations for fisheries. Collection of natural steelhead for broodstock and transfers of stocks within and between ESUs have detrimentally impacted some populations.

The three state agencies (ODFW, WDFG, and CDFG) have adopted and are implementing natural salmonid policies designed to limit hatchery influences on natural, indigenous steelhead. Sport fisheries now focus on harvest of marked, hatchery-produced steelhead, and sport fishing regulations are designed to protect wild fish. While some limits have been placed on hatchery production of anadromous salmonids, more careful management of current programs and scrutiny of proposed programs are necessary in order to minimize impacts on listed species.

(5) Other Natural or Human-Made Factors Affecting Its Continued Existence

Natural climatic conditions have exacerbated the problems associated with degraded and altered riverine and estuarine habitats. Persistent drought conditions have reduced already limited spawning, rearing, and migration habitat. Climatic conditions appear to have resulted in decreased ocean productivity which, during more productive periods, may help offset degraded freshwater habitat conditions (NMFS, 1996a).

Efforts Being Made To Protect West Coast Steelhead

Section 4(b)(1)(A) of the ESA requires the Secretary to make listing determinations solely on the basis of the best scientific and commercial data available and after taking into account state efforts being made to protect the species. Therefore, in making its listing determinations, NMFS first assesses the status of the species and identifies factors that have lead to the decline of the species. NMFS then assesses available conservation measures to determine whether such measures ameliorate risks to the species.

In judging the efficacy of existing conservation efforts, NMFS considers the following: (1) The substantive, protective, and conservation elements of such efforts; (2) the degree of certainty such efforts will be reliably implemented; and (3) the presence of monitoring provisions that permit adaptive management (NMFS, 1996b). In some cases, conservation efforts may be relatively new and may not have had time to demonstrate their biological benefit. In such cases, provisions for adequate monitoring and funding of conservation efforts are essential to ensure intended conservation benefits are realized.

During its west coast steelhead status review, NMFS reviewed an array of protective efforts for steelhead and other salmonids, ranging in scope from regional strategies to local watershed initiatives. NMFS has summarized some of the major efforts in a document entitled ''Steelhead Conservation Efforts: A Supplement to the Notice of Determination for West Coast Steelhead under the Endangered Species Act'' (NMFS, 1996c). During the 6-month period of deferral, NMFS identified additional conservation measures in the States of Washington, Oregon, and California. We summarize these additional conservation measures below.

State of Washington Conservation Measures

The State of Washington is currently in the process of developing a statewide strategy to protect and restore wild steelhead and other salmon and trout species. In May of 1997, Governor Gary Locke and other state officials signed a Memorandum of Agreement creating the Joint Natural Resources Cabinet (Joint Cabinet). This body consists of State agency directors, or their equivalents, from a wide variety of agencies whose activities and constituents influence Washington's natural resources. The goal of the Joint Cabinet is to restore healthy salmon, steelhead, and trout populations by improving those habitats on which the fish rely. The Joint Cabinet's current activities include development of the Lower Columbia Steelhead Conservation Initiative (LCSCI), which is intended to comprehensively address protection and recovery of steelhead in the lower Columbia River area.

The scope of the LCSCI includes Washington's steelhead stocks in two transboundary ESUs that are shared by both Washington and Oregon. The initiative area includes all of Washington's stocks in the Lower Columbia River ESU (Cowlitz to Wind rivers) and the portion of the Southwest Washington ESU in the Columbia River (Grays River to Germany Creek). When completed, conservation and restoration efforts in the LCSCI area will form a comprehensive, coordinated, and timely protection and rebuilding framework. Benefits to steelhead and other fish species in the LCSCI area will also accrue due to the growing bi-state partnership with Oregon.

Advance work on the initiative was performed by WDFW. That work emphasized harvest and hatchery issues and related conservation measures. Consistent with creation of the Joint Cabinet, conservation planning has recently been expanded to include major involvement by other state agencies and stakeholders and to address habitat and tributary dam/hydropower components.

The utility of the LCSCI is to provide a framework to describe concepts, strategies, opportunities, and commitments that will be critically needed to maintain the diversity and long-term productivity of steelhead in the lower Columbia River for future generations. The initiative does not represent a formal watershed planning process; rather, it is intended to be complementary to such processes as they may occur in the future. The LCSCI details a range of concerns including natural production and genetic conservation, recreational harvest and opportunity, hatchery strategies, habitat protection and restoration goals, monitoring of stock status and habitat health, evaluation of the effectiveness of specific conservation actions, and an adaptive management structure to implement and modify the plan's trajectory as time progresses. It also addresses improved enforcement of habitat and fishery regulations and strategies for outreach and education.

The LCSCI is currently a ''work-in-progress'' and will evolve and change over time as new information becomes available. Input will be obtained through continuing outreach efforts by local governments and other stakeholders. Further refinements to strategies, actions, and commitments will occur using public and stakeholder review and input and continued interaction with the state of Oregon, tribes, and other government entities, including NMFS. The LCSCI will be subjected to independent technical review. In sum, these input and coordination processes will play a key role in determining the extent to which the eventual conservation package will benefit wild steelhead.

NMFS intends to continue working with the state of Washington and stakeholders involved in the formulation of the LCSCI. Ultimately, when completed, this conservation effort may ameliorate risks facing many salmonid species in this region. In the near term, for steelhead and other listed species, individual components of the conservation effort may be recognized through section 4(d) of the ESA. In this way activities conducted in accordance with full, matured, and implemented conservation efforts may be excepted from take under section 9 of the ESA.

In conjunction with the LCSCI process, industry in the Lower Columbia River ESU sponsored the review and assessment of existing conservation programs in this region (Cramer, 1997). This assessment provided a helpful summary of measures, which if fully implemented and funded, may aid in conserving steelhead in this region. In particular, NMFS found this assessment's analysis of impacts associated with trout fisheries on juvenile steelhead helpful in analyzing existing state harvest regulations.

State of Oregon Conservation Measures

In April 1996, the Governor of Oregon completed and submitted to NMFS a comprehensive conservation plan directed specifically at coho salmon stocks on the Coast of Oregon. This plan, termed the Oregon Plan for Salmon and Watersheds (OPSW) (formerly known as the Oregon Coastal Salmon Restoration Initiative) was later expanded to include conservation measures for coastal steelhead stocks (Oregon, 1998). For a detailed description of the OPSW, refer to the May 6, 1997, listing determination for Southern Oregon/Northern California coho salmon (62 FR 24602). The essential tenets of the OPSW include the following:

a. The plan comprehensively addresses all factors for decline of coastal coho and steelhead, most notably, those factors relating to harvest, habitat, and hatchery activities.

b. Under this plan, all State agencies whose activities affect salmon are held accountable for coordinating their programs in a manner that conserves and restores the species and their habitat. This activity is essential since salmon and steelhead have been affected by the actions of many different state agencies.

c. The Plan includes a framework for prioritizing conservation and restoration efforts.

d. The Plan includes a comprehensive monitoring plan that coordinates Federal, state, and local efforts to improve understanding of freshwater and marine conditions, determine populations trends, evaluate the effects of artificial propagation, and rate the OPSW's success in restoring the salmon.

e. The Plan recognizes that actions to conserve and restore salmon must be worked out by communities and landowners—those who possess local knowledge of problems and those who have a genuine stake in the outcome. Watershed councils, soil and water conservation districts, and other grassroots efforts are the vehicles for getting this work done.

f. The Plan is based upon the principles of adaptive management. Through this process, there is an explicit mechanism for learning from experience, evaluating alternative approaches, and making needed changes in the programs and measures.

g. The Plan includes an Independent Multidisciplinary Science Team (IMST). The IMST's purpose is to provide an independent audit of the OPSW's strengths and weaknesses. They will aid the adaptive management process by compiling new information into a yearly review of goals, objectives, and strategies and by recommending changes.

h. The Plan requires that a yearly report be made to the Governor, the legislature, and the public. This report will help the agencies make the adjustments described for the adaptive management process.

To implement the various monitoring and other programs associated with the steelhead portion of the OPSW, the Oregon Legislative Emergency Board allocated just under $2 million in January 1998. This funding commitment is in addition to funds previously allocated for the coho portion of the OPSW.

The state of Oregon recently implemented changes to its fishing regulations that will help conserve steelhead in the Oregon portion of the KMP ESU (State of Oregon, 1998). These regulations, adopted on February 5, 1998, and in effect prior to this listing determination, include the following: (1) Elimination of steelhead retention fisheries in all areas of the KMP ESU except select areas in the Rogue River basin; (2) creation of sanctuary areas for rearing steelhead where no angling is permitted; (3) elimination of the use of bait in trout fisheries that could negatively impact juvenile steelhead; (4) implementation of season closures for trout species during juvenile steelhead out-migration; and (5) modification of gear requirements to protect juvenile steelhead in trout fisheries. NMFS has analyzed these harvest regulation changes and finds that these harvest regulations, coupled with existing hatchery management practices, will greatly reduce mortality to adult and juvenile steelhead in the KMP ESUs (NMFS, 1998b). Current harvest regulations and hatchery programs will be modified in the future if monitoring results indicate that changes are needed. Such changes will be made after the State and NMFS confer on them.

In addition to these recently adopted harvest regulations, the state of Oregon has committed to: (1) Devise and fund monitoring programs, in association with NMFS, to assess stock status and redirect existing management programs if need be; (2) establish a process for setting wild steelhead escapement goals; (3) continue to implement marking of all hatchery steelhead; and (4) eliminate stocking of hatchery trout in juvenile

steelhead rearing habitat. These commitments and additions to the OPSW are captured in a letter from John Kitzhaber, Governor of Oregon to William Stelle, Jr., dated March 11, 1998 (Oregon, 1998).

State of California Conservation Measures

The state of California's program for steelhead conservation consists of several major elements: (1) The CALFED Bay-Delta program, including the integrated components of the CVPIA; (2) the Governor's Watershed Restoration and Protection Council (WPRC) program, including ongoing State efforts to implement the watershed planning and habitat restoration objectives contained in Senate Bill (SB) 271; (3) CDFG strategic management plans for steelhead in the KMP and Northern California ESUs; and (4) a joint Memorandum of Agreement between NMFS and the State. The following briefly summarizes these measures and their benefits for steelhead.

(1) CALFED Bay-Delta Program and CVPIA

The CALFED Bay-Delta Program and CVPIA are discussed in detail above under ''Summary of Factors Affecting the Species.'' Collectively, these Central Valley programs have the potential to provide a comprehensive conservation response to the extensive ecologic problems facing at-risk salmonids, including Central Valley steelhead. However, the scope, intensity, and effectiveness of the CALFED Program are still coming into focus. Therefore, NMFS concludes that the conservation measures provided for by this program are not currently sufficient to ensure long-term recovery of steelhead.

NMFS reviewed and evaluated habitat restoration efforts implemented by the CALFED and CVPIA programs to date, as well as other recently implemented measures (NMFS, 1998c). Based on this review, NMFS concludes that Central Valley steelhead have benefitted from improved habitat protection resulting from the placement of new fish screens, modifications of barriers to fish passage, and various habitat acquisition and restoration projects. NMFS believes that the benefits provided by these habitat improvements, and other measures recently implemented, have diminished the risk faced by Central Valley steelhead ESU. Furthermore, NMFS is committed to continue working with Federal and state agencies to build on the CALFED and CVPIA programs to ensure that all risks to steelhead are adequately addressed. Through the prioritization of restoration monies under the CALFED and CVPIA programs, NMFS can assist with the establishment of objectives and targets, as well as implementation strategies, that address the primary risk factors for Central Valley steelhead.

(2) WPRC Program and Implementation of SB 271

In July, 1997, California's Governor signed Executive Order W–159–97 which created the WPRC. The WPRC, which is chaired by the Secretary of Resources, is an umbrella body consisting of all State agencies that have programs addressing anadromous salmonid protection and restoration. Under State law, the WPRC is charged with (1) providing oversight of all State activities aimed at watershed protection and enhancement, including the conservation and restoration of anadromous salmonids in California, and (2) directing the development of a Watershed Protection Program that provides for anadromous salmonid conservation in the State. The WPRC has established a 12-member, multi-disciplinary science review panel to advise it in the development of the watershed protection program.

The WPRC is currently in the process of comprehensively reviewing and evaluating existing Statewide regulatory and non-regulatory programs protecting anadromous salmonids and their habitat, as well as state and local restoration program efforts that are ongoing or proposed. An important outcome of this review is expected to be a compilation of management, implementation, and monitoring improvements that are needed to protect and conserve anadromous salmonids and their habitat. NMFS has reviewed early workproducts generated by this review process and will continue to participate in the review and the development of the watershed protection program.

NMFS is encouraged to see the State taking a comprehensive, watershed based approach to salmon management and restoration. However, the WPRC process is still in progress and a Watershed Protection Program has yet to be developed. The 1998 Memorandum of Agreement (MOA) signed by NMFS and the Secretary of Resources and Director of the CDFG (NMFS/California MOA 1998) ensures that NMFS will substantively participate in the development of this program, including participation on the scientific review panel that will advise the WPRC in the development of the Program. An important initial focus of this scientific review panel will be a review of California's forest practice regulations and their implementation and enforcement to determine their adequacy.

To support implementation of the Governor's Executive Order and the WPRC's efforts to develop a Watershed Protection Program, CDFG began implementing a Watershed Initiative with $3 million in SB 271 funds in FY 1997–1998. This funding is currently being obligated, together with a relatively limited amount of funds from other state sources (e.g., Proposition 70, Proposition 99, Commercial Salmon Stamp Account, Steelhead Catch-Restoration Card, and Wildlife Conservation Board), for coastal watershed projects through CDFG's Fishery Restoration Grants Program. CDFG expects to allocate at least $1.3 million for watershed and riparian habitat restoration, up to $425,000 for instream habitat restoration, and up to $900,000 for watershed evaluation, assessment, planning, restoration project maintenance and monitoring, and a wide range of other activities. For FY 1998–1999 (beginning in July 1998), CDFG anticipates spending $1.0 million for eight new positions to assist in watershed planning efforts and grant proposal development, and $7.0 million on grants for actual projects.

In 1997, the California legislature enacted SB 271 which provides CDFG with $43 million over six years for habitat restoration and watershed planning in coastal watersheds. This new funding allows CDFG to significantly expand its existing habitat restoration program in coastal watersheds, including KMP and Northern California steelhead ESUs. Senate Bill 271 requires that 87.5 percent of the $43 million in funding be spent on project grants for habitat restoration, watershed planning and related programs, and permits CDFG to use the remainder for contract administration activities and biological support staff necessary to achieve the restoration objectives of the legislation. Senate Bill 271 also specifies that projects be given highest priority that, (1) emphasize the development of coordinated watershed improvement activities, (2) restore habitat for salmon and/or steelhead that are eligible for protection as listed or candidate species under the State or Federal ESA, and (3) treat the causes of fish habitat degradation. As part of this program, CDFG is currently funding $3.0 million in new projects this year, and will begin funding $7.0 million/year in new projects for five years, beginning in FY 1998–1999 (starting July 1998). In addition, CDFG will use SB 271 funding to support several new permanent

positions that will assist in administering the program and provide technical support in the development of watershed plans and habitat restoration projects.

In addition to the SB 271 funds, CDFG has committed to seeking additional funding in the FY 1998–1999 budget cycle for a new steelhead monitoring and adaptive management program (CDFG, 1998a and 1998b; NMFS/California MOA 1998). CDFG anticipates spending over $1.6 million to hire over 30 person-years of staff for this program in FY 1998–1999.

The NMFS/California MOA (see discussion on NMFS/California MOA) provides additional assurances that the SB 271 program will provide these benefits. The MOA allows NMFS to serve as an ex-officio member of the Advisory Committee that will oversee implementation of SB 271, including the allocation funds. Furthermore, the MOA commits CDFG to direct a major portion of the new personnel and fiscal resources provided by SB 271 to watershed restoration efforts in these ESUs (NMFS/California MOA, 1998).

(3) Klamath Mountains Province and Northern California Strategic Plans

The state of California recently provided NMFS with strategic management plans specifically designed to address steelhead stocks in the KMP and Northern California ESUs on January 23, 1998, and February 5, 1998, respectively (CDFG, 1998a and 1998b). These strategic plans describe substantial changes in CDFG's management of recreational angling and steelhead hatchery programs, along with its monitoring, assessment, and adaptive management programs for steelhead in these two ESUs. In addition, both plans describe CDFG's ongoing efforts to protect and enhance steelhead habitat. These management measures are intended to provide immediate protection for steelhead populations in these ESUs, while longer-term measures are implemented to protect anadromous fish habitat on non-Federal lands through the State's Watershed Protection Program. The following is a description of the main components of the strategic management plans.

a. Harvest Measures

CDFG's strategic plans propose several harvest management actions that are designed to increase escapement of adult steelhead and reduce impacts on juvenile steelhead in the Northern California and KMP steelhead ESUs. NMFS (1998d) has reviewed and analyzed these measures and concludes that impacts to adult steelhead will be greatly reduced as a result of these new measures. Impacts to juveniles will also be significantly reduced due to fishing closures in all steelhead rearing tributaries, expanded angling closures in mainstem areas through the end of May, and various gear and bait restrictions.

On February 6, 1998, the state of California's Fish and Game Commission (Commission) adopted emergency changes to the State's inland fishing regulations, which became effective on February 12, 1998. These regulation changes were intended to be consistent with the measures outlined in the KMP and Northern California strategic plans (CDFG, 1998a and 1998b). NMFS reviewed and evaluated these emergency regulation changes and determined that some of them did not adequately protect wild juvenile steelhead (NMFS, 1998e). The State and NMFS agreed to further modifications of the emergency regulations which were adopted by the Commission on March 6, 1998, as amendments to the emergency regulations. NMFS reviewed these modifications and concludes that they will reduce threats to steelhead and will help conserve the species in these ESUs (NMFS, 1998f).

b. Hatchery Measures

CDFG's strategic plans for KMP and Northern California steelhead identify a wide range of existing and new hatchery management measures that are intended to reduce the impacts of hatchery steelhead programs on wild steelhead populations in these ESUs. These measures include the following: (1) Release strategies that require a minimum 6″ size and release at the hatchery; (2) marking all hatchery fish and conducting spawning surveys to assess the extent hatchery fish stray into natural spawning areas; (3) reductions in hatchery releases or other modifications of hatchery practices if significant straying of hatchery fish is found to occur; (4) a cap on hatchery production to current levels; regular health checks during each rearing cycle and the destruction of diseased fish that cannot be effectively treated; (5) review of the existing operating procedures for all cooperative rearing facilities permitted by the State; and (6) adoption of a requirement that all cooperative facilities develop and submit 5-year management plans to the State for approval.

NMFS has reviewed these existing and new hatchery management measures and concludes they will substantially reduce potential impacts to wild steelhead (NMFS, 1998d). However, NMFS continues to be concerned with operations at the Mad River Hatchery since its winter-run steelhead broodstock is non-indigenous to the Mad River. To address this concern CDFG commits, in conjunction with NMFS, to, (1) undertake a comprehensive review of the hatchery program, including its stocking history and genetic analysis of current broodstock, and (2) develop a plan to eliminate any adverse impacts of hatchery operations on Northern California steelhead if necessary (NMFS/California MOA, 1998).

c. Steelhead Monitoring and Adaptive Management

In its strategic management plans for KMP and Northern California steelhead, CDFG commits to implement ongoing and expanded monitoring programs for assessing steelhead abundance in these ESUs (CDFG, 1998a and 1998b; NMFS/California MOA, 1998). In addition, CDFG commits to establishing a joint scientific and technical team including representatives from California, Oregon as appropriate, and NMFS to design appropriate detailed monitoring programs for steelhead (CDFG, 1998a and 1998b; NMFS/California MOA, 1998). NMFS considers these monitoring efforts essential given the uncertain status of steelhead populations in these ESUs, and believes that adequate State funding is critical to implementing this program.

Through the MOA (see discussion on NMFS/California MOA), CDFG further commits to seek adequate funding for this program (NMFS/California MOA, 1998). To this end, CDFG has submitted a budget change proposal for $1.6 million to initiate the program in FY 1998–1999 (starting July 1, 1998). Aside from State funding commitments, NMFS commits to seek funding support for California's monitoring effort and to provide technical assistance in its design and implementation (NMFS/California MOA, 1998).

NMFS/California Memorandum of Agreement

NMFS evaluated a wide range of conservation efforts that California has adopted or is in the process of developing and concludes these efforts will provide substantial protections to KMP and Northern California steelhead populations. In particular, NMFS concludes that CDFG's harvest and hatchery management programs for KMP and Northern California steelhead will contribute to increasing escapement of adults, substantially reduce impacts on juveniles resulting in increased survival, and reduce adverse impacts of hatchery populations on wild fish

(NMFS 1998b and 1998d). In the near-term, NMFS expects these measures will contribute to improved survival and population stability for steelhead. Furthermore, CDFG's monitoring and adaptive management programs will provide the ability to assess the status of steelhead populations and their response to these management improvements. However, NMFS remains concerned that the State's habitat protection measures which are being evaluated as part of the WPRC's effort to develop a Watershed Protection Program and the watershed restoration program established by SB 271, are not presently adequate to secure properly functioning habitat conditions over the long-term. To address this concern, NMFS entered into a MOA with the WPRC, Resources Agency, and CDFG (NMFS/California MOA, 1998).

Under the terms of the MOA, NMFS will provide the State with guidance on its key programs that address habitat conditions affecting steelhead in the KMP and Northern California ESUs. Specifically, the MOA ensures that NMFS will substantially participate in (1) the ongoing development of the WPRC's Watershed Protection Program, including review of, and participation on, the multi-disciplinary scientific review panel that is an integral part of the WPRC program development, and (2) the implementation of the SB 271 watershed planning and habitat restoration program as an ex-officio member of the Advisory Committee.

The MOA commits NMFS and the State, in conjunction with the scientific review panel, to conduct an expedited review of California's forest practice rules and their implementation and enforcement, in order to assess their adequacy. In accordance with the provisions of the MOA, the State will make changes in implementation and/or enforcement of rules necessary to adequately conserve anadromous salmonids, including steelhead, by December 31, 1998. Also, by December 31, 1998, the State, in consultation with NMFS, will recommend any rule changes to the Board of Forestry that are necessary to adequately conserve anadromous salmonids. Because of the preponderance of private timber forested lands and timber harvest in the Northern California ESU, NMFS believes this is a critically important provision of the MOA.

In addition to these key provisions, the MOA also commits CDFG to: (1) Implement harvest and hatchery management changes contained in its strategic management plans for KMP and Northern California steelhead, including the emergency regulations adopted as a result of those plans; (2) comply with existing Federal law including the adoption of State fishing regulations that are consistent with Federal protective regulations for listed coho salmon; (3) implement a monitoring and adaptive management program for KMP and Northern California steelhead; (4) direct a major portion of new personnel and fiscal resources resulting from SB 271 funding for FY 1998–1999 to watershed protection efforts in the Northern California ESU; and (5) seek funding in FY 1998–1999 for those activities identified in the State's Eel River Action Plan that have the most immediate and direct benefit to steelhead (NMFS/California MOA, 1998).

Status of Steelhead ESUs

Section 3 of the ESA defines the term ''endangered species'' as ''any species which is in danger of extinction throughout all or a significant portion of its range.'' The term ''threatened species'' is defined as ''any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' Thompson (1991) suggested that conventional rules of thumb, analytical approaches, and simulations may all be useful in making this determination. In previous status reviews (e.g., Weitkamp *et al.*, 1995), NMFS has identified a number of factors that should be considered in evaluating the level of risk faced by an ESU, include the following: (1) Absolute numbers of fish and their spatial and temporal distribution; (2) current abundance in relation to historical abundance and current carrying capacity of the habitat; (3) trends in abundance; (4) natural and human-influenced factors that cause variability in survival and abundance; (5) possible threats to genetic integrity (e.g., from strays or outplants from hatchery programs); and (6) recent events (e.g., a drought or changes in harvest management) that have predictable short-term consequences for abundance of the ESU.

During the coastwide status review for steelhead, NMFS evaluated both quantitative and qualitative information to determine whether any proposed ESU is threatened or endangered according to the ESA. The types of information used in these assessments are described in the proposed rule, published August 9, 1996 (61 FR 41541). The following summaries draw on these quantitative and qualitative assessments to describe NMFS' conclusions regarding the status of each steelhead ESU. A more detailed discussion of the status of these steelhead ESUs is presented in the documents entitled ''Status Review Update for Deferred and Candidate ESUs of West Coast Steelhead'' (NMFS, 1997a) and ''Status Review Update for Deferred ESUs of West Coast Steelhead: Hatchery Populations'' (NMFS, 1998a). Copies of these documents are available upon request (see **ADDRESSES**).

(1) Lower Columbia River ESU

Based on its previous review of this ESU and on new data received during the deferral period, NMFS identified several major concerns for steelhead within this ESU. First, populations are at low abundance relative to historical levels, placing this ESU at risk due to random fluctuations in genetic and demographic parameters that are characteristic of small populations. Second, there have been almost universal, and in many cases dramatic, declines in steelhead abundance since the mid-1980s in both winter-run and summer-run steelhead runs. For example, on the basis of recent severe declines, WDFW has identified a change in the status designation for Wind River summer-run steelhead from ''depressed'' in 1992 to ''critical'' in 1997. In addition, WDFW recently determined that, of 21 wild winter-run and summer-run steelhead stocks on the northern side of this ESU, only two are healthy and the remaining 19 are depressed or believed to be depressed (WDF *et al.*, 1993). NMFS also notes the results from ODFW's extinction risk modeling, which predicts that the Kalama River summer-run steelhead have a greater than 5 percent probability of extinction within 100 years.

The primary exception to the declines within this ESU is the Toutle River winter-run steelhead stock, which has increased following decimation by the eruption of Mount St. Helens in 1980, but which remains at very low abundance. In some cases, chinook salmon populations in the same streams have not shown such dramatic declines. No clear explanation presently exists for these declines in steelhead, but not chinook salmon.

NMFS remains concerned about the widespread occurrence of hatchery fish in naturally spawning steelhead populations throughout this ESU. Recent estimates of the proportion of hatchery fish on the winter-run steelhead spawning grounds are over 80 percent in the Hood and Cowlitz Rivers, 45 percent in the Sandy, Clackamas, and Kalama Rivers, and approximately 75 percent for summer-run steelhead in the Kalama River. Only three out of 14 populations for which data exist have low estimates of percent hatchery fish in

natural escapements (i.e., 0 percent in the Washougal River summer steelhead run and Panther and Trout Creeks of the Wind River Basin). NMFS is unable to identify any natural populations of steelhead in this ESU that could be considered ''healthy.'' Contributing to NMFS'' concern is new genetic data from WDFW which indicate that some introgression has occurred between Puget Sound Chambers Creek Hatchery stock and wild steelhead in this ESU.

Summer-run steelhead are native to the Hood, Lewis, Washougal and Kalama Rivers in this ESU. However, summer-run fish have also been introduced into the Sandy and Clackamas Rivers. Furthermore, ODFW has estimated that naturally spawning winter-run steelhead populations have been negatively impacted by introductions of non-native summer-run steelhead due to interbreeding and/or competition (Chilcote, 1997). Recently implemented changes in hatchery release practices by WDFW and ODFW are generally positive; however, NMFS believes these changes have relatively minor mitigating effects on overall risks due to widespread artificial propagation and the history of stock transfers within this ESU.

Listing Determination

Based on available information, NMFS concludes that steelhead in the Lower Columbia ESU warrant listing as a threatened species. Recent abundance information indicates that steelhead populations have seriously declined within this ESU over the past several years. In the Washington portion of this ESU, steelhead stocks have reached historically low levels in several areas. Adding to this concern are recent assessments by WDFW that indicate the majority of steelhead stocks in this area are depressed or believed to be depressed.

Recent conservation planning efforts by the states of Washington and Oregon, along with those of industry, may reduce risks faced by steelhead in this ESU in the future; however, these efforts are still in their formative stages. Specifically, the state of Washington's LCSCI is still in a developmental stage and various technical and financial aspects of the plan need to be addressed (NMFS, 1998g). The OPSW, while substantially implemented and funded on the Oregon Coast, has not yet reached a similar level of development in inland areas.

Hatchery Populations Essential for the Recovery of the ESU

NMFS concludes that the late-spawning Cowlitz River Trout Hatchery stock (winter-run), and the late-spawning Clackamas River ODFW stock #122 are not essential for recovery. At this time, sufficient numbers of wild steelhead remain in the ESU as a whole that can be used in recovery efforts. Therefore, inclusion of existing hatchery stocks in the listed ESU is not necessary at this time.

(2) Oregon Coast ESU

In the initial coastwide status review, NMFS concluded that the Oregon Coast ESU warranted listing as a threatened species based primarily on two factors: (1) Pronounced and nearly universal short- and long-term declines in abundance for populations throughout the ESU, and (2) substantial contribution of non-native hatchery fish to natural escapements in most basins. Abundance and trend estimates available at the time of the status review were based on angler catch through 1992. Subsequently, catch-and-release regulations for wild steelhead were implemented for most coastal streams, so angler catch no longer provides any information about wild steelhead abundance or trends. Unfortunately, ODFW has not initiated any comprehensive monitoring program to replace the angler catch data and as a result, NMFS is able to review only recent abundance data for three of the over 40 steelhead populations in this ESU.

The abundance of steelhead in the populations for which updated data exists (North Umpqua River summer- and winter-run-runs and Salmonberry River in the Nehalem River Basin) is moderate, and the trends are stable or increasing. However, these populations are among the few that showed relatively stable trends in the previous status review, so there is reason to believe they may not be representative of trends in the ESU as a whole (Chilcote, 1997). Spawner surveys from three coastal rivers (Trask, Wilson, and Nestucca Rivers) suggest mixed trends in abundance, but no expansions to total abundance estimates for these streams were provided. Of particular concern to NMFS is the absence of any recent information for a large number of streams that showed sharp declines in the initial coastwide status review.

Additional information provides some indication that the proportion of hatchery fish in natural escapements has declined in some of these coastal steelhead populations in recent years. A review of recent hatchery release information indicates that, compared with previous years, smolt releases have increased in four streams, decreased in four streams, and remained essentially unchanged in four streams. However, release programs have also been terminated in four streams, so the net effect has been some reduction in the number of smolts released. In addition, ODFW reported the locations of hatchery releases have been and will be modified in an effort to reduce the incidence of strays. NMFS believes these recent changes in hatchery practices will reduce risks to wild steelhead. However, significant opportunities for deleterious effects remain as many programs continue to release non-native fish and ODFW data show that hatchery fish stray into and spawn in streams with no hatchery releases.

Listing Determination

Based on the best available information, NMFS concludes that steelhead in the Oregon Coast ESU do not presently warrant listing as a threatened species. Recently obtained abundance and hatchery data indicate that naturally spawned steelhead are at a lower risk of extinction than was concluded in the proposed rule. However, this conclusion is tempered by the fact that abundance information in this ESU is sparse and may not accurately portray the status of naturally spawned steelhead in this region.

Recently implemented conservation efforts have reduced the degree of risk facing this species. Specifically, habitat, hatchery and harvest, and monitoring aspects of the Oregon Plan will likely provide conservation benefits for this species. Furthermore, implementation of the NFP has reduced risks associated with habitat destruction on Federal lands within this ESU. However, NMFS remains concerned about the overall lack of abundance and trend information for this ESU. NMFS believes additional monitoring of this ESU is necessary before it is eliminated from ESA consideration. Therefore, NMFS concludes that this ESU warrants classification as a candidate species. NMFS will revisit the status of this ESU within the next 4 years to determine whether ESA protection is warranted.

Hatchery Populations Essential for the Recovery of the ESU

As described previously, NMFS concludes that the Oregon Coast ESU does not currently warrant listing. Therefore, no hatchery stocks are essential for recovery at this time.

(3) Klamath Mountains Province ESU

The KMP ESU includes a number of populations with different life history attributes and very different indicators of stock health. The Rogue River winter-

run steelhead run appears to be the most robust stock in the ESU, with relatively high abundance, stable long-term trends, and a relatively low hatchery contribution to overall abundance. The opposite pattern is exhibited in the Klamath River, where returns of winter-run steelhead to Iron Gate Hatchery have declined precipitously since 1990. In the Trinity River, returns of naturally produced fish have remained relatively stable since 1992, but in recent years there have also been a very high percentage of naturally spawning hatchery fish. Outside the Rogue and Klamath River Basins recent data on winter-run steelhead are very sparse. Based on angler catch data through 1992, most of the non-Rogue River populations in Oregon were declining, but more recent data are not available. Smolts monitoring in the Elk River indicated a relatively stable trend in smolts production over the period 1985–1996. The usefulness of this information is limited by a lack of smolts-adult survival for this population.

Available data indicate that summer-run steelhead populations in this ESU are relatively small and show almost universal declines. Extinction analyses by ODFW (Chilcote, 1997) identified the Middle Rogue River summer-run steelhead run as having a sensitive status (i.e., it had a greater than 5 percent probability of extinction in 100 years if survival rates are lower in the future than they have been over the last 30 years). Summer snorkel surveys in the Klamath River show consistent declines, but counts in the Trinity River are up in recent years relative to lows in the mid-1980s. This latter pattern is directly opposite to that found for most other steelhead populations coastwide, which generally showed peaks of abundance in the mid-1980s.

As with the Oregon Coast steelhead ESU described above, NMFS is concerned about the lack of recent abundance data for many steelhead populations in the KMP ESU. In particular, the lack of reliable abundance and trend information for winter-run steelhead in the California portion of this ESU may lead to some bias in overall risk assessment. Although the percentage of naturally spawning hatchery fish is relatively low to moderate in Oregon streams in this ESU and the number of hatchery fish planted is being reduced, the percentage of hatchery strays of unknown origin spawning naturally in unplanted Oregon streams remains a concern for Oregon streams. In California, risks associated with hatchery operations in the Klamath and Trinity Rivers are a concern due to the long-term high abundance of naturally spawning hatchery fish in the Trinity River and the apparent inability of the Iron Gate Hatchery stock to maintain itself.

The states of Oregon and California expressed disagreement with the conclusions reached by NMFS in its KMP steelhead risk assessment. The States contend that NMFS gave inappropriate weight to snorkel surveys of summer-run steelhead in the Klamath and Trinity Rivers (California and Oregon, 1998). The States contend such snorkel surveys account for only one component of the entire spawning stock (spring migrating fish) and that such surveys are not representative of the status of winter-run steelhead in these areas. Furthermore, the States believe available information indicates recent improvements in summer- and winter-run-run steelhead status in the Rogue River, Oregon, and strong stock status in the Smith River, California.

Listing Determination

Based on available information, NMFS concludes that steelhead in the KMP ESU do not warrant listing as a threatened species at this time. In arriving at this determination, NMFS carefully considered the scientific conclusions of the BRT, existing and recently implemented State conservation efforts, and Federal management programs such as the NFP that have ameliorated risks to this species.

Available biological information indicates that some steelhead populations within this ESU are stable and increasing, such as winter-run steelhead in the Rogue River and summer-run steelhead in the Trinity River, while other populations, such as summer-run steelhead in the Middle Rogue River and winter-run steelhead in the Klamath River, are declining. Complicating NMFS' risk assessment is the lack of long-term data for steelhead populations within this ESU. Prior to 1992, angler catch data were available for streams in the Oregon portion of this ESU; however, these data have not been collected since then. Smolt monitoring conducted in the Elk River from 1985 to 1996 indicates stable trends in smolt production; however, the value of this data is limited since no studies of smolt to adult survival have been conducted for this population. In California, recent data on winter-run steelhead are sparse. Furthermore, summer snorkel survey information from the Klamath and Trinity Rivers may or may not reflect the actual status of steelhead within this region.

NMFS believes existing conservation efforts implemented by the states of Oregon and California have reduced threats to this species. NMFS has assessed recent harvest regulation changes implemented by the states of California and Oregon relating to juvenile and adult harvest in this ESU and concludes these regulations will contribute to steelhead conservation (NMFS, 1998b and 1998d). Monitoring efforts implemented and committed to by the states of California and Oregon should clarify the status of steelhead populations within this ESU and permit a more conclusive determination regarding the status of this ESU as a whole.

NMFS concludes that biological risks associated with habitat modification and degradation on Federal lands have declined in recent years with the implementation of the NFP, coupled with the consultation requirements associated with the listing of coho salmon as a threatened species in this region in 1997. While NMFS remains concerned about habitat conditions on non-Federal lands in this ESU, the majority of habitat in this area is under Federal management (about 64 percent). Efforts are currently underway in Oregon to improve habitat conditions on non-Federal lands. Recently implemented measures contained in the OPSW should improve habitat conditions for steelhead and other salmonids. In the California portion of this ESU, about 80 percent of the land area is under Federal management and is covered by the requirements of the NFP and ESA section 7 requirements for listed coho salmon. While NMFS remains concerned about the condition of non-Federal lands in this region, those areas comprise only 20 percent this ESU in California. Furthermore, NMFS believes that provisions contained in the California/NMFS MOA will result in stronger State/Federal partnerships in these and other areas. NMFS views this MOA as an important step in developing long-term conservation efforts that will benefit not only KMP steelhead, but other anadromous salmonids as well.

Given the lack of reliable information concerning the status of steelhead in this ESU, and available information indicating that certain populations within this ESU may have declined substantially, NMFS remains concerned about the status of steelhead in this ESU as a whole. NMFS believes that additional monitoring of this ESU is necessary before it is eliminated from ESA consideration. Therefore, NMFS concludes that this ESU warrants as a candidate species. NMFS will revisit the

status of this ESU within the next 4 years to determine if ESA protection is warranted.

Hatchery Populations Essential for the Recovery of the ESU

As described above, NMFS concludes that the KMP ESU does not currently warrant listing. Therefore, no existing hatchery populations are essential for recovery of the ESU at this time.

(4) Northern California ESU

Steelhead abundance data available for this ESU are very limited, particularly for winter-run-run steelhead and NMFS' BRT identified this lack of data to be a risk factor for this ESU. The most complete data set available in this ESU is a time series of winter-run steelhead dam counts on the Eel River at Cape Horn Dam. Updated abundance data through 1997 show moderately declining long- and short-term trends in abundance; however, these data show a strong decline prior to 1970 and no significant trend thereafter. Additional winter-run steelhead data are available for Sweasy Dam on the Mad River which show a significant decline, but the data set ends in 1963. For the seven populations where recent trend data are available, the only runs showing recent increases in abundance in this ESU are relatively small populations of summer-run steelhead in the Mad River, which has high hatchery production, and winter-run steelhead in Prairie Creek whose increase may be due to increased monitoring or mitigation efforts. Abundance data in this ESU, particularly for winter-run steelhead populations are limited. The BRT noted, however, that steelhead are considered to be widely distributed throughout the region.

Risks associated with interactions between wild and hatchery steelhead in the Northern California ESU were also of concern to the BRT. Of particular concern to the BRT was the potentially deleterious impact to wild steelhead from past hatchery practices at the Mad River hatchery, primarily from transfers of non-indigenous Mad River hatchery fish to other streams in the Northern California ESU and the production of non-indigenous summer-run steelhead. These potentially deleterious hatchery practices ended for summer-run steelhead in 1996 (NMFS, 1998a).

Habitat degradation and other factors were also of concern to the BRT in its evaluation of the long-term risks to this ESU. Specific factors identified by the BRT were dams on the upper Eel and Mad Rivers, the likely existence of minor blockages throughout the ESU, the continuing impacts of catastrophic flooding on the 1960s, and reductions in riparian and instream habitat and increased sedimentation from logging. The BRT also cited poaching of summer-run steelhead and predation from squawfish in the Eel River as factors for concern. NMFS' supplemental review of factors affecting west coast steelhead also identified additional factors including water diversion and extraction, agriculture, and mining (NMFS, 1996a).

Listing Determination

Based on available information, NMFS concludes that steelhead in the Northern California ESU do not warrant listing as a threatened species at this time. In arriving at this determination, NMFS carefully considered the scientific conclusions of the BRT, existing and recently implemented State conservation efforts, and Federal management programs such as the NFP that have ameliorated risks to this species.

The limited abundance data for steelhead in this ESU (Upper Eel River; Cape Horn Dam) indicate that some winter-run populations have declined, but most of this decline occurred prior to 1970. Since 1970, abundance has remained depressed relative to historic abundance levels (1930s and 1940s), but with no significant downward trend. Presence/absence information indicates that juvenile *O. mykiss* are broadly distributed throughout this ESU; however, the unknown origin of these juveniles makes this information difficult to interpret (i.e., observed juveniles may be hatchery steelhead, rainbow trout, or wild steelhead).

Based on the limited abundance data for steelhead in this ESU, the fact that recent data show mixed trends in abundance of steelhead of unknown origin, and the apparent widespread distribution of steelhead, NMFS concludes that there is a high degree of uncertainty about the current status of this ESU even though populations seem to be depressed. The lack of long-term and comprehensive monitoring data for steelhead in this ESU limits NMFS' ability to assess risk, a fact the BRT recognized as a significant problem.

NMFS analyzed the conservation measures and regulation changes described in CDFG's strategic management plan and concludes these measures will contribute to conservation of steelhead in this ESU (NMFS 1998b and 1998d). NMFS further concludes that the provisions in the NMFS/California MOA that provide for a comprehensive evaluation of the Mad River Hatchery and the implementation of a plan to eliminate any adverse impacts will contribute to the conservation of this ESU. Finally, monitoring efforts implemented and committed to by CDFG, including the establishment of a scientific and technical team to develop and evaluate this program, is expected to clarify the status of steelhead populations in this ESU and permit a more conclusive determination regarding the status of this ESU as a whole.

Although NMFS concludes that harvest and hatchery management improvements implemented or soon to be implemented by the State will help conserve steelhead in this ESU, and that new monitoring will improve our understanding of the status of this ESU, habitat protection and restoration are essential to ensuring the long-term survival of steelhead in this ESU.

Federal conservation efforts in this ESU are relatively limited, but do address some important risk factors. About 20 percent of the habitat within this ESU is under Federal management, including Redwood National Park in the lower end of Redwood Creek, and portions of the Mendocino National Forest in the upper reaches of the Eel and Mad Rivers. Although these Federal lands are limited, NMFS concludes that biological risks associated with habitat modification and degradation on Federal lands have declined in this ESU due to implementation of the NFP, coupled with the completion of numerous section 7 consultations.

NMFS concludes that conservation measures addressing habitat conditions on non-Federal lands do not currently provide for properly functioning habitat conditions needed to conserve Northern California steelhead over the long-term. However, the State's coastal conservation efforts, including its strategic plan for Northern California steelhead, the WPRC's watershed protection program, and the SB 271 habitat restoration program, contain measures that NMFS concludes will improve habitat conditions on non-Federal lands within this ESU. Specifically, NMFS has carefully reviewed the SB 271 program and concludes that its implementation will help conserve steelhead in this ESU by promoting the development of watershed protection plans and the restoration of degraded habitat conditions (NMFS, 1998c). In addition, the NMFS/California MOA provides an assurance that these conservation efforts will be implemented.

Continued review of California's forest practice rules and their implementation and enforcement is critical to achieving properly

functioning habitat conditions for steelhead in this ESU since timber harvest on private lands is a major land management activity in this ESU. As discussed above, by December 31, 1998, under the terms of the NMFS/California MOA, the State will make changes in implementation and/or enforcement, as necessary, and will make recommendations to the Board of Forestry for rules changes if they are determined necessary to adequately conserve anadromous salmonids.

During the period the California forest practice rules and other State programs are under review through the WPRC program, NMFS believes harvest and hatchery measures that are currently being implemented will provide conservation benefits for steelhead in this ESU. However, if these State conservation processes and efforts are not fully implemented, or the provisions of the NMFS/California MOA are not fully met, NMFS will act promptly to change the ESA status of this ESU to the extent warranted.

Since the determination not to list the Northern California ESU relies heavily on the continued implementation of State conservation measures and implementation of the NMFS/California MOA, NMFS intends to review this listing determination no later than 4 years from the date this notice is published, or at any time sooner if substantive new information such as new biological data resulting from the State's monitoring program warrants consideration. Therefore, NMFS concludes that the Northern California ESU warrants classification as a candidate species under the ESA and will continue to monitor its status as well as the efficacy of the State's conservation measures and compliance with the MOA.

(5) Central Valley, California ESU

No new abundance data for the Central Valley was received since the ESU was proposed for listing as an endangered species in 1996. Therefore, NMFS' current risk assessment is based on the data available at the time of the coastwide status review, supplemented by new qualitative information about the presence of steelhead in the San Joaquin River Basin.

Various reports indicate that naturally spawning steelhead are distributed throughout a number of streams in the Central Valley region, but that they occur in small numbers. Furthermore, many populations are of non-native, mixed, or uncertain origin. In 1994, the recent total run size to the upper Sacramento River basin is probably less than 10,000 steelhead per year, and it is believed that fewer than 2,000 of those fish were the result of natural production from native populations (based on counts at Red Bluff Diversion Dam). In particular, the status of native steelhead in the American River is in considerable doubt; new genetic data indicate that a sample of natural fish from the river and a sample of fish from the nearby Nimbus Hatchery are genetically similar to samples from the Eel River on the coast of Northern California. Presumably, this reflects a lasting influence from transfers of Eel River stock steelhead into the Nimbus Hatchery in a number of previous years.

Newly compiled information exists on the presence of steelhead in streams in the San Joaquin River Basin. This information indicates steelhead smolts occur in the lower San Joaquin and Stanislaus Rivers and adult steelhead occur in the Stanislaus and Merced Rivers. The only steelhead hatchery program operating in the San Joaquin River Basin is on the Mokelumne River, and no recent releases of juvenile steelhead have been made in other rivers in the basin; therefore, these results were viewed as an indication that at least some natural production of steelhead occurs in several streams in the San Joaquin River Basin.

The BRT identified long-term declines in abundance, small population sizes in the Sacramento River, and the high risk of interbreeding between hatchery and naturally spawned steelhead as major concerns for steelhead in this ESU. Addition, the BRT emphasized the significant loss of historic habitat, degradation of remaining habitat from water diversions, reduction in water quality and other factors, and the lack of monitoring data on abundance as other important risk factors for this ESU. NMFS (1996) review of factors for decline for this ESU noted many of these same factors as well as harvest impacts.

Listing Determination

Based on available information, NMFS concludes that steelhead in the Central Valley ESU warrant listing as a threatened species at this time. In arriving at this determination, NMFS carefully considered the scientific conclusions of the BRT, existing and recently implemented State conservation efforts, and Federal management programs such as the CVPIA that have ameliorated risks to this species.

Significant steps have been taken over the past two years in the Central Valley towards the largest ecological restoration project yet undertaken in the United States. The CALFED Program and the CVPIA AFRP, in coordination with other Central Valley efforts, have implemented numerous habitat restoration actions that benefit Central Valley steelhead. The majority of these recent restoration actions address key factors for decline and emphasis has been placed on addressing tributary drainages with high potential for steelhead production. Additional actions during the past two years that benefit Central Valley steelhead include new efforts to enhance fisheries monitoring and conservation actions to address artificial propagation. Based on a review of these and other conservation efforts in the Central Valley, NMFS concludes that risks to Central Valley steelhead have diminished since the completion of the status review in 1996 (NMFS, 1998c).

NMFS is uncertain whether implementation of these Central Valley restoration programs are adequate to ensure long-term recovery of Central Valley steelhead at this time. However, the level of risk faced by the Central Valley steelhead ESU has diminished considerably since the completion of the August 1996 assessment by the NMFS biological review team. Considering the conservation actions implemented during the past 2 years and the direction of the Central Valley restoration efforts under the CALFED Program and CVPIA, NMFS concludes that Central Valley steelhead warrant listing as a threatened species at this time. If new information indicates a substantial change in the biological status of this ESU or the direction of restoration efforts in the Central Valley is judged to be inadequate, this determination will be reconsidered.

Hatchery Populations Essential for the Recovery of the ESU

NMFS concludes that neither the Coleman NFH nor Feather River Hatchery steelhead stocks are essential for recovery at present. While these stocks may be needed in future recovery programs, NMFS concludes that these stocks need to be analyzed more carefully before they are contemplated for use in recovery programs. In the case of the Coleman NFH stock, NMFS notes most of the original broodstock was taken at dams in the upper Sacramento River and that most historical production occurred above Shasta Dam. The Feather River Hatchery stock was founded from eggs taken from native Feather River steelhead that numbered no more than 100 to 200 wild fish at the time this stock originated. Based on the genetic clustering with Coleman NFH steelhead and wild steelhead in Deer and Mill Creeks, transplants of out-of-

basin steelhead into this system may not have been effective.

Determination

Section 3 of the ESA defines an endangered species as any species in danger of extinction throughout all or a significant portion of its range, and a threatened species as any species likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. Section 4(b)(1) of the ESA requires that listing determinations be based solely on the best scientific and commercial data available, after conducting a review of the status of the species and after taking into account those efforts, if any, being made to protect such species.

Based on results from its coastwide assessments, NMFS determines that, of the five ESUs proposed for listing on August 9, 1996, and deferred from final determinations on August 18, 1997, two ESUs are threatened (Lower Columbia River and Central Valley). NMFS further determines that, three ESUs that were previously proposed for listing (Oregon Coast, KMP, and Northern California ESUs) do not currently warrant listing; however, NMFS remains concerned about the status of these ESUs and therefore is classifying these ESUs as candidates for listing at this time. NMFS will reevaluate the status of the Oregon Coast, KMP, and Northern California ESUs within 4 years to determine whether listing is warranted. The geographic boundaries (i.e., the watersheds within which the members of the ESU spend their freshwater residence) for these ESUs are described under section Summary of ESUs Determinations.

In both ESUs identified as threatened, only naturally spawned populations of steelhead (and their progeny) residing below naturally and man-made impassable barriers (e.g., impassable water falls and dams) are listed. NMFS has examined the relationship between hatchery and natural populations of steelhead in these ESUs and has assessed whether any hatchery populations are essential for their recovery. At this time, no specific hatchery populations warrant listing.

NMFS' ''Interim Policy on Artificial Propagation of Pacific Salmon Under the Endangered Species Act'' (58 FR 17573, April 5, 1993) provides guidance on the treatment of hatchery stocks in the event of a listing. Under this policy, ''progeny of fish from the listed species that are propagated artificially are considered part of the listed species and are protected under the ESA.'' In accordance with this interim NMFS policy, all progeny of listed steelhead are themselves considered part of the listed species. Such progeny include those resulting from the mating of listed steelhead with non-listed hatchery stocks.

At this time, NMFS is listing only anadromous life forms of *O. mykiss.*

Prohibitions and Protective Measures

Section 9 of the ESA prohibits certain activities that directly or indirectly affect endangered species. These prohibitions apply to all individuals, organizations, and agencies subject to U.S. jurisdiction. Section 9 prohibitions apply automatically to endangered species; as described below, this is not the case for threatened species.

Section 4(d) of the ESA directs the Secretary to implement regulations ''to provide for the conservation of [threatened] species'' that may include extending any or all of the prohibitions of section 9 to threatened species. Section 9(a)(1)(G) also prohibits violations of protective regulations for threatened species implemented under section 4(d). NMFS will issue shortly protective regulations pursuant to section 4(d) for the Lower Columbia River and Central Valley, California ESUs.

Section 7(a)(4) of the ESA requires that Federal agencies consult with NMFS on any actions likely to jeopardize the continued existence of a species proposed for listing and on actions likely to result in the destruction or adverse modification of proposed critical habitat. For listed species, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or conduct are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action affects a listed species or its critical habitat, the responsible Federal agency must enter into consultation with NMFS.

Examples of Federal actions likely to affect steelhead in the listed ESUs include authorized land management activities of the U.S. Forest Service and U.S. Bureau of Land Management, as well as operation of hydroelectric and storage projects of the Bureau of Reclamation and COE. Such activities include timber sales and harvest, hydroelectric power generation, and flood control. Federal actions, including the COE section 404 permitting activities under the CWA, COE permitting activities under the River and Harbors Act, National Pollution Discharge Elimination System permits issued by the Environmental Protection Agency, highway projects authorized by the Federal Highway Administration, FERC licenses for non-Federal development and operation of hydropower, and Federal salmon hatcheries, may also require consultation. These actions will likely be subject to ESA section 7 consultation requirements that may result in conditions designed to achieve the intended purpose of the project and to avoid or reduce impacts to steelhead and its habitat within the range of the listed ESU. It is important to note that the current listing applies only to the anadromous form of *O. mykiss*; therefore, section 7 consultations will not address resident forms of *O. mykiss* at this time.

There are likely to be Federal actions ongoing in the range of the listed ESUs at the time these listings become effective. Therefore, NMFS will review all ongoing actions that may affect the listed species with Federal agencies and will complete formal or informal consultations, if requested or necessary, for such actions pursuant to ESA section 7(a)(2).

Take Guidance

NMFS and FWS published in the **Federal Register** on July 1, 1994 (59 FR 34272), a policy that NMFS shall identify, to the maximum extent practicable at the time a species is listed, those activities that would or would not constitute a violation of section 9 of the ESA. The intent of this policy is to increase public awareness of the effect of a listing on proposed and on-going activities within the species' range. NMFS believes that, based on the best available information, the following actions will not result in a violation of section 9: (1) Possession of steelhead from the listed ESUs acquired lawfully by permit issued by NMFS pursuant to section 10 of the ESA, or by the terms of an incidental take statement pursuant to section 7 of the ESA; and (2) federally funded or approved projects that involve activities such as silviculture, grazing, mining, road construction, dam construction and operation, discharge of fill material, stream channelization or diversion for which a section 7 consultation has been completed, and when such an activity is conducted in accordance with any terms and conditions provided by NMFS in an incidental take statement accompanied by a biological opinion pursuant to section 7 of the ESA.

Activities that NMFS believes could potentially harm, injure or kill steelhead in the listed ESUs and result in a violation of section 9 include, but are not limited to the following: (1) Land-use activities that adversely affect steelhead habitat in this ESU (e.g.,

logging, grazing, farming, road construction in riparian areas, and areas susceptible to mass wasting and surface erosion); (2) destruction or alteration of steelhead habitat in the listed ESUs, such as removal of large woody debris and ''sinker logs'' or riparian shade canopy, dredging, discharge of fill material, draining, ditching, diverting, blocking, or altering stream channels or surface or ground water flow; (3) discharges or dumping of toxic chemicals or other pollutants (e.g., sewage, oil, gasoline) into waters or riparian areas supporting listed steelhead; (4) violation of discharge permits; (5) pesticide applications; (6) interstate and foreign commerce of steelhead from the listed ESUs and import/export of steelhead from listed ESUs without an ESA permit, unless the fish were harvested pursuant to legal exception; (7) collecting or handling of steelhead from listed ESUs, (permits to conduct these activities are available for purposes of scientific research or to enhance the propagation or survival of the species); and (8) introduction of non-native species likely to prey on steelhead in these ESUs or displace them from their habitat. These lists are not exhaustive. They are intended to provide some examples of the types of activities that might or might not be considered by NMFS as constituting a take of west coast steelhead under the ESA and its regulations. Questions regarding whether specific activities will constitute a violation of this rule and general inquiries regarding prohibitions and permits should be directed to NMFS (see **ADDRESSES**).

Effective Date of Final Listing

Given the cultural, scientific, and recreational importance of this species, and the broad geographic range of these listings, NMFS recognizes that numerous parties may be affected by this listing. Therefore, to permit an orderly implementation of the consultation requirements associated with this action, this final listing will take effect 60 days after its publication in the **Federal Register**.

Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the ESA include recognition, recovery actions, Federal agency consultation requirements, and prohibitions on taking. Recognition through listing promotes public awareness and conservation actions by Federal, state, and local agencies, private organizations, and individuals.

Several conservation efforts are underway that may help reverse the decline of west coast steelhead and other salmonids. These include the NFP (on Federal lands within the range of the northern spotted owl), PACFISH (on all additional Federal lands with anadromous salmonid populations), Oregon's Coastal Salmon Restoration Initiative, Washington's Lower Columbia River Salmon Conservation Initiative, overlapping protections from California's listing of coho salmon stocks in California under both the Federal and State ESAs, and implementation of California's Steelhead Management Plan. NMFS is very encouraged by a number of these efforts and believes they have or may constitute significant strides in the efforts in the region to develop a scientifically well grounded conservation plan for these stocks. Other efforts, such as the Middle Columbia River Habitat Conservation Plan, are at various stages of development, but show promise to ameliorate risks facing listed steelhead ESUs. NMFS intends to support and work closely with these efforts to the extent that staff and resources permit, in the belief that they can play an important role in the recovery planning process.

Based on information presented in this final rule, general conservation measures that could be implemented to help conserve the species are listed here. This list does not constitute NMFS' interpretation of a recovery plan under section 4(f) of the ESA. (1) Measures could be taken to promote land management practices that protect and restore steelhead habitat. Land management practices affecting steelhead habitat include timber harvest, road building, agriculture, livestock grazing, and urban development.

(2) Evaluation of existing harvest regulations could identify any changes necessary to protect steelhead populations.

(3) Artificial propagation programs could be required to incorporate practices that minimize impacts upon natural populations of steelhead.

(4) Efforts could be made to ensure that existing and proposed dam facilities are designed and operated in a manner that will less adversely affect steelhead populations.

(5) Water diversions could have adequate headgate and staff gauge structures installed to control and monitor water usage accurately. Water rights could be enforced to prevent irrigators from exceeding the amount of water to which they are legally entitled.

(6) Irrigation diversions affecting downstream migrating steelhead trout could be screened. A thorough review of the impact of irrigation diversions on steelhead could be conducted.

NMFS recognizes that, to be successful, protective regulations and recovery programs for steelhead will need to be developed in the context of conserving aquatic ecosystem health. NMFS intends that Federal lands and Federal activities play a primary role in preserving listed populations and the ecosystems upon which they depend. However, throughout the range of all three ESUs listed, steelhead habitat occurs and can be affected by activities on state, tribal, or private land. Agricultural, timber, and urban management activities non-Federal land could and should be conducted in a manner that minimizes adverse effects to steelhead habitat.

NMFS encourages non-Federal landowners to assess the impacts of their actions on potentially threatened or endangered salmonids. In particular, NMFS encourages the establishment of watershed partnerships to promote conservation in accordance with ecosystem principles. These partnerships will be successful only if all state, tribal, and local governments, landowner representatives, and Federal and non-Federal biologists, participate and share the goal of restoring steelhead to the watersheds.

Critical Habitat

Section 4(b)(6)(C) of the ESA requires that, to the extent prudent, critical habitat be designated concurrently with the listing of a species unless such critical habitat is not determinable at that time. NMFS intends to propose critical habitat for all listed and proposed steelhead ESUs in a forthcoming **Federal Register** notice. (See 63 FR 11798 for proposed rule to list two ESUS of steelhead and 62 FR 43937 for final rule to list 5 ESUs of steelhead). Copies of these proposed and final rules are available upon request (see **ADDRESSES**).

Classification

The 1982 amendments to the ESA, in section 4(b)(1)(A), restrict the information that may be considered when assessing species for listing. Based on this limitation of criteria for a listing decision and the opinion in *Pacific Legal Foundation* v. *Andrus*, 675 F.2d 825 (6th Cir. 1981), NMFS has categorically excluded all ESA listing actions from environmental assessment requirements of the NEPA under NOAA Administrative Order 216–6.

As noted in the Conference Report on the 1982 amendments to the ESA, economic impacts cannot be considered

when assessing the status of species. Therefore, the economic analysis requirements of the Regulatory Flexibility Act (RFA) are not applicable to the listing process. In addition, this final rule is exempt from review under E.O. 12866.

At this time NMFS is not promulgating protective regulations pursuant to ESA section 4(d). In the future, prior to finalizing its 4(d) regulations for the threatened ESUS, NMFS will comply with all relevant NEPA and RFA requirements.

References

A complete list of all references cited herein is available upon request (see **ADDRESSES**).

List of Subjects in 50 CFR Part 227

Endangered and threatened species, Exports, Imports, Marine mammals, Transportation.

Dated: March 13, 1998.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 227 is amended as follows:

PART 227—THREATENED FISH AND WILDLIFE

1. The authority citation for part 227 is revised to read as follows:

Authority: 16 U.S.C. 1531–1543; subpart B, § 227.12 also issued under 16 U.S.C. 1361 *et seq.*

2. In § 227.4, paragraphs (m) and (n) are added to read as follows:

§ 227.4 Enumeration of threatened species.

* * * * *

(m) *Lower Columbia River steelhead (Oncorhynchus mykiss).* Includes all naturally spawned populations of steelhead (and their progeny) in streams and tributaries to the Columbia River between the Cowlitz and Wind Rivers, Washington, inclusive, and the Willamette and Hood Rivers, Oregon, inclusive. Excluded are steelhead in the upper Willamette River Basin above Willamette Falls and steelhead from the Little and Big White Salmon Rivers in Washington;

(n) *Central Valley, California steelhead (Oncorhynchus mykiss).* Includes all naturally spawned populations of steelhead (and their progeny) in the Sacramento and San Joaquin Rivers and their tributaries. Excluded are steelhead from San Francisco and San Pablo Bays and their tributaries.

[FR Doc. 98–6972 Filed 3–18–98; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 63, No. 53
Thursday, March 19, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150–AF84

Minor Revision of Design Basis Accident Dose Limits for Independent Spent Fuel Storage and Monitored Retrievable Storage Installations

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) proposes to amend its regulations governing the dose limits and the dose calculational methodology used in design basis accident analyses for Independent Spent Fuel Storage Installations (ISFSI) and Monitored Retrievable Storage Installations (MRS). This proposed rule would amend ISFSI and MRS design basis accident dose limits to conform to the dose calculational methodology currently used in the regulations that specify standards for protection against radiation and make a minor change to match the Environmental Protection Agency's (EPA) regulations. This action is needed to make limits for design basis accidents at ISFSI and MRS installations consistent with dose methodology specified in the regulations, and to afford licensees the flexibility provided by dose methodology when performing design basis accident analyses.

DATES: The comment period expires May 4, 1998. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Mail written comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Attention: Rulemakings and Adjudications Staff. Comments may be delivered to One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, between 7:30 am and 4:15 pm on Federal workdays.

You may also provide comments via the NRC's interactive rulemaking web site through the NRC home page (http://www.nrc.gov). This site provides the availability to upload comments as files (any format) if your web browser supports that function. For information about the interactive rulemaking site, contact Ms. Carol Gallagher, (301) 415–6215; e-mail CAG@nrc.gov.

Certain documents related to this rulemaking, including comments received, may be examined at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. These same documents also may be viewed and downloaded electronically via the interactive rulemaking website established by NRC for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Naiem S. Tanious, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6103; e-mail: INTERNET:NST@NRC.GOV

SUPPLEMENTARY INFORMATION:

Background

Paragraph (b) of section 72.106 establishes the dose limit for a design basis accident at an independent spent fuel storage installation (ISFSI) or a monitored retrieval storage installation (MRS). The dose limit in § 72.106(b) is based on the dose calculational methodology contained in International Commission on Radiological Protection Publication Number 2 (ICRP–2, 1959). The ICRP–2 methodology was subsequently revised in ICRP Publication Number 26 (ICRP–26, 1977), and was incorporated into 10 CFR Part 20 when Part 20 was revised in 1991.

The calculational methodology in the revised Part 20 no longer quantifies dose in terms of whole body dose and individual organ dose. Instead, the dose is quantified as a risk equivalent dose. In this manner, the doses absorbed by the whole body and the individual organs can be summed to a single quantity relating to risk.

Under the Part 20 calculational methodology, deep-dose equivalent (H_d), which applies to the external whole-body exposure, is defined at 10 CFR 20.1003 as the dose equivalent at a tissue depth of 1 cm (1000 mg/cm^2). The committed dose equivalent (CDE) ($H_{T,50}$) is defined at § 20.1003 to mean the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the 50-year period following the intake. The committed effective dose equivalent (CEDE) ($H_{E,50}$) is defined at § 20.1003 as the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to these organs or tissues ($H_{E,50} = \Sigma w_T H_{T,50}$). The total effective dose equivalent (TEDE) is the sum of the deep-dose equivalent (for external exposure) and the committed effective dose equivalent (for internal exposures).

The ICRP–26 methodology was not incorporated into Part 72 at the time Part 20 was revised. Part 72 contains two regulations that specify dose limits: § 72.104, which sets dose limits during normal operations and anticipated occurrences; and § 72.106, which sets dose limits for design basis accidents.

The main objective of this proposed rule is to revise § 72.106(b) to incorporate the methodology in 10 CFR Part 20. A second objective of the rule is to make a minor word change to § 72.104(a) to match the language used by EPA in 40 CFR 191.03(a).

Discussion

At present, § 72.106(b), Controlled area of an ISFSI or MRS provides:

> (b) Any individual located on or beyond the nearest boundary of the controlled area shall not receive a dose greater than 5 rem to the whole body or any organ from any design basis accident. The minimum distance from the spent fuel or high-level radioactive waste handling and storage facilities to the nearest boundary of the controlled area shall be at least 100 meters.

This 0.05 Sv (5 rem) limit to the whole body or any organ would be amended in the proposed rule to conform with the Part 20 dose calculational methodology. The amended limit would become the more limiting of the TEDE of 0.05 Sv (5 rem), or the sum of the deep dose equivalent and the committed dose equivalent to any individual organ or tissue (other than the lens of the eye) of 0.5 Sv (50 rem). The amendment would also include a separate dose limit for the lens of the eye of 0.15 Sv (15 rem); and for the skin or any extremity, a shallow dose equivalent of 0.5 Sv (50 rem). The use of separate dose limits for the eye,

skin, and extremities would conform with the dose calculational methodology used in Part 20 and would ensure that no observable effects (e.g., induction of cataracts in the lens of the eye) would occur as a result of any accidental radiation exposure.

This action would make § 72.106 consistent with Part 20 dose calculational methodology. This action would also provide Part 72 licensees flexibility when performing design basis accident analyses because they would be able to use organ weighting factors to calculate the dose to the maximally exposed organ. In addition, Part 72 licensees would no longer need to comply with one calculational methodology for their radiation protection programs (i.e., the revised Part 20 methodology) and another methodology for their design basis accident analyses.

This proposed rule does not revise § 72.104(a) to incorporate ICRP–26 methodology because doing so would render this regulation incompatible with the Environmental Protection Agency's regulation at 40 CFR 191.03(a) which is applicable to ISFSI and MRS licensees. However, 40 CFR 191.03(a) phrases the standard in terms of dose limits to the whole body and any critical organ; whereas, § 72.104(a) phrases the standard in terms of dose limits to the whole body and any organ. The NRC staff proposes to make § 72.104(a) more consistent with 40 CFR 191.03(a) by inserting the word critical before the word organ. The critical organ (listed in Table 1 of ICRP–2) associated with an intake of radioactive material is considered to be that organ of the body whose damage by the radiation results in the greatest damage to the body.

Environmental Impact: Categorical Exclusion

The NRC has determined that this proposed regulation is the type of action described in categorical exclusion 10 CFR 51.22(c)(2). Therefore neither an environmental impact statement nor an environmental assessment have been prepared for this proposed regulation.

Paperwork Reduction Act Statement

This proposed rule does not contain a new or amended information collection requirement, and therefore is not subject to requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing information collection requirements were approved by the Office of Management and Budget, approval numbers 3150–0002, 3150–0127, and 3150–0132.

Public Protection Notification

If an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

Regulatory Analysis

To determine whether the amendments to 10 CFR Part 72 are appropriate, the NRC staff considered the following two alternatives:

1. The No-Action Alternative

This alternative is not acceptable to the NRC for the following reasons. Section 72.106(b) would continue to be inconsistent with Part 20. Part 72 licensees would demonstrate compliance with the dose limits in Part 20 using the 1977 dose calculational methodology of ICRP–26 for their radiation protection programs as required by §§ 72.24(e) and 72.44(d). However, Part 72 licensees would continue to use the 1959 dose calculational methodology of ICRP–2 in addressing radiation dose from a design basis accident as required in § 72.106(b). Thus, licensees would not be able to take advantage of the flexibility provided by the dose calculational methodology used in Part 20 when performing design basis accident analyses. Therefore, this alternative was not pursued.

2. Amendments of 10 CFR Part 72

In this option, the NRC staff considered preparing a proposed rule to amend the dose limiting design objective in § 72.106(b) to 5 rem TEDE. This is consistent with the intent of the existing § 72.106(b) and updates the dose calculational methodology to that used for demonstration of compliance with Part 20. Updating the dose calculational methodology also would increase the organ dose limit, CDE, from 5 rem to 50 rem; allow for the use of risk-based weighting factors for each organ or tissue to determine the 50 year CEDE; and provide licensees with additional flexibility in conducting and submitting design basis accident analyses to demonstrate compliance with the requirements in § 72.106(b).

In addition to the increased flexibility provided, licensees would no longer need to comply with one calculational methodology for radiation protection programs (i.e., the revised Part 20 methodology) and another methodology for design basis accident analyses.

Moreover, design basis accident analyses for ISFSIs and MRS installations would use the same dose calculational methodology as design basis accident analyses for a geologic repository operations area (10 CFR 60.136(b)). This alternative was chosen by the NRC.

This constitutes the regulatory analysis for this proposed rule. As discussed above, this rule does not impose any new requirements. Therefore, there will be no additional cost burden to Part 72 licensees or the Federal Government.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule, if adopted, will not have a significant economic impact upon a substantial number of small entities. The proposed rule would provide licensees with additional flexibility in conducting and submitting design basis accident analyses to demonstrate compliance with the requirements in § 72.106(b). In addition, the licensees would no longer need to comply with one calculational methodology for their radiation protection programs (i.e., the revised Part 20 methodology) and another methodology for their design basis accident analyses.

The proposed rule, if adopted, would not impose any additional obligations on entities that may fall within the definition of ''small entities'' as set forth in Section 601(3) of the Regulatory Flexibility Act; or within the definition of ''small business'' as found in Section 3 of the Small Business Act, 15 U.S.C. 632; or within the size standards adopted by the NRC on April 11, 1995 (60 FR 18344).

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 72.62, does not apply to this proposed rule, and a backfit analysis is not required, because these amendments do not involve any provisions that would impose backfits as defined in 10 CFR 72.62(a). The rule does not constitute a backfit under 10 CFR 72.62, because it does not require a change to existing structures, systems, components, procedures, or organization. Further, the rule would not result in a more stringent outcome than the existing rule, and therefore current licensees who are in compliance with the existing rule would not be required to make any changes or take any action. New applicants and license renewal applications would be able to take advantage of some additional flexibility in the dose calculations that is afforded by the rule.

Agreement State Implementation Issues

Under the ''Policy Statement on Adequacy and Compatibility of

Agreement State Programs'' approved by the Commission on June 30, 1997 (62 FR 46517), this rule is classified as compatibility Category ''NRC.'' This regulation addresses areas of exclusive NRC authority. However, a State may adopt these provisions for the purposes of clarity and communication, as long as the State does not adopt regulations or program elements that would cause the State to regulate this area.

List of Subjects in 10 CFR Part 72

Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553; the Commission is proposing to adopt the following amendments to 10 CFR Part 72.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

1. The authority citation for Part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec. 7902, 106 Stat. 3123 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (42 U.S.C. 10162(b), 10168(c), (d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2224 (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

§ 72.104 [Amended]

2. In § 72.104, the introductory text of paragraph (a) is revised to read as follows:

§ 72.104 Criteria for radioactive materials in effluents and direct radiation from an ISFSI or MRS.

(a) During normal operations and anticipated occurrences, the annual dose equivalent to any real individual who is located beyond the controlled area must not exceed 25 mrem to the whole body, 75 mrem to the thyroid and 25 mrem to any other critical organ as a result of exposure to:

* * * * *

3. In § 72.106, paragraph (b) is revised to read as follows:

§ 72.106 Controlled area of an ISFSI or MRS.

* * * * *

(b) Any individual located on or beyond the nearest boundary of the controlled area may not receive from any design basis accident the more limiting of a total effective dose equivalent of 0.05 Sv (5 rem), or the sum of the deep-dose equivalent and the committed dose equivalent to any individual organ or tissue (other than the lens of the eye) of 0.5 Sv (50 rem). The eye dose equivalent shall not exceed 0.15 Sv (15 rem) and the shallow dose equivalent to skin or to any extremity shall not exceed 0.5 Sv (50 rem). The minimum distance from the spent fuel or high-level radioactive waste handling and storage facilities to the nearest boundary of the controlled area must be at least 100 meters.

* * * * *

Dated at Rockville, Maryland, this 3rd day of March 1998.

For the Nuclear Regulatory Commission.

L. Joseph Callan,

Executive Director for Operations.

[FR Doc. 98–7114 Filed 3–18–98; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–14–AD]

RIN 2120–AA64

Airworthiness Directives; Cessna Aircraft Company 180, 182, and 185 Series 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 all Cessna Aircraft Company (Cessna) 180, 182, and 185 series airplanes equipped with wing extension supplemental type certificate (STC) SA00276NY. The proposed action would require inspecting between wing station (W.S.) 90 and W.S. 110 for an angle stiffener at the lower wing spar splice. If the angle stiffener is not installed, the proposed action would require installing a reinforcing strap. The proposed action is the result of failed test results revealing that the wings of these Cessna airplanes, without the stiffener, do not meet the applicable design requirements after being modified by the above STC. The actions specified by the proposed AD are intended to prevent wing failure during flight, which, if not corrected, could cause loss of control of the airplane.

DATES: Comments must be received on or before May 15, 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–14–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 Air Research Technology, Inc., 3440 McCarthy, Montreal, Quebec, Canada H4K 2P5; telephone (514) 337–7588; facsimile (514) 337–3293. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Sol Maroof, Aerospace Engineer, New York Aircraft Certification Office, 10 Fifth Street, 3rd Floor, Valley Stream, New York, 11581–1200; telephone (516) 256–7522; facsimile (516) 568–2716.

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–14–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The FAA has been notified by the Canadian civil airworthiness authority, Transport Canada, that certain Cessna 180, 182, and 185 series airplanes, equipped with wing extensions by way of supplemental type certificate (STC) SA00276NY, may not have had a wing stiffener installed at factory. This condition has been discovered on several of these airplanes during routine inspections. Since this discovery, further investigation has shown that without the wing stiffener, the wing is susceptible to structural failure. Both the FAA and Transport Canada have been in contact with the manufacturer of this particular STC and have approved an alternative to the wing stiffener. Tests have shown that the wing would be stabilized by installing a wing reinforcement strap to add strength to this area of the wing, if it is without the wing stiffener.

Relevant Service Information

Air Research Technology, Inc. has issued Service Bulletin No. SB–1–96, Issue 1, dated April 11, 1996, which specifies procedures for visually inspecting the underside of the wing, aft of the spar, closest to where the strut connects to the wing, for the installation of an angle stiffener along the lower spar cap between Wing Station (W.S.) 90 and W.S. 110. If an angle stiffener is not installed, then the service information provides procedures for installing a stainless steel reinforcement strap on the underside of the wing, along the spar, at W.S. 100.50.

The FAA's Determination

After examining the circumstances and reviewing all available information, including the relevant service information, related to the incidents described above, the FAA has determined that AD action should be taken to prevent wing failure during flight, which, if not corrected could cause loss of control of the airplane.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other (Cessna) 180, 182, and 185 series airplanes equipped with wing extension STC SA00276NY, the proposed AD would require inspecting the inside of the underside of the wing, near Wing Station (W.S.) 100, for an angle stiffener. If an angle stiffener is not installed, the proposed AD would require installing a reinforcement strap along the lower wing spar.

Cost Impact

The FAA estimates that there are 55 airplanes in the U.S. registry that would be affected by the proposed AD, that it would take approximately 1 workhour for the initial inspection and 7 workhours for the installation of the reinforcement strap per airplane, and that the average labor rate is approximately $60 an hour. Parts are supplied by the wing extension kit manufacturer at no cost to the owner/operator. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $26,400 or $480 per airplane. The FAA has no way to determine the number of owners/operators who may have already accomplished the proposed action, and would presume that none of the owners/operators of the affected airplanes have accomplished the proposed action.

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:

Cessna Aircraft Company: Docket No. 97–CE–14–AD.

Applicability: The following airplane models (all serial numbers), certificated in any category, that are equipped with wing extension supplemental type certificate (STC) SA00276NY.

Models

180, 180A, 180B, 180C, 180D, 180E, 180F, 180G, 180H, 180J, 180K, 182, 182A, 182B, 182C, 182D, 182E, 182F, 182G, 182H, 182J, 182K, 182L, 182M, 182N, 182P, 182Q, 182R, 182S, R182, T182, TR182, 185, 185A, 185B, 185C, 185D, 185E, A185E, A185F

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 50 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To prevent wing failure during flight, which, if not corrected, could cause loss of control of the airplane, accomplish the following:

(a) Inspect inside both left and right wings, aft of the spar, closest to where the strut connects to the wing, for an angle stiffener along the lower spar cap between Wing Station (W.S.) 90 and W.S. 110 in accordance with Part A of the Accomplishment Instructions of Air Research Technology, Inc. (ART) Service Bulletin (SB) No. SB–1–96, Issue 1, dated April 11, 1996.

(b) If an angle stiffener is not installed, prior to further flight, install a stainless steel reinforcement strap on the underside of each wing, along the spar at W.S. 100.50 in accordance with Part B of the Accomplishment Instructions of ART SB No. SB–1–96, Issue 1, dated April 11, 1996.

(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, New York Aircraft Certification Office, 10 Fifth Street, 3rd Floor, Valley Stream, New York, 11581–1200. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, New York Aircraft Certification Office.

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

(e) All persons affected by this directive may obtain copies of the document referred to herein upon request to Air Research Technology, Inc., 3440 McCarthy, Montreal, Quebec, Canada H4K 2P5; or may examine this document at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on March 11, 1998.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–7089 Filed 3–18–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–13–AD]

RIN 2120–AA64

Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Model DG–400 Gliders

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 Glaser-Dirks Flugzeugbau GmbH (Glaser-Dirks) Model DG–400 gliders. The proposed AD would require replacing the bungees that secure the left engine restraining cable and the bowden cable of the rear engine door. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. The actions specified by the proposed AD are intended to prevent the engine from locking in flight and not extending because of the left restraining cable or bowden cable of the rear door making contact with the engine, which could result in loss of glider power and potential loss of control.

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. 98–CE–13–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 DG Flugzeugbau GmbH, Postfach 4120, D–76625 Bruchsal 4, Germany; telephone: +49 7257–89–0; facsimile: +49 7257–8922. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Kiesov, Aerospace Engineer, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6934; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

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. 98–CE–13–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. 98–CE–13–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified the FAA that an unsafe condition may exist on certain Glaser-Dirks Model DG–400 gliders. The LBA reports that the left restraining cable and the bowden cable of the rear door may contact the engine and block the engine extension while in flight. The right engine restraining cable cannot contact the engine because it is wrapped together with the choke, throttle, propeller brake, and bowden cables.

This condition, if not corrected in a timely manner, could result in the engine locking in flight and not extending, which could result in loss of glider power and potential loss of control.

Relevant Service Information

Glaser-Dirks has issued Technical Note No. 826/15, dated October 1, 1985, which specifies and includes an installation plan for replacing the bungees that secure the left engine restraining cable and the bowden cable of the rear engine door.

The LBA classified this service bulletin as mandatory and issued German AD 85–223, dated November 7, 1985, in order to assure the continued airworthiness of these gliders in Germany.

The FAA's Determination

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

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

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Glaser-Dirks Model DG–400 gliders of the same type design registered in the United States, the FAA is proposing AD action. The proposed AD would require replacing the bungees that secure the left engine restraining cable and the bowden cable of the rear engine door. Accomplishment of the proposed installation would be required in accordance with Glaser-Dirks Technical Note No. 826/15, dated October 1, 1985.

Compliance Time of the Proposed AD

Although the left engine restraining cable or bowden cable of the rear engine door would only contact the engine and block the engine extension during flight, this unsafe condition is not a result of the number of times the glider is operated. The chance of this situation occurring is the same for a glider with 10 hours time-in-service (TIS) as it is for a glider with 500 hours TIS. For this reason, the FAA has determined that a compliance based on calendar time should be utilized in the proposed AD in order to assure that the unsafe condition is addressed on all gliders in a reasonable time period.

Cost Impact

The FAA estimates that 27 gliders in the U.S. registry would be affected by the proposed AD, that it would take approximately 3 workhours per glider to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $20 per glider. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $5,400, or $200 per glider.

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:

Glaser-Dirks Flugzeugbau GMBH: Docket No. 98–CE–13–AD.

Applicability: Model DG–400 gliders, serial numbers 4–1 through 4–140, certificated in any category.

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

Compliance: Required within the next 3 calendar months after the effective date of this AD, unless already accomplished.

To prevent the engine from locking in flight and not extending because of the left restraining cable or bowden cable of the rear door catching on the engine, which could result in loss of glider power and potential loss of control, accomplish the following:

(a) Replace the bungees that secure the left engine restraining cable and the bowden cable of the rear engine door in accordance with the Installation plan included with Glaser-Dirks Technical Note No. 826/15, dated October 1, 1985.

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

(c) 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, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

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

(d) Questions or technical information related to Glaser-Dirks Technical Note No. 826/15, dated October 1, 1985, should be directed to DG Flugzeugbau GmbH, Postfach 4120, D–76625 Bruchsal 4, Germany; telephone: +49 7257–89–0; facsimile: +49 7257–8922. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Note 3: The subject of this AD is addressed in German AD 85–223, dated November 7, 1985.

Issued in Kansas City, Missouri, on March 11, 1998.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–7088 Filed 3–18–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–15–AD]

RIN 2120–AA64

Airworthiness Directives; British Aerospace Model 3101 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 British Aerospace Model 3101 airplanes. The proposed AD would require modifying the emergency hydraulic hand-pump by increasing the length of the access aperture. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. The actions specified by the proposed AD are intended to prevent difficulty accessing the emergency hydraulic hand-pump because of the current design, which, in the event of a hydraulic system failure, could result in the inability to operate the flaps and landing gear.

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. 98–CE–15–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 British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone: (01292) 479888; facsimile: (01292) 479703. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. S.M. Nagarajan, Aerospace Engineer, Small Airplane Directorate, Aircraft Certification Service, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6932; 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. 98–CE–15–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. 98–CE–15–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Civil Airworthiness Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that an unsafe condition may exist on certain British Aerospace Model 3101 airplanes. The CAA reports difficulty in accessing the emergency hydraulic hand-pump on the above-referenced airplanes. The emergency hydraulic hand-pump is provided for lowering the flaps and landing gear using the emergency selector valve in the event of hydraulic system failure.

This condition, if not corrected in a timely manner, could result in the inability to operate the flaps and landing gear, leading to hazardous conditions during landing.

Relevant Service Information

British Aerospace has issued Jetstream Service Bulletin 29–JM 7360, Revision No. 1, dated January 3, 1991, which specifies procedures for modifying the emergency hydraulic hand-pump by increasing the length of the access aperture.

The CAA classified this service bulletin as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom. The CAA classifying a service bulletin as mandatory is the same in the United Kingdom as the FAA issuing an AD in the United States.

The FAA's Determination

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 21.29) 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, 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 British Aerospace Model 3101 airplanes of the same type design registered in the United States, the FAA is proposing AD action. The proposed AD would require modifying the emergency hydraulic hand-pump by increasing the length of the access aperture. Accomplishment of the proposed modification would be in accordance with the service bulletin previously referenced.

Cost Impact

The FAA estimates that 58 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 7 workhours per airplane to accomplish the proposed modification, and that the average labor rate is approximately $60 an hour. British Aerospace will provide parts to

the owners/operators of the affected airplanes at no cost. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $24,360, or $420 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:

British Aerospace: Docket No. 98–CE–15–AD.

Applicability: Model 3101 airplanes, serial numbers 601 through 646, 648 through 655, 657, 658, and 660, certificated in any category.

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

Compliance: Required within the next 300 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To prevent difficulty accessing the emergency hydraulic hand-pump because of the current design, which, in the event of a hydraulic system failure, could result in the inability to operate the flaps and landing gear, accomplish the following:

(a) Modify the emergency hydraulic hand-pump by increasing the length of the access aperture in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of British Aerospace Jetstream Service Bulletin 29–JM 7360, Revision 1, dated January 3, 1991.

(b) 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.

(c) 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, Aircraft Certification Service, 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.

(d) Questions or technical information related to British Aerospace Jetstream Service Bulletin 29–JM 7360 Revision No. 1, dated January 3, 1991, should be directed to British Aerospace Regional Aircraft Limited, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone: (01292) 479888; facsimile: (01292) 479703. 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 British Aerospace Jetstream Service Bulletin 29–JM 7360, Revision 1, dated January 3, 1991. This service bulletin is classified as mandatory by the United Kingdom Civil Aviation Authority (CAA).

Issued in Kansas City, Missouri, on March 11, 1998.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–7087 Filed 3–18–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–112–AD]

RIN 2120–AA64

Airworthiness Directives; Pilatus Britten-Norman Ltd. BN–2, BN–2A, BN–2B, and BN–2T Series 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 Pilatus Britten-Norman Ltd. (Pilatus Britten-Norman) BN–2, BN–2A, BN–2B, and BN–2T series airplanes. The proposed AD would require replacing the washers on the attachment bolts of the lower fitting of the main landing gear (MLG). The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. The actions specified by the proposed AD are intended to prevent the bolts that attach the lower fitting of the MLG to the nacelle from becoming threadbound, which could result in structural failure of the MLG with consequent loss of control of the airplane during takeoff, taxi, or landing operations.

DATES: Comments must be received on or before April 17, 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–112–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 Pilatus Britten-Norman Limited, Bembridge, Isle of Wight, United Kingdom PO35 5PR; telephone: 44–1983 872511; facsimile: 44–1983 873246. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Chudy, Aerospace Engineer, Small Airplane Directorate, Aircraft Certification Service, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426-6932; 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–112–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–112–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Civil Airworthiness Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that an unsafe condition may exist on certain Pilatus Britten-Norman BN–2, BN–2A, BN–2B, and BN–2T series airplanes. The CAA reports that the attachment bolts of the lower fitting of the main landing gear (MLG) may become ''threadbound''. This condition results because the bolt length may be slightly longer than necessary and thus the nut bottoms out of the thread. Although all indications show that the bolt is properly torqued, the assembled parts may become loose, which could result in the MLG fitting separating from the nacelle.

This condition, if not corrected in a timely manner, could result in structural failure of the MLG with consequent loss of control of the airplane during takeoff, taxi, and landing operations.

Relevant Service Information

Pilatus Britten-Norman has issued Service Bulletin (SB) BN–2/SB.231, Initial Issue, dated October 17, 1996, which specifies procedures for replacing the washer on the attachment bolts of the lower fitting of the MLG with two thicker washers. This SB also includes torque loading specifications for the attachment bolts.

The CAA classified this service bulletin as mandatory and issued British AD No. 008–10–96, dated January 31, 1997, in order to assure the continued airworthiness of these airplanes in the United Kingdom.

The FAA's Determination

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 21.29) 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, 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 Pilatus Britten-Norman BN–2, BN–2A, BN–2B, and BN–2T series airplanes of the same type design registered in the United States, the proposed AD would require replacing the washers on the attachment bolts of the lower fitting of the MLG. Accomplishment of the proposed installation would be in accordance with the service information previously referenced.

Cost Impact

The FAA estimates that 80 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 3 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $10 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $15,200.

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:

Pilatus Britten-Norman Ltd: Docket No. 97–CE–112–AD.

Applicability: Models BN–2, BN–2A, BN–2A–3, BN–2A–6, BN–2A–8, BN–2A–2, BN–2A–9, BN–2A–20, BN–2A–21, BN–2A–26, BN–2A–27, BN–2B–20, BN–2B–21, BN–2B–26, BN–2B–27, and BN–2T 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 (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within the next 50 landings after the effective date of this AD, unless already accomplished.

To prevent the bolts that attach the lower fitting of the main landing gear (MLG) to the nacelle from becoming threadbound, which could result in structural failure of the MLG with consequent loss of control of the airplane during takeoff, taxi, or landing operations, accomplish the following:

(a) Replace the washers on the attachment bolts of the lower fitting of the MLG in accordance with Pilatus Britten-Norman Service Bulletin No. BN–2/SB.231, Initial Issue, dated October 17, 1996.

(b) 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.

(c) 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.

(d) Questions or technical information related to Pilatus Britten-Norman Service Bulletin BN–2/SB.231, initial issue, dated October 17, 1996 should be directed to Pilatus Britten-Norman Limited, Bembridge, Isle of Wight, United Kingdom PO35 5PR; telephone: 44–1983 872511; facsimile: 44–1983 873246. 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 British AD No. 008–10–96, dated January 31, 1997.

Issued in Kansas City, Missouri, on March 12, 1998.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–7091 Filed 3–18–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–11–AD]

RIN 2120–AA64

Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Model DG–400 Gliders

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 Glaser-Dirks Flugzeugbau GmbH (Glaser-Dirks) Model DG–400 gliders. The proposed AD would require replacing the Bosch electrical system regulator, part number (P/N) 0212920001, with a type 4 E 26 regulator. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. The actions specified by the proposed AD are intended to prevent failure of the electrical system regulator, which could result in smoke entering the cockpit with consequent passenger injury.

DATES: Comments must be received on or before April 17, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–11–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 DG Flugzeugbau GmbH, Postfach 4120, D–76625 Bruchsal 4, Germany; telephone: +49 7257–89–0; facsimile: +49 7257–8922. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Kiesov, Aerospace Engineer, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6934; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

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. 98–CE–11–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. 98–CE–11–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, notified the FAA that an unsafe condition may exist on all Glaser-Dirks Model DG–400 gliders. The LBA reports several incidents of defective Bosch electrical system regulators, part number (P/N) 0212920001.

This condition, if not corrected in a timely manner, could result in failure of the electrical system regulator and

smoke entering the cockpit with consequent passenger injury.

Relevant Service Information

Glaser-Dirks has issued DG Flugzeubau GmbH Technical Note No. 826/33, dated July 19, 1996, which specifies replacing the Bosch electrical system regulator, part number (P/N) 0212920001, with a type 4 E 26 regulator. The procedures for accomplishing this replacement are included in DG Flugzeugbau GmbH Z 33 Conversion Kit Saprisa regulator Installation Instructions, dated July 4, 1996, and Glaser-Dirks Drawing 4 E 26.

The LBA classified this service information as mandatory and issued German AD 96–242, dated August 29, 1996, in order to assure the continued airworthiness of these gliders in Germany.

The FAA's Determination

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

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

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Glaser-Dirks Model DG–400 gliders of the same type design registered in the United States, the FAA is proposing AD action. The proposed AD would require replacing the Bosch electrical system regulator, part number (P/N) 0212920001, with a type 4 E 26 regulator. Accomplishment of the proposed installation would be in accordance with the service information previously referenced.

Compliance Time of the Proposed AD

Although failure of the electrical system regulator will only be unsafe while the glider is in flight, this unsafe condition is not a result of the number of times the glider is operated. The chance of this situation occurring is the same for a glider with 10 hours time-in-service (TIS) as it is for a glider with 500 hours TIS. For this reason, the FAA has determined that a compliance based on calendar time should be utilized in the proposed AD in order to assure that the unsafe condition is addressed on all gliders in a reasonable time period.

Cost Impact

The FAA estimates that 35 gliders in the U.S. registry would be affected by the proposed AD, that it would take approximately 2 workhours per glider to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $200 per glider. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $11,200, or $320 per glider.

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:

Glaser-Dirks Flugzeugbau GMBH: Docket No. 98–CE–11–AD.

Applicability: Model DG–400 gliders, all serial numbers, certificated in any category.

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

Compliance: Required within the next 4 calendar months after the effective date of this AD, unless already accomplished.

To prevent failure of the electrical system regulator, which could result in smoke entering the cockpit with consequent passenger injury, accomplish the following:

(a) Replace the Bosch electrical system regulator, part number (P/N) 0212920001, with a type 4 E 26 regulator in accordance with DG Flugzeugbau GmbH Z 33 Conversion Kit Saprisa regulator Installation Instructions, dated July 4, 1996, and Glaser-Dirks Drawing 4 E 26. These documents are referenced in DG Flugzeubau GmbH Technical Note No. 826/33, dated July 19, 1996.

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

(c) 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, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

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

(d) Questions or technical information related to the service information referenced in this AD should be directed to DG Flugzeugbau GmbH, Postfach 4120, D–76625 Bruchsal 4, Germany; telephone: +49 7257–89–0; facsimile: +49 7257–8922. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Note 3: The subject of this AD is addressed in German AD 96–242, dated August 29, 1996.

Issued in Kansas City, Missouri, on March 11, 1998.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–7090 Filed 3–18–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–243025–96]

RIN 1545–AU61

Tax Treatment of Cafeteria Plans; Hearing

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed amendments that would provide guidance on the circumstances under which a cafeteria plan participant may revoke an existing election and make a new election during a period of coverage.

DATES: The public hearing will be held on Tuesday, May 5, 1998, beginning at 10:00 a.m. Requests to speak and outlines of oral comments must be received by Tuesday, April 14, 1998.

ADDRESSES: The public hearing will be held in room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, DC. Requests to speak and outlines of oral comments should be submitted to the CC:DOM:CORP:R (REG–243025–96), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered between the hours of 8 a.m. and 5 p.m. to: CC:DOM:CORP:R (REG–243025–96), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mike Slaughter of the Regulations Unit, Assistant Chief Counsel (Corporate), 202–622–7190 (not a toll-free number).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 125 of the Internal Revenue Code. These regulations appear in the **Federal Register** (62 FR 60196) on Friday, November 7, 1997.

The rules of § 601.601 (a)(3) of the ''Statement of Procedural

Rules'' (26 CFR part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit not later than Tuesday, April 21, 1998, an outline of the oral comments/testimony to be presented at the hearing and the time they wish to devote to each subject.

Each speaker (or group of speakers representing a single entity) will be limited to 10 minutes for an oral presentation exclusive of the time consumed by the questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the persons testifying. Copies of the agenda will be available free of charge at the hearing.

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 98–7166 Filed 3–18–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

RIN 1024–AC67

Appalachian National Scenic Trail, Snowmobile Routes

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The National Park Service (NPS) is proposing to establish and designate trail crossings of snowmobile trails at three locations along the Appalachian National Scenic Trail. These trail crossings are part of a State approved network of snowmobile routes that exist on adjacent State lands. These crossings existed prior to the NPS assuming management of the National Scenic Trail. Designating these crossings fulfills assurances made by the NPS at the time of land acquisition that establishment of the permanent linear trail corridor would not sever established snowmobile routes. The Park Manager also will be provided the discretion to designate temporary snowmobile crossings in the Compendium of Superintendent's Orders.

DATES: Written comments will be accepted through May 18, 1998.

ADDRESSES: Comments should be addressed to: Park Manager, Appalachian National Scenic Trail, National Park Service, Harpers Ferry Center, Harpers Ferry, WV 25425.

FOR FURTHER INFORMATION CONTACT: Pamela Underhill, Park Manager, Appalachian National Scenic Trail, National Park Service, Harpers Ferry Center, Harpers Ferry, WV 25425. Telephone 304–535–6278.

SUPPLEMENTARY INFORMATION:

Background

This proposed regulation will designate portions of snowmobile trails, that are part of a State approved network of snowmobile routes, to cross NPS administered Appalachian National Scenic Trail lands in order to connect with other state approved routes. The intent of this regulation is to designate the minimum number of crossings necessary to accommodate Statewide snowmobile trail networks.

The Appalachian Trail is a north-south hiking trail that stretches nearly 2,160 miles from Katahdin, Maine, to Springer Mountain, Georgia, along the crest of the Appalachian Mountains. The Trail is administered by the Secretary of the Interior through the NPS, in consultation with the Secretary of Agriculture through the U.S. Forest Service, as part of the National Trails System. Upon completion of the land protection program, the NPS will have protected approximately 800 miles of the Trail and approximately 100,000 acres of land. Because NPS administered lands are intermingled with private, local, state and other federal government lands, differing regulations apply and varying land uses are allowed. These agencies have become partners in the Appalachian Trail cooperative management system. The linear nature of the resource and the varied land ownership patterns require special consideration in management planning.

Generally, any motorized use along the Appalachian Trail is prohibited, including snowmobiles. However, Section 7 (c) of the National Trails System Act provides for limited authority for allowing snowmobile use for crossings, emergencies and for adjacent landowners:

''The use of motorized vehicles by the general public along any national scenic trail shall be prohibited and nothing in this chapter shall be construed as authorizing the use of motorized vehicles within the natural and historical areas of the national park system, the national wildlife refuge system,

the national wilderness preservation system where they are presently prohibited or on other federal lands where they are presently prohibited or on other Federal lands where trails are designated as being closed to such use by the appropriate Secretary. Provided, that the Secretary charged with the administration of such trail shall establish regulations which shall authorize the use of motorized vehicles when, in his judgment, such vehicles are necessary to meet emergencies or to enable adjacent landowners or land users to have reasonable access to their lands or timber rights * * *'' (16 U.S.C. 1246(c)).

The proposed regulation will allow limited snowmobile crossings of the Appalachian Trail, while still prohibiting such use along the trail. Additionally, the proposed limited use is consistent with the Federal government's obligations to provide access for emergencies and to owners of lands adjacent to the Trail.

36 CFR 2.18 of the NPS general regulations prohibits the use of snowmobiles except on routes designated specifically for snowmobile use. These specific routes must be authorized through promulgation of special regulations. Snowmobile use may be designated only when the use is consistent with the park's natural, cultural, scenic and aesthetic values, safety considerations, park management objectives, and will not disturb wildlife or damage park resources. Section 2.18 establishes further procedures and criteria for the use of snowmobiles within park areas. The term ''snowmobile'' is defined in § 1.4 and conforms to the standard definition used by the International Snowmobile Industry Association. The NPS does not intend that this definition be broadly interpreted to include any other motorized or non-motorized off-road vehicles.

During the development of the NPS land protection program, the issue of continuing use of existing snowmobile crossings of the planned Trail corridor was raised by adjacent landowners, snowmobile organizations and State agencies. The NPS assured interested parties that establishment of the permanent linear trail corridor would not sever established snowmobile routes. For the purposes of this special regulation, established snowmobile routes are considered to be those routes in use at the time of NPS land acquisition. The NPS has worked closely with State snowmobile organizations and State agencies to identify only those trails that are part of a State-approved network of snowmobile routes.

There are a number of crossings of the Appalachian Trail corridor by established, State-approved snowmobile trails in Maine, New Hampshire, Vermont, Massachusetts and Connecticut. Most of these crossings are currently allowed by deeded right-of-way reserved by the seller or by public road right-of-way. Three State-approved snowmobile trails, two in Maine and one in Massachusetts, cross lands acquired for the protection of the Appalachian Trail and require designation. The NPS intends to designate these three State-approved routes that are existing crossings of the Trail corridor and part of a State network of snowmobile routes. Within the NPS corridor, snowmobile travel will be limited to the three designated crossings and the crossings that occur on deeded right-of-ways and public road right-of-ways. Snowmobiles will not be permitted to follow the trail footpath itself and all other crossings of Appalachian National Scenic Trail lands will be prohibited.

Public Participation

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this proposed regulation to the address noted at the beginning of this rulemaking. The NPS will review comments and consider making changes to the rule based upon an analysis of the comments.

Drafting Information

The principal authors of this rulemaking are Robert W. Gray, Park Ranger, Appalachian National Scenic Trail and Dennis Burnett, Washington Office of Ranger Activities, National Park Service.

Paperwork Reduction Act

This rule does not contain collections of information that require approval by the Office of Management and Budget under the Paperwork Reduction Act of 1995.

Compliance With Other Laws

This document is not a significant rule subject to Office of Management and Budget review under Executive Order 12866. The Department of the Interior certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The economic effects of this rulemaking are local in nature and negligible in scope.

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

The Department has determined that this rule meets the applicable standards provided in Section 3(a) and 3(b)(2) of Executive Order 12988.

This rule is not a major rule under the Congressional review provisions of the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 804(2)).

The NPS has determined that this proposed rulemaking will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;

(b) Introduce incompatible uses which compromise the nature and character of the area or causing physical damage to it;

(c) Conflict with adjacent ownerships or land uses; or

(d) Cause a nuisance to adjacent owners or occupants.

Based on this determination, this rulemaking is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental guidelines in 516 DM 6 (49 FR 21438). As such, neither an Environmental Assessment nor an Environmental Impact Statement has been prepared.

List of Subjects in 36 CFR Part 7

National parks, District of Columbia, Reporting and recordkeeping requirements.

In consideration of the foregoing, NPS proposes to amend 36 CFR Chapter I as follows:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

1. The authority citation for Part 7 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 460(q), 462(k); § 7.96 also issued under D.C. Code 8–137 (1981) and D.C. Code 40–721 (1981).

2. Amend section 7.100 by revising paragraph (a) and adding new paragraph (d), to read as follows:

§ 7.100 Appalachian National Scenic Trail.

(a) The use of bicycles, motorcycles, or other motor vehicles is prohibited.

* * * * *

(d) *Snowmobiles.* (1) The use of snowmobiles is prohibited except on the following designated trail crossings of National Park Service administered

lands within the Appalachian National Scenic Trail corridor:

(i) Nahmakanta Lake Spur—the spur snowmobile route that leads from Maine Bureau of Parks and Lands Debsconeag Pond Road to the southeastern shore of Nahmakanta Lake.

(ii) Lake Hebron to Blanchard-Shirley Road Spur—the spur snowmobile route that leads from Lake Hebron near Monson, Maine to the Maine Interconnecting Trail System Route 85 near the Blanchard-Shirley Road.

(iii) Massachusetts Turnpike to Lower Goose Pond Crossing—that part of the Massachusetts Interconnecting Trail System Route 95 from the Massachusetts Turnpike Appalachian Trail Bridge to the northeastern shore of Lower Goose Pond.

(2) Temporary crossings of National Park Service administered Appalachian Trail corridor lands may be designated by the Park Manager in the Superintendent's Compendium of Orders when designated snowmobile routes are temporarily dislocated by timber haul road closures.

(3) Maps showing the designated trail crossings are available at the Appalachian National Scenic Trail headquarters, Harpers Ferry Center, Harpers Ferry, West Virginia 25425.

Dated: February 5, 1998.

Donald J. Barry,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 98–7109 Filed 3–18–98; 8:45 am]

BILLING CODE 4310–70–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[IA 040–1040(b); FRL–5980–1]

Approval and Promulgation of Implementation Plans; and Designation of Areas for Air Quality Planning Purposes; State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve a redesignation request submitted by the state of Iowa on April 21, 1997. In this submittal, Iowa submitted a maintenance plan and a request that a portion of Muscatine County be redesignated to attainment of the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide. In the final rules section of the **Federal Register**, the EPA is approving the State Implementation Plan revision and request for redesignation as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and redesignation and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: Comments on this proposed rule must be received in writing by April 20, 1998.

ADDRESSES: Comments may be mailed to Wayne Kaiser, Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Wayne Kaiser at (913) 551–7603.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final rule which is located in the rules section of the **Federal Register**.

Dated: March 2, 1998.

William Rice,

Acting Regional Administrator, Region VII.

[FR Doc. 98–7132 Filed 3–18–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–5980–7]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Reopening of the comment period for the notice of intent to delete the Berlin and Farro Liquid Incineration Site from the National Priorities List.

SUMMARY: The United States Environmental Protection Agency (U.S. EPA) Region V announces the reopening of the comment period for its intent to delete the Berlin and Farro Liquid Incineration Site (the Site) from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B of 40 CFR Part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which U.S. EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended. This action is being taken by U.S. EPA, because it has been determined that the responsible parties have implemented all appropriate response actions required under CERCLA. U.S. EPA, in consultation with the State of Michigan, has determined that no further response is appropriate. Moreover, U.S. EPA and the State have determined that remedial activities conducted at the Site to date have been protective of public health, welfare, and the environment.

DATES: Comments concerning the proposed deletion of the Site from the NPL may be submitted on or before April 20, 1998.

ADDRESSES: Comments may be mailed to Gladys Beard, Associate Remedial Project Manager, Superfund Division, U.S. EPA, Region V, 77 W. Jackson Blvd. (SR–6J), Chicago, IL 60604. Comprehensive information on the site is available at U.S. EPA's Region V office and at the local information repository located at: Gaines Township Hall, 9255 W. Grand Blanc Rd., Gaines, Michigan 48436. Requests for comprehensive copies of documents should be directed formally to the Region V Docket Office. The address and phone number for the Regional Docket Officer is Jan Pfundheller (H–7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353–5821.

FOR FURTHER INFORMATION CONTACT: Gladys Beard (SR–6J), Associate Remedial Project Manager, Superfund Division, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886–7253 or Don Deblasio (P–19J), Office of Public Affairs, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886–4360.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Intended Site Deletion

I. Introduction

The U.S. Environmental Protection Agency (EPA) Region V announces its Reopening of the comment period for the intent to delete the Berlin and Farro Liquid Incineration Site from the National Priorities List (NPL), which constitutes Appendix B of the National Oil and Hazardous Substances Pollution

Contingency Plan (NCP), and requests comments on the proposed deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare or the environment, and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Potentially Responsible Parties or the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if the conditions at the Site warrant such action.

The U.S. EPA will accept comments on this proposal for thirty (30) days after publication of this document in the **Federal Register**.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the history of this site and explains how the Site meets the deletion criteria.

Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Furthermore, deletion from the NPL does not in any way alter U.S. EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist in Agency management.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, U.S. EPA will consider, in consultation with the State, whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented, and no further response action by responsible parties is appropriate; or

(iii) The Remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, remedial measures are not appropriate.

III. Deletion Procedures

Upon determination that at least one of the criteria described in § 300.425(e) has been met, U.S. EPA may formally begin deletion procedures once the State has concurred. This **Federal Register** document, and a concurrent notice in the local newspaper in the vicinity of the Site, announce the initiation of a 30-day comment period. The public is asked to comment on U.S. EPA's intention to delete the Site from the NPL. All critical documents needed to evaluate U.S. EPA's decision are included in the information repository and the deletion docket.

Upon completion of the public comment period, if necessary, the U.S. EPA Regional Office will prepare a Responsiveness Summary to evaluate and address comments that were received. The public is welcome to contact the U.S. EPA Region V Office to obtain a copy of this responsiveness summary, if one is prepared. If U.S. EPA then determines the deletion from the NPL is appropriate, final notice of deletion will be published in the **Federal Register**.

IV. Basis for Intended Site Deletion

The Environmental Protection Agency announces the reopening of the comment period for Berlin and Farro Liquid Incineration Site. The Notice of Intent to Delete was published in the **Federal Register** on January 21, 1998. The original basis for deleting the Site from the NPL has not changed. **Federal Register** (63 FR 3061) provides a thorough discussion of the basis for the intended site deletion.

Dated: March 9, 1998.

David A. Ullrich,

Acting Regional Administrator, U.S. EPA, Region V.

[FR Doc. 98–7136 Filed 3–18–98; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 63, No. 53
Thursday, March 19, 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

Uruguay Round Agricultural Safeguard Trigger Levels

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of product coverage and trigger levels for safeguard measures provided for in the Uruguay Round Agreement on Agriculture.

SUMMARY: This notice lists the products which may be subject to additional import duties under the safeguard provisions of the Uruguay Round Agreement on Agriculture. It also includes the quantity level applicable to each of those products.

EFFECTIVE DATE: March 19, 1998.

FOR FURTHER INFORMATION CONTACT: Cathy S. McKinnell, Multilateral Trade Negotiations Division, Foreign Agricultural Service, room 5530-South Building, U.S. Department of Agriculture, Washington, DC 20250–1022 or telephone at (202) 720–6064.

SUPPLEMENTARY INFORMATION: Article 5 of the Uruguay Round Agreement on Agriculture provides that additional import duties may be imposed on imports of products subject to tariffication during the Uruguay Round if certain conditions are met. The agreement permits additional duties to be charged if the price of an individual shipment of imported products falls below the average price for similar goods imported during the years 1986–88 by a specified percentage. It also permits additional duties to be imposed if the volume of imports of an article exceeds the average of the most recent three years for which data is available by 25 percent. These additional duties may not be imposed on quantities for which minimum or current access commitments were made during the Uruguay Round negotiations, and only one type of safeguard, price or quantity, may be applied at any given time to an article

Section 405 of the Uruguay Round Agreements Act requires that the President cause to be published in the **Federal Register** the agricultural products subject to safeguards, the price and quantity trigger levels which will be applied to these products, and the relevant period for the quantity based safeguard for each product. On Wednesday, January 4 1995, the Secretary of Agriculture provided the above information including the definition of each product in the Notice of Safeguard Action published in **Federal Register**, Vol. 60, No. 2, page 427. The President delegated this duty to the Secretary of Agriculture in Presidential Proclamation No. 6763, dated December 23, 1994. In the Revision of Delegations of Authority published in the **Federal Register**, Vol. 60, No. 216, Wednesday, November 8, 1995, page 56392, the Secretary of Agriculture further delegated the duty to the Administrator, Foreign Agricultural Service. Additional information on the levels of the additional duties and how they will be applied is provided in subchapter IV of chapter 99 of the Harmonized Tariff Schedule of the United States (HTS). These duties became effective January 1, 1995

Notice

As provided in section 405 of the Uruguay Round Agreements Act, consistent with Article 5 of the Agreement on Agriculture, additional duties may be applied in accordance with provisions of subchapter IV of chapter 99 of the HTS for the products, and under the conditions described in the annex to this notice.

Issued at Washington, DC this February 18, 1998.

Lon Hatamiya,

Administrator, Foreign Agricultural Service.

Annex

The definitions of these products were provided in the Notice of Safeguard Action published in the **Federal Register**, Wednesday, January 4, 1995, Vol. 60, No. 2, page 427.

	Quantity based safeguard trigger
Beef	817,803 mt.
Mutton	9,335 mt.
Cream	4,528,994 liters.
Evaporated or Condensed Milk	1,629,815 kilograms.
Nonfat Dry Milk	1,866,593 kilograms.
Dried Whole Milk	1,022,123 kilograms.
Dried Cream	233 kilograms.
Dried Whey/Buttermilk	174,967 kilograms.
Butter	3,906,648 kilograms.
Butter Oil and Butter Substitutes	3,755,077 kilograms.
Dairy Mixtures	1,508,114 kilograms.
Bleu Cheese	3,062,388 kilograms.
Cheddar Cheese	9,359,355 kilograms.
American Type Cheese	3,814,413 kilograms.
Edam/Gouda Cheese	6,617,074 kilograms.
Italian-Type Cheese	14,375,304 kilograms.
Swiss Cheese with Eye Formation	33,381,481 kilograms.
Gruyere Process Cheese	7,686,046 kilograms.
Lowfat Cheese	4,946,949 kilograms.
NSPF Cheese	48,853,577 kilograms.

	Quantity based safe-guard trigger
Peanuts	43,041 mt.
Peanut Butter/Paste	21,431 mt.
Raw Cane Sugar	2,263,717 mt.
Refined Sugar and Syrups	22,660 mt.
Blended Syrups	0 mt.
Articles Over 65% Sugar	0 mt.
Articles Over 10% Sugar	80,309 mt.
Sweetened Cocoa Powder	2,364 mt.
Chocolate Crumb	9,994,979 kilograms.
Lowfat Chocolate Crumb	195,249 kilograms.
Infant Formula Containing Oligosaccharides	3,852 kilograms.
Mixes and Doughs	1,274 mt.
Mixed Condiments and Seasonings	231 mt.
Ice Cream	31,590 liters.
Animal Feed Containing Milk	1,437,534 kilograms.
Short Staple Cotton	17,592,104 kilograms.
Harsh or Rough Cotton	0 mt.
Medium Staple Cotton	19,898 kilograms.
Extra Long Staple Cotton	234,089 kilograms.
Cotton Waste	39,828 kilograms.
Cotton, Processed, Not Spun	383 kilograms.

[FR Doc. 98–7172 Filed 3–18–98; 8:45 am]

BILLING CODE 3410–10–M

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Proposed Changes to Section IV of the Field Office Technical Guide (FOTG) of the Natural Resources Conservation Service in Georgia

AGENCY: Natural Resources Conservation Service (NRCS) in Georgia, U.S. Department of Agriculture.

ACTION: Notice of availability of proposed changes in Section IV of the FOTG of the NRCS in Georgia for review and comment.

SUMMARY: It is the intention of NRCS in Georgia to revise Section IV of the Field Office Technical Guide, as follows:—Add New Interim Conservation Practice Standards: Agrichemical Handling Facility (Code 702); Covered Anaerobic Lagoon (Code 360); Dry Hydrant (Code 712); Slope Roughening (Code 726); Stream Crossing (Code 728); Waste Facility Decommissioning (Code 709); Watering Ramp (Code 730); Well and Water Testing (Code 731);—Add Conservation Practice Standards: Animal Trails and Walkways (Code 575); Conservation Cover (Code 327); Forage Harvest Management (Code 511); Forest Harvest Trails and Landings (Code 655); Irrigation Water Conveyance, Low-pressure Plastic Pipe (Code 430-EE); Lined Waterways and Outlets (Code 468); Prescribed Grazing (Code 528A); Pumping Plant for Water Control (Code 533); Roof Runoff Management (Code 558); Structure for Water Control (Code 587); Well Decommissioning (Code 351); Windbreak/Shelterbreak Establishment (Code 380); Windbreak/Shelterbreak Renovation (Code 650);—Revise Conservation Practice Standards: Wildlife Upland Habitat Management (Code 645); Critical Area Planting (Code 342); Access Road (Code 560); Composting Facility (Code 317); Diversion (Code 362); Fence (Code 382); Heavy Use Area Protection (Code 561); Pond (Code 378); Riparian Forest Buffer (Code 391); Terrace (Code 600); Waste Storage Facility (Code 313); Waste Treatment Lagoon (Code 359); Streambank and Shoreline Protection (Code 580); Stream Channel Stabilization (Code 584); Surface Drainage, Field Ditch (Code 607), Main or Lateral (Code 608); Prescribed Burning (Code 338);—Rename Conservation Practice Standards: Forest Site Preparation (Code 490); Forest Stand Improvement (Code 666); Use Exclusion (Code 472); Tree/Shrub Establishment (Code 612). These practices can be used in systems that treat highly erodible land, improve water quality and improve wildlife habitat.

DATES: Comments will be received on or before April 20, 1998.

FOR FURTHER INFORMATION: Inquire in writing to Earl Cosby, State Conservationist, USDA State Office Service Center, Mail Stop 200, Stephens Federal Building, 355 East Hancock Ave., Athens, Georgia 30601. Copies of the Conservation Practice Standards will be made available upon written request. Copies are also available electronically on the Georgia Homepage or NRCS server. The web site address is ''http://www.ga.nrcs.usda.gov/reg/cps.html''. These standards are available as MS Word 6.0 files. The name of the Georgia NRCS server is ''seweb.ga.nrcs.usda.gov''. Practice standards appear as files in ''/pub/outgoing/gastandards'' directory. Using FTP download as binary files.

SUPPLEMENTAL INFORMATION: Section 343 of the Federal Agricultural Improvement and Reform Act of the 1996 states that revisions to NRCS State technical guides used to carry out highly erodible land and wetland provisions of the law made after enactment of the law shall be available for public review and comment. For the next 30 days the NRCS in Georgia will receive comments relative to the proposed changes. Following that period a determination will be made by the NRCS in Georgia regarding disposition of those comments and a final determination of change will be made.

Dated: March 11, 1998.

Earl Cosby,

State Conservationist, Natural Resources Conservation Service, Athens, Georgia.

[FR Doc. 98–7118 Filed 3–18–98; 8:45 am]

BILLING CODE 3412–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Arkansas Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on

Civil Rights, that a meeting of the Arkansas Advisory Committee to the Commission will convene at 6:00 p.m. and adjourn at 9:00 p.m. on Thursday, April 30, 1998, and reconvene at 9:00 a.m. and adjourn at 12:00 p.m. on Friday, May 1, 1998, at the Lake Hamilton Resort, 2803 Albert Pike Road, Hot Springs, Arkansas 71914. The purpose of the meeting on both dates is to plan future projects.

Persons desiring additional information, or planning a presentation to the Committee, should contact Melvin L. Jenkins, Director of the Central Regional Office, 913–551–1400 (TDD 913–551–1414). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, March 12, 1998.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 98–7123 Filed 3–18–98; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: NOAA Customer Surveys.

Agency Form Number: None assigned.

OMB Approval Number: None.

Type of Request: New collection .

Burden: 905 hours.

Number of Respondents: 14,939.

Avg. Hours Per Response: Varies between one and seven minutes depending on program needs.

Needs and Uses: This is a request for a generic clearance for voluntary customer surveys to be conducted by NOAA program offices. The purpose of the surveys will be to determine whether their customers are satisfied with the services and/or products they are receiving and whether they have suggestions as to how the services/products may be improved or made more useful.

Affected Public: Individuals, businesses or other for-profit institutions, not-for-profit organizations, farms, federal, state, local, tribal governments.

Respondent's Obligation: Voluntary.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, Room 5327, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, 725 17th Street, N.W., Washington, D.C. 20503.

Dated: March 16, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 98–7099 Filed 3–18–98; 8:45 am]

BILLING CODE 3510–12–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Export Administration (BXA).

Title: International Import Certificate.

Agency Form Number: BXA–645P.

OMB Approval Number: 0694–0017.

Type of Request: Extension of a currently approved collection of information.

Burden: 270 hours.

Average Time Per Response: 15 minutes per response.

Number of Respondents: 1,008 respondents.

Needs and Uses: The United States and several other countries have undertaken to increase the effectiveness of their respective controls over international trade in strategic commodities by means of an Import Certificate procedure. For the U.S. importer, this procedure provides that, where required by the exporting country with respect to a specific transaction, the importer certifies to the U.S. Government that he/she will import specific commodities into the United States and will not reexport such commodities except in accordance with the export control regulations of the United States. The U.S. Government, in turn, certifies that such representations have been made.

Affected Public: Individuals, businesses or other for-profit institutions.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Dennis Marvich (202) 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, D.C. 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Dennis Marvich, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, D.C. 20230.

Dated: March 16, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 98–7100 Filed 3–18–98; 8:45 a.m.]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Telecommunications and Information Administration (NTIA).

Title: Grant Recipient Survey for the Telecommunications and Information Infrastructure Assistance Program (TIIAP).

Agency Form Number: None.

OMB Approval Number: None.

Type of Request: New Collection.

Burden: 178 hours.

Number of Respondents: 206.

Avg. Hours Per Response: Varies between 30 and 60 minutes.

Needs and Uses: The purpose of the Telecommunications and Information Infrastructure Assistance Program (TIIAP) is to promote the widespread and efficient use of advanced telecommunications in the public and nonprofit sectors to serve communities. In order to ensure that grant recipients are effectively promoting the efficient

and widespread use of advanced telecommunications, NTIA will collect information to study the impacts of funded projects and the performance of the TIIAP program.

Affected Public: Not-for-profit institutions, federal government, state, local or tribal government.

Frequency: On occasion.

OMB Desk Officer: Tim Fain, (202) 395–3561.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, Room 5327, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Tim Fain, OMB Desk Officer, Room 10236, New Executive Office Building, 725 17th Street, N.W., Washington, D.C. 20503.

Dated: March 16, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 98–7101 Filed 3–18–98: 8:45 am]

BILLING CODE: 3510–60–P

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket No. 980310058–8058–1]

Advertising, Marketing, and Partnership Efforts Evaluation

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of new survey.

SUMMARY: In accordance with Title 13, United States Code, Sections 141 and 193, the Bureau of the Census will conduct a new survey called the Advertising, Marketing, and Partnership Efforts (AMPE) Evaluation. This survey was submitted to the Office of Management and Budget (OMB) on February 5, 1998 for review on an emergency basis. Approval was granted on February 12, 1998. The survey was given OMB Control Number 0607–0852. The emergency circumstances surrounding this survey prevented us from making prior notice in the **Federal Register** and from allowing public comment on the proposed survey prior to its submission to OMB. This notice describes the AMPE Evaluation, as approved by OMB.

ADDRESSES: Copies of the data collection instrument and the request that was submitted to OMB for clearance of the survey may be obtained from Solomona Aoelua, Census 2000 Publicity Office, Census Bureau, Washington, DC 20233–0001. When requesting information on this survey, please refer to the AMPE Evaluation.

FOR FURTHER INFORMATION CONTACT: Solomona Aoelua, (301) 457–2988.

SUPPLEMENTARY INFORMATION: The Census Bureau has contracted with an advertising company to provide a national advertising and awareness campaign for Census 2000. This campaign will be implemented on a test basis for the Census 2000 Dress Rehearsal, which will take place this year in the following locations: Sacramento, California; Columbia, South Carolina and the surrounding eleven counties; and the Menominee Indian Reservation and the surrounding areas of Menominee County, Wisconsin.

The AMPE Evaluation will measure the public's knowledge and awareness of the census before the start and after the completion of the paid advertising campaign. Our purpose is to learn about what factors affect the likelihood of people responding by mail in the Census 2000 Dress Rehearsal, barriers to participation, knowledge and awareness of the dress rehearsal, and sources of knowledge and the relative effectiveness of the various promotional activities. This knowledge will assist the Census Bureau in improving its plans for Census 2000.

The Census Bureau has hired a contractor to conduct telephone interviews with a sample of residents in two of the three Census 2000 Dress Rehearsal sites before and after the advertising campaign. Due to the small population of Menominee County, this site will be excluded from the evaluation. Respondents will be selected at random through a process called random digit dialing. Postadvertising interviews will be conducted using computer-assisted telephone interviewing (CATI). Due to the short time frame for developing the evaluation instruments, CATI will not be used in the preadvertising interviews.

Census Day for the Census 2000 Dress Rehearsal is April 18, 1998. The paid advertising began on March 1, 1998. To ensure that we obtained a sufficient number of interviews for the preadvertising period, we began our field data collection on February 13, 1998 immediately following OMB approval and concluded by the end of February. We completed approximately 2,000 interviews (1,000 per site) in the Sacramento, California and Columbia, South Carolina sites.

For the postadvertising period, we plan to complete approximately 3,000 interviews (1,500 per site) from mid-April to early June 1998. We estimate that it will take approximately 15 minutes to complete each interview. The total estimated burden to be imposed is 1,250 hours.

Due to the recent continuing resolutions, we were unable to fully define and finalize our marketing plans for the Census 2000 Dress Rehearsal until late January 1998. The evaluation mechanism could not be developed until the advertising program was finalized. This circumstance prevented us from following normal clearance processes and necessitated an emergency clearance.

Conclusion

The AMPE Evaluation is critical to the Census Bureau's mission, especially in regard to the objectives of Census 2000. The Census 2000 Dress Rehearsal is the Bureau's last major opportunity to test its advertising, marketing, and partnership plans. I, therefore, conclude that this important evaluation should be conducted.

Dated: March 11, 1998.

James F. Holmes,

Acting Director, Bureau of the Census.

[FR Doc. 98–7073 Filed 3–18–98; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–822, A–122–823]

Corrosion-Resistant Carbon Steel Flat Products and Cut-to-Length Carbon Steel Plate: Extension of Time Limits for Preliminary Results of Antidumping Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limits for preliminary results of antidumping administrative review.

EFFECTIVE DATES: March 19, 1998.

FOR FURTHER INFORMATION CONTACT: Lesley Stagliano or Maureen Flannery, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–0648 or (202) 482–3020, respectively.

The 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.

Background

The Department of Commerce (the Department) received a request from petitioners and respondents to conduct an administrative review of the antidumping duty order on corrosion-resistant carbon steel flat products and cut-to-length carbon steel plate from Canada. On September 25, 1997 (62 FR 50292), the Department published its initiation of this administrative review covering the period August 1, 1996 through July 31, 1997.

Extension of Time Limits for Preliminary Results

Because of the complexity of certain issues of this case, it is not practicable to complete this review within the time limits mandated by section 751(a)(3)(A) of the Act. See Memorandum from Joseph A. Spetrini to Robert S. LaRussa, Extension of Time Limit for the Administrative Review of Corrosion-Resistant Carbon Steel Flat Products and Cut-to-Length Carbon Steel Plate from Canada, dated February 12, 1998.

Therefore, in accordance with section 751(a)(3)(A) of the Act, the Department is extending the time limits for the preliminary results sixty days to July 3, 1998. The final determination continues to be due 120 days after the publication of the preliminary results.

Dated: February 12, 1998.

Joseph A. Spetrini,

Deputy Assistant Secretary for AD/CVD Enforcement III.

[FR Doc. 98–7164 Filed 3–18–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–054, A–588–604]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan; Amended Final Results of Antidumping Duty Administrative Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of amended final results of administrative reviews.

SUMMARY: The Department of Commerce (the Department) is amending its final results of the administrative reviews, published on January 15, 1998, of the antidumping duty order on tapered roller bearings (TRBs) and parts thereof, finished and unfinished, from Japan (A–588–604), and the antidumping finding on TRBs, four inches or less in outside diameter, and components thereof, from Japan (A–588–054), to reflect the correction of ministerial errors in those final results.

EFFECTIVE DATE: March 19, 1998.

FOR FURTHER INFORMATION CONTACT: Charles Ranado, Stephanie Arthur, or John Kugelman, Office of AD/CVD Enforcement III, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 482–3518, 6312, and 0649, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are in reference 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 (URAA). In addition, unless otherwise indicated, all citations are to the Department's regulations, 19 CFR part 353 (1997).

Background

On January 15, 1998, the Department published its final results of administrative review of the antidumping duty order (A–588–604) on TRBs and parts thereof, finished and unfinished, from Japan, and the antidumping finding (A–588–054) on TRBs, four inches or less in outside diameter, and components thereof, from Japan (63 FR 2558). The Department has now amended the final results of these reviews in accordance with section 751 of the Act.

On January 15, 1998, the petitioner filed clerical error allegations with respect to two of the respondents, NSK and NTN. On January 21, 1998, we received clerical error allegations from NSK, and on January 26, 1998, we received clerical error comments from NTN. None of the parties submitted rebuttal comments. The Department agreed that certain of the allegations constituted ministerial errors.

Scope of the Review

Imports covered by the A–588–054 finding are sales or entries of TRBs, four inches or less in outside diameter when assembled, including inner race or cone assemblies and outer races or cups, sold either as a unit or separately. This merchandise is classified under the Harmonized Tariff Schedule (HTS) item numbers 8482.20.00 and 8482.99.30. Imports covered by the A–588–604 order include TRBs and parts thereof, finished and unfinished, which are flange, take-up cartridge, and hanger units incorporating TRBs, and tapered roller housings (except pillow blocks) incorporating tapered rollers, with or without spindles, whether or not for automotive use. Products subject to the A–588–054 finding are not included within the scope of the A–588–604 order, except for those manufactured by NTN Corporation (NTN). This merchandise is currently classifiable under HTS item numbers 8482.99.30, 8483.20.40, 8482.20.20, 8483.20.80, 8482.91.00, 8484.30.80, 8483.90.20, 8483.90.30, and 8483.90.60. These HTS item numbers and those for the A–588–054 finding are provided for convenience and Customs purposes. The written description remains dispositive.

The A–588–054 review covers TRB sales by two TRB manufacturers/exporters (Koyo Seiko Ltd. (Koyo) and NSK Ltd. (NSK)), and two resellers/exporters (Fuji Heavy Industries (Fuji) and MC International (MC)). The review of the A–588–604 case covers TRB sales by three manufacturers/exporters (Koyo, NSK and NTN Corporation (NTN)), and two resellers/exporters (Fuji and MC). Because Fuji and MC had no shipments in the A–588–604 review, and for the reasons explained in our notice of preliminary results, we have not assigned a rate to these firms for these amended final results. The period of review (POR) for both cases is October 1, 1995, through September 30, 1996.

Clerical Error Allegations

Comment 1: NTN asserts that the Department erroneously attempted to correct the currency conversion error related to the calculation of CEP profit which is mentioned in the final results memorandum. The respondent claims that as the program is currently written, EP sales are divided by the exchange rate, which is incorrect since EP sales are already reported correctly. The respondent maintains that this error has distortive effects on the calculation of the total cost of goods sold and total revenue.

Department's Position: We disagree with NTN. The final results computer program for NTN properly converts all of NTN's sales while calculating CEP profit. NTN's allegations regarding the calculation of the total costs of goods sold and total revenue is discussed in Comment 2.

Comment 2: NTN maintains that the Department made a clerical error in its calculation of revenue for EP and CEP sales. The respondent claims that the final program calculates an EP and CEP revenue amount for all transactions, and that these two amounts are then added together to yield a total revenue amount.

Department's Position: We agree with NTN. Our final program for NTN incorrectly calculates both an EP revenue (EPREV) and a CEP revenue (CEPREV) amount for each U.S. sale. Therefore, for this amended final, we have changed our programming language such that each transaction is assigned only one revenue variable (CEPREV or EPREV), as appropriate. Because transaction-specific revenue amounts affect the calculation of total cost of goods sold and total revenue, the correction of this error addresses NTN's concerns from comment 1. This change ensures that the total cost of goods sold and total revenue calculations are correct.

Comment 3: Timken claims that in the final results computer program for NTN, the Department made a clerical error while attempting to adjust NTN's normal value (NV) billing adjustments. Timken maintains that the language added to the computer program for the final results failed to adjust NTN's billing adjustments as intended by the Department.

Department's Position: We agree with the petitioner that the programming language added to correct NTN's home market billing adjustments was not executing correctly and have revised our margin program accordingly.

Comment 4: Timken alleges that the Department made a ministerial error while attempting to correct the calculation of NSK's home market revenue (*i.e.*, by deducting home market post-sale price adjustments). The computer output log, Timken claims, indicates that there were missing values generated as a result of missing values in the variable fields used to adjust home market prices when calculating revenue. Timken suggests that the Department failed to identify these missing variables earlier in the program.

Department's Position: We agree with Timken that the missing values generated while calculating home market revenue resulted from our failure to identify the post-sale price adjustment variables earlier in the computer program. We have revised our final margin program as described in our Amended Final Results Analysis Memorandum.

Comment 5: NSK asserts that language in the Department's computer program which attempts to match negative quantity sales to the original sales for which the adjustment was made operates incorrectly.

Department's Position: We agree with NSK and have made the appropriate changes to our final results program. For further information, refer to the Department's Amended Final Results Memorandum for NSK.

Comment 6: NSK maintains that the Department calculated direct and indirect constructed value (CV) selling expense ratios based on imputed expenses (credit and inventory carrying costs (ICC)), multiplied these ratios by COP/CV to derive a direct and indirect selling expense amount, then added these amounts to other cost data to derive total CV. NSK asserts, however, that because total CV already includes imputed interest expenses, the Department double counted imputed expenses.

Department's Position: We agree with NSK that imputed expenses were double counted in the CV calculation. We have modified our program to calculate separate CV expense ratios for imputed credit and ICCs, deduct the credit expense from CV, and add ICCs to the home market indirect selling expenses used for the CEP offset (which effectively increases the CEP offset deduction by the ICC expense amount). In addition, because our CV calculation language for Koyo and NTN is identical to NSK's, we have likewise modified the margin programs for these firms.

Comment 7: NSK asserts that while the Department correctly added home market billing adjustments to calculate net home market price, it erroneously subtracted billing adjustments from gross unit price when calculating home market revenue.

Department's Position: We agree with NSK and have modified our program accordingly such that home market billing adjustments are properly added to, rather than deducted from, gross unit price when calculating home market revenue.

Amended Final Results of Review

Based on our review of the comments presented above, for these amended final results we have made changes in our final margin calculation programs. We determine that the following percentage weighted-average margins exist for the period October 1, 1995 through September 30, 1996:

Manufacturer/exporter/reseller	Margin (percent)
For the A–588–054 Case:	
Koyo Seiko	9.58
Fuji	.34
NSK	1.64
MC International	1.92
For the A–588–604 Case:	
Fuji	[1]
MC International	[2]
Koyo Seiko	28.65
NTN	21.41
NSK	10.17

[1] No shipments or sales subject to this review. These firms have no rate from any prior segment of this proceeding.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. We will calculate importer-specific *ad valorem* duty assessment rates for the merchandise based on the ratio of the total amount of antidumping duties calculated for the examined sales made during the POR to the total customs value of the sales used to calculate those duties. This rate will be assessed uniformly on all entries that a particular importer made during the POR. (This is equivalent to dividing the total amount of antidumping duties, which are calculated by taking the difference between NV and U.S. price, by the total U.S. price of the sales compared and adjusting the result by the average difference between U.S. price and customs value for all merchandise examined during the POR.) While the Department is aware that the entered value of sales during the POR is not necessarily equal to the entered value of entries during the POR, use of entered value of sales as a basis of the assessment rate permits the Department to collect a reasonable approximation of antidumping duties which would have been determined if the Department had reviewed those sales of merchandise during the POR. The Department will issue appropriate appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective after the publication date of these amended final results for all shipments of TRBs from Japan entered, or withdrawn from warehouse, for consumption on or after the publication date of these amended final results of these administrative reviews, as provided by section 751(a)(1) of the Act:

(1) The cash deposit rates for the reviewed companies will be those rates established in the amended final results of these reviews;

(2) For previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period;

(3) If the exporter is not a firm covered in these reviews, a prior review, or the less-than-fair-value (LTFV) investigations, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and

(4) If neither the exporter nor the manufacturer is a firm covered in these or any previous reviews conducted by the Department, the cash deposit rate for the A–588–054 case will be 18.07 percent, and 36.52 percent for the A–588–604 case (see Preliminary Results of Antidumping Duty Administrative Reviews; Tapered Roller Bearings, Finished and Unfinished, and Parts Thereof, from Japan and Tapered Roller Bearings, Four Inches or less in Outside Diameter, and Components Thereof, From Japan, 58 FR 51061 (September 30, 1993)).

The cash deposit rate has been determined on the basis of the selling price to the first unaffiliated U.S. customer. For appraisement purposes, where information is available, the Department will use the entered value of the merchandise to determine the assessment rate.

This notice serves as a final reminder to importers of their responsibility 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 the subsequent assessment of double antidumping duties. These administrative reviews and this notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d) or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

These administrative reviews and this 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 10, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98–7170 Filed 3–18–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Business Development Mission to Belfast and Londonderry (Derry), Northern Ireland and Sligo, Ireland, the Week of June 8th, 1998

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: This notice serves to inform the public of a business development mission to Belfast and Londonderry, Northern Ireland and Sligo in the border counties of Ireland to be held the week of June 8th, 1998; provides interested U.S. firms with the opportunity to submit an application to participate in the mission; sets forth objectives, procedures, and selection review criteria for the mission; and requests applications. The recruitment and selection of private sector participants in the mission will be conducted in accordance with the Statement of Policy Governing Department of Commerce Overseas Trade Missions announced by Secretary William Daley on March 3, 1997 and reflected herein.

DATES: The mission is scheduled for the week of June 8th, 1998. Recruitment will begin after March 18th and conclude by April 24, 1998. Applications received after that date will be considered only if space permits.

ADDRESSES: Requests for and submission of applications:

Applications are available from Lucie Naphin, Director, Office of Business Liaison at (202) 482–1360, fax (202) 482–4054, U.S. Department of Commerce, Room 5062, 14th and Constitution Avenue, N.W., Washington, D.C. 20230. An original and two copies of the required application materials should be sent to the Director at the above address. Applications sent by facsimile must be immediately followed by submission of the original application.

SUPPLEMENTARY INFORMATION:

Mission Description

The U.S. Department of Commerce will organize a business development mission to Belfast and Londonderry, Northern Ireland (NI) and Sligo in the border counties of Ireland, the week of June 8th, 1998. The Secretary of Commerce, William M. Daley, will lead the mission which will be comprised of about 20 U.S. company executives from five industry sectors: environmental technology, food technology/processing, health technology, information technologies, and wood/timber products.

The business purpose of the mission is the promotion of U.S. trade, exports, and investment in Northern Ireland and the Border Counties of Ireland. The present state of the Northern Ireland and Ireland economies and the ready access to the $7.8 trillion European market provide strong and growing markets for U.S. products and services.

The itinerary of the mission will include stops in Belfast and Londonderry (Derry), Northern Ireland and in County Sligo in the border counties of Ireland. The private sector participants will be offered:

(1) One-on-one, pre-screened, business appointments with Northern Ireland and Ireland companies; (2) expert market briefings with senior U.K. (Northern Ireland) and Ireland (regional) Government officials; (3) site visits to U.S. companies operating in Northern Ireland and the Border Counties of Ireland; and, (4) logistical support and transportation in and between Belfast and Londonderry, Northern Ireland and Sligo in the border counties of Ireland.

Mission Goals

The goals of the mission are to: (1) Reaffirm the U.S. Government's commitment and support to underpin the peace process through U.S. commercial activity in the region; (2) increase sales of U.S. products and services to Northern Ireland, Ireland, and the European Union; (3) foster the increase of joint ventures and investments involving U.S. companies in Northern Ireland and the border counties of Ireland, especially those likely to result in U.S. exports; (4) seek resolution of outstanding bilateral commercial issues, specific problems, and opportunities and advocate interests in the key sectors targeted for this mission; and, (5) facilitate and establish meetings between U.S. companies and Northern Ireland/Border Counties of Ireland businesses.

Participation Criteria

About 20 companies will be selected to participate in the mission. Participants must fall into one of the five sectors of environmental technology, food technology/processing, health technology, information technologies, and wood/timber products. A company's product or

service must be either produced in the U.S. or if not, marketed under the name of a U.S. firm and have at least 51% U.S. content of the finished product/service. New-to-market companies are encouraged to apply. Participant executives ideally will be at the level of CEO, president or senior vice president. Each firm participating in this mission will have been recruited by U.S. DOC in Washington and reviewed by our U.S. Embassies in London and Dublin and our U.S. Consulate in Belfast for:

(1) Consistency of the company's goals with the scope, nature and desired outcome of the mission (as described herein); (2) relevance of the company's line of business to the mission goals; (3) past, present, or prospective business activity in the U.K., Ireland, or Europe; (4) diversity of company size, type, location, demographics and traditional under-representation in business. An applicant's partisan political activities (including political contributions) are irrelevant to the selection process.

Endorsements/Referrals

Third parties may nominate or endorse potential applicants, but companies that are nominated or endorsed must themselves submit an application in order to be eligible for consideration. Referrals from political organizations will not be considered.

Costs

The fee for the mission will be determined prior to the application deadline. The participation fee will not cover the participant's travel, lodging or other personal expenses.

Authority: 15 U.S.C. 1512.

Ellis R. Mottur,

Acting Assistant Secretary for Trade Development.

[FR Doc. 98–7329 Filed 3–18–98; 8:45 am]

BILLING CODE 3510–DA–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030598B]

Magnuson-Stevens Act Provisions; Atlantic Swordfish Fisheries; Exempted Fishing Permits (EFPs)

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

ACTION: Applications for EFPs; request for comments.

SUMMARY: NMFS announces a pilot program in which swordfish vessel owners can apply for an EFP if they have a vessel monitoring system (VMS) on board. If granted, these EFPs would authorize delayed offloading of Atlantic swordfish after the closure of the directed North Atlantic swordfish fishery, expected mid-April 1998.

DATES: Written comments on this program must be received on or before April 3, 1998. Applications for EFPs must be received at least 7 days prior to the North Atlantic swordfish fishery closure date (to be announced in the **Federal Register**).

ADDRESSES: Send comments to Rebecca Lent, Chief, Highly Migratory Species Management Division (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Informational materials concerning this pilot program and copies of the regulations to which exempted fishing permits are subject may also be requested from this address.

FOR FURTHER INFORMATION CONTACT: Jill Stevenson, 301–713–2347; fax: 301–713–1917.

SUPPLEMENTARY INFORMATION: These EFPs are authorized by the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and regulations at 50 CFR 600.745 concerning scientific research activity, exempted fishing, and exempted educational activity.

The National Marine Fisheries Service (NMFS) is providing all Atlantic swordfish permit holders the option of participating in a pilot program that would allow offloading following closures of the directed fishery in the North Atlantic Ocean. A letter was sent on January 23, 1998, to all swordfish permit holders announcing this pilot program and inviting interested persons to contact NMFS for further information. Permit holders who wish to take part in this voluntary program must purchase, install, and properly operate a Standard-C VMS on the vessel for which the special permit is issued following conditions prescribed by NMFS.

Based on a very limited response to this program to date, NMFS expects that this program will minimally affect the North Atlantic swordfish stock. The extra days of fishing that will result from this program, which allows EFP holders to fish up until the time of the closure and then offload at any time after, will be considered in estimating the closure date.

A final decision on issuance of EFPs will depend on the submission of all required information and on NMFS' review of public comments received on this notice and of any consultations with any appropriate Regional Fishery Management Councils, state, or Federal agencies.

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

Dated: March 13, 1998.

Bruce Morehead,

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

[FR Doc. 98–7157 Filed 3–18–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Meeting of the Public Advisory Committee for Trademark Affairs

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of meeting.

SUMMARY: The Patent and Trademark Office is announcing, in accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), an open meeting of the Public Advisory Committee for Trademark Affairs.

DATES: The meeting will be held from 10:00 a.m. until 4:00 p.m. on Monday, April 20, 1998.

ADDRESSES: The meeting will take place at the U.S. Patent and Trademark Office, 2121 Crystal Drive, Crystal Park 2, Room 912, Arlington, Virginia.

FOR MORE INFORMATION CONTACT: Sharon Marsh by mail marked to her attention and addressed to Office of the Assistant Commissioner for Trademarks, Patent and Trademark Office, 2900 Crystal Drive, South Tower Building, Suite 10B10, Arlington, VA 22202–3513; by telephone at (703) 308–9100, ext. 45; by fax at (703) 308–9395; or by e-mail to sharon.marsh@uspto.gov.

SUPPLEMENTARY INFORMATION: The meeting will be open to public observation. Accordingly, seating will be available to members of the public on a first-come-first-served basis. Members of the public will be permitted to make oral comments of three (3) minutes each. Written comments and suggestions will be accepted before or after the meeting on any of the matters discussed. Copies of the minutes will be available upon request. The agenda for the meeting is as follows:

(1) Current Trademark Office Performance
(2) Policy Issues
(3) TTAB Issues
(4) Finance
(5) Automation
(6) Domestic Legislation
(7) International Trademark Issues

Dated: March 12, 1998.

Bruce A. Lehman,

Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

[FR Doc. 98–7117 Filed 3–18–98; 8:45 am]

BILLING CODE 3510–16–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11:00 a.m., Friday, April 3, 1998.

PLACE: 1155 21st St. N.W., Washington, D.C. 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98–7214 Filed 3–16–98; 4:33 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11:00 a.m., Friday, April 10, 1998.

PLACE: 1155 21st St. N.W., Washington, D.C. 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98–7215 Filed 3–16–98; 4:33 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11:00 a.m., Friday, April 17, 1999.

PLACE: 1155 21st St. N.W., Washington, D.C. 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98–7216 Filed 3–16–98; 4:33 pm]

BILLING CODE 6315–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11.00 a.m., Friday, April 24, 1998.

PLACE: 1155 21st St. N.W., Washington, D.C. 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98–7217 Filed 3–16–98; 4:33 pm]

BILLING CODE 6315–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 2:00 p.m., Monday, April 6, 1998.

PLACE: 1155 21st St., NW., Washington, DC, 9th Fl., Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Adjudicatory Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98–7218 Filed 3–16–98; 8:45 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 2:00 p.m., Monday, April 13, 1998.

PLACE: 1155 21st St., NW., Washington, DC, 9th Fl., Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Adjudicatory Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98–7219 Filed 3–16–98; 4:33 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 2:00 p.m., Monday, April 20, 1998.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Fl., Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Adjudicatory Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, (202) 418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98–7220 Filed 3–16–98; 8:45 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 2:00 p.m., Monday, April 27, 1998.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Fl., Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Adjudicatory Matters.

CONTACT PERSON FOR FURTHER INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98–7221 Filed 3–16–98; 4:33 pm]

BILLING CODE 6351–01–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Proposed collection; comment request.

SUMMARY: The Deputy Chief Information Officer, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before May 18, 1998.

ADDRESSES: Written comments and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U. S. C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Deputy Chief Information Officer, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department, (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate, (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: March 13, 1998.

Gloria Parker,

Deputy Chief Information Officer, Office of the Chief Information Officer.

Office of the Under Secretary

Type of Review: New.

Title: National Longitudinal Survey of Schools (NLSS).

Frequency: Annually.

Affected Public: State, local or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 12,460

Burden Hours: 7,845

Abstract: This study is being conducted to support the legislative requirements in P.L. 103–382, Section 1501 to assess the implementation of Title I and education reform. It will examine principals' and teachers' understanding and implementation of standards-based reform and the new provisions of Title I. Information on schools serving significant proportions of migrant, limited-English proficient (LEP), or Native American students, and schools that have been identified as in need of improvement will also be gathered.

[FR Doc. 98–7094 Filed 3–18–98; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Notice of Intent to Conduct Policy Analysis; Request for Public Comment

AGENCY: Department of Energy.

ACTION: Notice of intent to conduct policy analysis; request for public comment.

SUMMARY: Prior to 1979, the United States Department of Energy (''DOE'') routinely used commercial facilities for the disposal of its low-level radioactive waste (''LLW'') and mixed low-level radioactive waste (''MLLW''). In 1979, DOE decided to rely primarily on its own facilities for the disposal of these wastes, with only limited use of commercial facilities. While DOE still relies primarily upon its own facilities for the disposal of its LLW and MLLW, in recent years the Department's use of commercial disposal facilities has increased, and in the future greater use of commercial disposal facilities may occur as DOE proceeds with the cleanup of its sites. These developments have generated increased interest in the private sector in competing for DOE's LLW and MLLW disposal business. The Department is interested in encouraging competition for this business.

DOE has received two proposals from private entities for establishing LLW and MLLW disposal facilities at existing hazardous waste disposal sites. Neither of these proposals involves the establishment of a disposal facility pursuant to the Low-Level Radioactive Waste Policy Act. One proposal would have DOE regulate a commercial waste disposal facility through a disposal contract with the facility owner. The other proposal would have DOE pay for some or all of a commercial facility's maintenance before any LLW or MLLW is accepted, and would have DOE pay for the costs associated with obtaining licenses and appropriate regulatory approvals for the facility from the state in which the facility is located.

These proposals have prompted the Department to conduct an analysis of its policy regarding the disposal of LLW and MLLW at commercial facilities. As part of this analysis, the Department solicits comments from the public and interested organizations regarding its use of commercial disposal options for LLW and MLLW. The goal of this policy analysis is to assist the Department in determining whether to continue its use of existing, licensed commercial disposal facilities, pursue disposal options represented by either or both of these proposals, or in other respects change its policies or practices relating to the use of commercial facilities for the disposal of LLW and MLLW.

DATES: Comments are due by May 18, 1998. DOE will consider comments received by this date in its analysis of the commercial disposal of LLW and MLLW. Comments received after this date will be considered to the extent practicable.

ADDRESSES: The Department of Energy invites interested states, agencies, organizations, and the general public to comment on its use of existing, licensed commercial disposal facilities, the options represented by the proposals from Waste Control Specialists, LLC of Texas (''WCS'') and Laidlaw Environmental Services, Inc., of Colorado (''Laidlaw'') as described herein or on other aspects of the Department's policies or practices regarding the disposal of LLW and MLLW at commercial facilities. Written comments should be sent to: Mr. Jay Rhoderick, United States Department of

Energy, EM–35, 19901 Germantown Road, Germantown, MD 20874–1290.

Persons wanting to provide oral comments should call 1–800–635–4080.

FOR FURTHER INFORMATION CONTACT: Mr. Jay Rhoderick, United States Department of Energy, EM–35, 19901 Germantown Road, Germantown, MD 20874–1290, (301) 903–7174.

SUPPLEMENTARY INFORMATION: Prior to 1979, DOE routinely used commercial facilities to dispose of its low-level radioactive waste and mixed low-level radioactive waste (waste that is both low-level radioactive waste and hazardous waste). Between 1975 and 1978, three of the six then-existing commercial facilities ceased operation. In addition, concerns were raised regarding the continued operation of the remaining three commercial disposal facilities. In 1979, DOE adopted a policy of disposing of its LLW and MLLW at its own sites to ensure uninterrupted disposal capabilities for its needs, while utilizing commercial facilities only on a case-by-case basis.

DOE's current policy concerning the disposal of LLW and MLLW is stated in DOE Order 5820.2A, Radioactive Waste Management (September 26, 1988). This Order provides that LLW and MLLW ''shall be disposed of on the site at which it is generated, if practical, or if on-site disposal capability is not available, at another DOE disposal facility.'' Pursuant to this Order, the Department must dispose of these wastes at a DOE facility unless an exemption is granted for disposal at a commercial facility. DOE may approve exemptions from this policy for ''[n]ew or alternate waste management practices that are based on appropriate documented safety, health protection, and economic analyses.'' Where an exemption is sought, the Department's policy requires that the proposed commercial disposal facility comply with all applicable Federal, state and local requirements, and that it have all of the necessary permits, licenses and approvals for disposal of the specific wastes involved, including a license to dispose of LLW and MLLW issued by the Nuclear Regulatory Commission (''NRC'') or by an Agreement State.[1] The actual selection of a commercial facility for the disposal of DOE LLW and MLLW occurs in accordance with Federal procurement law. In addition, the state and state compact (as defined in the Low Level Radioactive Waste Policy Act) in which the commercial facility is located must be consulted before approval of the exemption and must be notified prior to the shipment of any waste. Exemptions allowing for the use of licensed, commercial facilities for the disposal of LLW and MLLW have been granted on a case-by-case basis.

Since the 1950's, DOE has disposed of approximately 3 million cubic meters of LLW from its weapons production activities in disposal facilities located at DOE sites and has sent approximately 200,000 cubic meters of such waste to commercial disposal facilities. DOE has disposed of approximately 40,000 cubic meters of MLLW from its weapons production activities primarily at commercial facilities. DOE's environmental restoration (cleanup) activities have increased significantly since the late 1980's. To date, the disposal of LLW and MLLW from DOE's environmental restoration activities has amounted to approximately 1.2 million cubic meters. Of this amount, approximately 250,000 cubic meters of high-volume low-activity environmental restoration waste have been disposed of at commercial facilities. Thus far, the commercial disposal of nearly all of this LLW and MLLW has occurred at one facility, Envirocare of Utah, Inc., (''Envirocare''). The Envirocare facility was licensed to dispose of LLW and MLLW by the State of Utah under the State's agreement with the NRC. DOE projects that future waste management and environmental restoration activities will generate approximately 31 million cubic meters of LLW and MLLW. The Department expects to dispose of the large majority of these wastes at DOE facilities. DOE projects, however, that of this 31 million cubic meters of LLW and MLLW, approximately two million cubic meters may be susceptible to disposal at commercial facilities under DOE's current policy.

WCS owns and operates a hazardous waste disposal facility in Andrews County, Texas. WCS has proposed to expand its business to include disposal of DOE LLW and MLLW. The State of Texas has authority to regulate certain activities involving radioactive materials, including the disposal of LLW, pursuant to an agreement with the NRC. Pursuant to that agreement, the State of Texas has licensed WCS to store, process and treat LLW and MLLW. Under Texas law, however, a radioactive waste disposal license may be issued only to a ''public entity'' specifically authorized by law for radioactive waste disposal. Because WCS is not a ''public entity,'' it is precluded from obtaining a license for radioactive waste disposal services from the State of Texas.

In an attempt to overcome this impediment, WCS submitted a proposal to DOE under which it believes it could dispose of DOE LLW and MLLW in Texas without a state license. Under the WCS proposal, the facility would operate under contract with DOE, would be regulated by DOE exercising its authority under the Atomic Energy Act of 1954, and would accept radioactive wastes only from DOE. The proposal further suggested that DOE would perform its regulatory role through a contract with an entity or group of entities with nuclear engineering and environmental expertise. At the end of the operational phase of the facility, title maintained by WCS would be transferred without cost to the Federal government or at the State's option to the State of Texas.[2]

Laidlaw owns and operates an existing commercial hazardous waste disposal facility, Deer Trail, 70 miles east of Denver. Laidlaw is also exploring the potential of expanding its services to include the disposal of DOE LLW and MLLW, specifically from DOE's Rocky Flats Environmental Technology Site. Laidlaw's Deer Trail Facility is currently not licensed to accept LLW and MLLW for disposal. Like Texas, the State of Colorado regulates certain activities involving radioactive materials, including disposal, through an agreement with the NRC. Unlike Texas, however, Colorado does not restrict the ownership of such disposal facilities to ''public entities.''

Laidlaw's proposal is divided into two phases. Phase I would obligate the payment of Federal funds to Laidlaw in an amount that would pay for Laidlaw to maintain the facility in a condition ready to receive the waste, and reimburse Laidlaw for its expenses related to obtaining the necessary state licenses and permits to dispose of LLW and MLLW. (DOE could terminate Phase I by appropriate notice to Laidlaw at any

[1] The NRC may relinquish to states, by agreement, its authority to license and regulate certain activities, including LLW disposal facilities, as long as the state's standards to protect the public health and safety and the environment are equivalent to or more stringent than the NRC's corresponding standards. *See* 42 U.S.C. 2021(b), (d)(1), and (o)(2).

[2] WCS has filed suit against the Department in connection with its proposal. See *Waste Control Specialists, LLC* v. *United States Department of Energy, et al,* Civil Action No. 3:CV–93–1201–P (N.D. Texas 1997), appeal pending No. 97–11353 (5th Cir.). In this case, the district court entered orders granting WCS's motion for a preliminary injunction and denying the Department's motion to dismiss. The injunction has effectively prevented DOE from proceeding with the procurement of commercial disposal services for LLW and MLLW. The United States Court of Appeals for the Fifth Circuit granted the Department's request for expedited appeal from the injunction. Sixteen states have asked the appeals court for leave to file an amicus brief arguing that DOE's adoption of the WCS proposal is legally proscribed. Accordingly, the Department's policy analysis could be affected by, and may have to await the resolution of, this litigation.

time prior to the commencement of Phase II.) In exchange, Laidlaw would be obligated to construct an appropriate disposal cell at its facility to receive LLW and MLLW and commit to proceed with Phase II. Phase II would include the actual shipment of wastes to the Deer Trail Facility.

Comments are invited on the Department's current policy regarding the disposal of LLW and MLLW at existing, licensed commercial facilities under DOE Order 5820.2A, and on the options illustrated by the WCS proposal and the Laidlaw proposal, to assist the Department in determining whether to continue or change its existing policies related to the use of commercial facilities for the disposal of LLW and MLLW. The Department is particularly interested in receiving comments on other types of options it should consider in formulating future policies for the disposal of LLW and MLLW. If the Department's policy analysis results in a proposal that would require the preparation of an environmental analysis pursuant to the National Environmental Policy Act, an appropriate analysis will be prepared.

Dated: March 13, 1998.

James M. Owendoff,

Acting Assistant Secretary for Environmental Management.

[FR Doc. 98–7155 Filed 3–18–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Hanford Site

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EMSSAB), Hanford Site

DATES: Thursday, April 2, 1998: 9:00 a.m.–5:00 p.m.; Friday, April 3, 1998: 8:30 a.m.–4:30 p.m.

ADDRESSES: Cavanaugh's, 1101 N. Columbia Center Boulevard, Kennewick, Washington, 1–800–843–4667.

FOR FURTHER INFORMATION CONTACT: Gail McClure, Public Involvement Program Manager, Department of Energy Richland Operations Office, P.O. Box 550 (A7–75), Richland, WA, 99352; Ph: (509) 373–5647; Fax: (509) 376–1563.

SUPPLEMENTARY INFORMATION:

Purpose of the Board

The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

The Board will receive information on and discuss issues related to Spent Nuclear Fuel and the FY 2000 Draft Hanford Budget. The Board will also receive updates on the N-Area Remediation, Accelerating Cleanup: Paths to Closure, the FY 1997 Performance Measures and FY 1998 Performance Agreements, and the Board Progress Report.

Public Participation

The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Gail McClure's office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments near the beginning of the meeting. This notice is being published less than 15 days in advance of the meeting due to programmatic issues that needed to be resolved.

Minutes

The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available by writing to Gail McClure, Department of Energy Richland Operations Office, P.O. Box 550, Richland, WA 99352, or by calling him at (509) 376–9628.

Issued at Washington, DC on March 13, 1998.

Althea T. Vanzego,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 98–7154 Filed 3–18–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–158–000]

Arkansas Gas Consumers v. NorAm Gas Transmission Company; Notice of Complaint

March 13, 1998.

Take notice that on March 11, 1998, pursuant to Rule 206 of the Commission's Rules of Practice and Procedure, 18 CFR 385.206, the Arkansas Gas Consumers (AGC) tendered for filing a complaint against NorAm Gas Transmission Company (NorAm). AGC alleges that NorAm plans to increase the number of pooling zones on its system from 5 to 10 effective April 1, 1998, and that it intends to do so without filing to revise its tariff. AGC contends that this proposal is unreasonable, and absent tariff authority, is a violation of the Natural Gas Act.

AGC also contends that if NorAm implements its proposal pool operators will suffer decreased flexibility and restricted balancing ability. AGC further contends that the increase in the number of pooling zones will decrease pool operators' ability to aggregate small shippers' supplies into bundles large enough for sale. AGC argues that this will benefit NorAm's marketing affiliate, and that this is the real purpose underlying the proposal. AGC contends that, even without the proposed change, pooling on NorAm's system is improper and contributes to what AGC contends is a discriminatory NorAm discounting policy.

Any person desiring to be heard or protest with respect to said complaint shall file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions and protests must be filed on or before March 27, 1998. All protests filed with the Commission will be considered in determining the appropriate course of action to be taken, but will not serve to make a protestant a party to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are available for public inspection in the

Public Reference Room. Answers to this complaint are due March 27, 1998.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–7085 Filed 3–18–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–271–000]

K N Wattenberg Transmission Limited Liability Company; Complainant, v. Public Service Company of Colorado, Colorado Interstate Gas Company, Coastal Natural Gas Company, Wyoming Interstate Gas Company, New Century Energies, Inc., NCE/CIG Facilities Company LLC, NC Enterprises, Inc., WYCO Development, LLC, WYCO Capacity, LLC, Respondent; Notice of Complaint, Motion for Order To Show Cause and Request for Investigation

March 13, 1998.

Take notice that on March 9, 1998, K N Wattenberg Transmission Limited Liability Company (K N Wattenburg), P.O. Box 281304, Lakewood, Colorado 80228–8304, filed a complaint, motion to show cause and a request for investigation in Docket No. CP98–271–000 pursuant to Rules 206, 209 and 212 of the Commission's Rules of Practice and Procedure. K N Wattenberg has filed this complaint requesting that the Commission issue an order requiring Public Service Company of Colorado (PSCo), Colorado Interstate Gas Company (CIG) and their affiliated companies named above to show cause why they should not be required to file under Section 7 of the Natural Gas Act (NGA) for authorization to construct and operate as a single jurisdictional pipeline the facilities which are currently the subject of the applications before the Commission in Docket No. CP98–128–000 and before the Colorado Public Utilities Commission, all as more fully set forth in the complaint which is on file with the Commission and open to public inspection.

Specifically, K N Wattenberg complains that PSCo and CIG have formed an anticompetitive alliance to finance, construct and operate an interstate pipeline project to compete against its Front Runner pipeline project, proposed in Docket No. CP98–49–000, which will follow virtually the identical route, provide service to the same markets and will deliver gas from the same source to those markets. K N Wattenberg adds that neither PSCo nor CIG has requested nor obtained section 7 authorization from the Commission to construct and operate their interstate pipeline project. Instead, alleges K N Wattenberg, both parties are blatantly attempting through the use of their affiliates and a complex series of interrelated, and newly-created, jointly-owned companies, to unlawfully evade the Commission's exclusive jurisdiction under the NGA.

Any person desiring to be heard or to make any protest with reference to this complaint should, on or before April 13, 1998, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC, 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Answers to the complaint shall be due on or before April 13, 1998.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–7083 Filed 3–18–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. MG98–8–000]

Tuscarora Gas Transmission Company; Notice of Filing

March 13, 1998.

Take notice that on March 9, 1998, Tuscarora Gas Transmission Company (Tuscarora) filed a ''Petition for Declaratory Order and Request for Waiver.'' Tuscarora seeks an order declaring that it is not subject to the Commission's marketing affiliate regulations promulgated in Order Nos. 497 *et seq.* [1] and Order Nos. 566, *et seq.* [2] In the alternative, Tuscarora requests a waiver of the marketing affiliate regulations.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions to intervene or protest should be filed on or before March 30, 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. 98–7082 Filed 3–18–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Intent To File an Application for a Non Power License

March 13, 1998.

a. *Type of filing:* Notice of Intent to File an Application for a Non Power License.

[1] Order No. 497, 53 FR 22139 (June 14, 1988), FERC Stats. & Regs. 1986–1990 ¶ 30,820 (1988); Order No. 497–A, *order on rehearing,* 54 FR 52781 (December 22, 1989), FERC Stats. & Regs. 1986–1990 ¶ 30,868 (1989); Order No. 497–B, *order extending sunset date,* 55 FR 53291 (December 28, 1990), FERC Stats. & Regs. 1986–1990 ¶ 30,908 (1990); Order No. 497–C, *order extending sunset date,* 57 FR 9 (January 2, 1992), FERC Stats. & Regs. 1991–1996 ¶ 30,934 (1991), rehearing denied, 57 FR 5815 (February 18, 1992), 58 FERC ¶ 61,139 (1992); Tenneco Gas v. FERC (affirmed in part and remanded in part), 969 F. 2d 1187 (D.C. Cir. 1992), Order No. 497–D, *order on remand and extending sunset date,* 57 FR 58978 (December 14, 1992), FERC Stats. & Regs. 1991–1996 ¶ 30,958 (December 4, 1992); Order No. 497–E, *order on rehearing and extending sunset date,* 59 FR 243 (January 4, 1994), FERC Stats. & Regs. 1991–1996 ¶ 30,987 (December 23, 1993); Order No. 497–F, *order denying rehearing and granting clarification,* 59 FR 15336 (April 1, 1994), 66 FERC ¶ 61,347 (March 24, 1994); and Order No. 497–G, *order extending sunset date,* 59 FR 3284 (June 26, 1994), FERC Stats. & Regs. 1991–1996 ¶ 30,996 (June 17, 1994).

[2] Standards of Conduct and Reporting Requirements for Transportation and Affiliate Transactions, Order No. 566, 59 FR 32885 (June 27, 1994), FERC Stats. & Regs. 1991–1996 ¶ 30,997 (June 17, 1994); Order No. 566–A, *order on rehearing,* 59 FR 52896 (October 20, 1994), 69 FERC ¶ 61,044 (October 14, 1994); Order No. 566–B, *order on rehearing,* 59 FR 65707 (December 21, 1994), 69 FERC ¶ 61,334 (December 14, 1994).

b. *Project No.:* 2852.

c. *Date filed:* February 24, 1998.

d. *Submitted By:* New York State Electric & Gas Corporation, current licensee.

e. *Name of Project:* Keuka Hydroelectric Project.

f. *Location:* On Keuka Lake, Waneta Lake, Lamoka Lake, and Mud Creek, in Steuben and Schuyler Counties, New York.

g. *Filed Pursuant to:* Section 15 of the Federal Power Act, 18 CFR 16.6 of the Commission's regulations.

h. *Effective date of current license:* April 1, 1962.

i. *Expiration date of current license:* February 28, 2003.

j. *The project consists of:* (1) a 183-foot-long and 13-foot-high Bradford dam; (2) a 74,000 acre-foot reservoir comprising the Waneta and Lamoka Lakes; (3) a 9,288-foot-long canal; (4) a 3,600-foot-long, 54-inch-diameter penstock; (5) a 835-foot-long, 42-inch-diameter penstock; (6) a powerhouse containing a single 2,000-kW generating unit; and (7) appurtenant facilities.

k. *Pursuant to 18 CFR 16.7, information on the project is available at:* New York State Electric & Gas Corporation, Corporate Drive, Kirkwood Industrial Park, Kirkwood, NY 13795, Attn: Carol Howland, (607) 762–8881.

l. *FERC contact:* Tom Dean (202) 219–2778.

m. Pursuant to 18 CFR 16.9 each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by February 28, 2001.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–7081 Filed 3–18–98; 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 the License Are Appropriate

March 13, 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:* 2183–017.

c. *License Issued:* June 1, 1955.

d. *Licensee:* Grant River Dam Authority.

e. *Name of Project:* Markham Ferry Project.

f. Location: Grand (Neosho) River in Mayes County, Oklahoma.

g. *Authorization:* Section 10(a)(1) of the Federal Power Act and Article 41 of the License.

h. *Licensee Contact:* Mr. Robert W. Sullivan, Jr., Assistant General Manager, Grand River Dam Authority, P.O. Box 409, Vinita, OK 74301, (918) 256–5545.

i. *FERC Contact:* Jon Cofrancesco, (202) 219–0079.

j. *Comment Date:* April 27, 1998.

k. *Description of Proceeding:* The Commission has begun a proceeding to determine if reserved authority in article 41 of the license should be used to require a boat launch facility in the tailwater area below Markham Ferry Project's Kerr dam. The proceeding is in response to concerns raised by private citizens, and other entities about the removal of a haul road in the subject area that was used as an informal boat launching ramp. The concerned parties support the reestablishment of boat access to the tailwater area. The Commission has determined that a boat launch facility in the tailwater area is needed, could be operated in a safe manner, and would enhance public fishing opportunities.

The Commission staff prepared an analysis evaluating the need and feasibility of a boat launch facility in the tailwater area of Kerr dam. A copy of this analysis can be obtained by calling the Commission's public reference room at (202) 208–1371.

1. This notice also consists of the following standards 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'', ''PROTESTS'', 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, N.E., Washington, D.C. 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. 98–7086 Filed 3–18–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Meeting

March 13, 1998.

On March 26, 1998, at 10:00 a.m. in Room 10A–07, Commission staff will meet with representatives of the North American Reliability Council (NERC), to discuss matters related to NERC's draft Transmission Line Loading Relief procedures.

Any person interested in attending may contact Donald LeKang at 202–208–1156 for further information.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–7084 Filed 3–18–98; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5983–8]

Notice of Renewal of the Environmental Financial Advisory Board (EFAB)

AGENCY: Environmental Protection Agency.

ACTION: Notice.

The Environmental Protection Agency's (EPA) Environmental Financial Advisory Board (EFAB) has been renewed for a two-year period, as a necessary committee which is in the public interest, in accordance with the provisions of the Federal Advisory Committee Act (FACA). The purpose of EFAB is to provide authoritative analysis and advice to the EPA Administrator regarding environmental finance issues to assist EPA in carrying out its environmental mandates. EFAB will strive to increase the total investment in environmental protection by facilitating greater leverage of public and private environmental resources.

Dated: March 9, 1998.

Michael W.S. Ryan,

Comproller.

[FR Doc. 98–7138 Filed 3–18–98; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[PF–797; FRL–5776–7]

Notice of Filing of Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of pesticide petitions proposing the establishment of regulations for residues of certain pesticide chemicals in or on various agricultural commodities.

DATES: Comments, identified by the docket control number PF–797, must be received on or before April 20, 1998.

ADDRESSES: By mail submit written comments to: Information and Records Integrity Branch, Public Information and Services Divison (7502C), Office of Pesticides Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person bring comments to: Rm. 119, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by following the instructions under ''SUPPLEMENTARY INFORMATION.'' No confidential business information should be submitted through e-mail.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). CBI should not be submitted through e-mail. Information marked as CBI 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 legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: James A. Tompkins, Product Manager (PM) 25, Registration Division, (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 239, 1921 Jefferson Davis Hwy., Arlington, VA., (703) 305–5697; e-mail: Tompkins.jim@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA has received pesticide petitions as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemicals in or on various raw agricultural commodities under section 408 of the Federal Food, Drug, and Comestic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that these petitions contain data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports grantinig of the petition. Additional data may be needed before EPA rules on the petition.

The official record for this notice, as well as the public version, has been established for this notice of filing under docket control number PF–797 (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 5.1/6.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket control number PF–797 and appropriate petition number. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

Authority: 21 U.S.C. 346a.

List of Subjects

Environmental protection, Agricultural commodities, Food additives, Feed additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 3, 1998.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Summaries of Petitions

E.I. du Pont de Nemours & Company, Agricultural Products

PP 3F4215

EPA has received a pesticide petition (PP 3F4215) from E.I. du Pont de Nemours & Company, Agricultural Products, P.O. Box 80038, Wilmington, DE 19880–0038, proposing pursuant to section 408(d) of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of metsulfuron methyl (methyl-2-[[[[(4-methoxy-6-methyl-1–3, 5-triazin-2-yl)amino]carbonyl] amino]sulfonyl]benzoate) in or on the raw agricultural commodities sorghum grain at 0.1 parts per million (ppm), sorghum forage at 0.2 ppm, and sorghum fodder at 0.2 ppm. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism*. The qualitative nature of the residues of metsulfuron methyl is adequately understood. Metabolism studies conducted with radioactive 14C-metsulfuron methyl on wheat and barley under field conditions and on wheat under greenhouse conditions showed that residues dissipate rapidly in plants, primarily due to growth dilution. In these metabolism studies conducted at exaggerated rates, wheat and barley grain did not contain any detectable level of metsulfuron methyl or its metabolites (<0.01 mg/kg). Residues of individual metabolites were very low in straw in studies conducted at 35 g a.i./ha (0.5 oz a.i./acre, <0.01 to 0.02 mg/kg). The only situation where residues of an

individual substance was detected in straw above 0.1 mg/kg was under greenhouse conditions at 70 g a.i./ha (1 oz a.i./acre), (8 X maximum recommended rate), metsulfuron methyl residue level measured in straw at maturity was 0.44 mg/kg (other individual metabolites were below 0.1 mg/kg).

The initial step of the metabolic breakdown of metsulfuron methyl involves either hydroxylation of the phenyl ring and subsequent conjugation with glucose or cleavage of the sulfonylurea bridge. The latter process results in triazine amine derivatives from one side of the molecule and sulfonamide derivatives from the other side, which may further evolve to saccharin through cyclization.

Plant/animal comparative metabolism showed two plant unique metabolites (4-hydroxy metsulfuron methyl and its glucose conjugate). However they do not occur at detectable levels (< 0.01 mg/kg) in cereal grain, even at exaggerated rates of application. For this reason they were not subject to any testing and were not of concern for the purpose of establishing the proposed tolerance.

Based on the absence of detectable residue in food commodities (wheat and barley grain) and on the expected low residue levels of individual substances in feed items (straw) under normal use conditions, and the Residue Chemistry Guidelines (OPPTS 860–1300, D, ii) which states that; one metabolism study will be required for each of the crop groups defined in CFR 40 180.34(f) except for herbs and spices, a plant metabolism study in grain sorghum was not required.

A confined crop rotation study was conducted using sugar beets, oats, rape and soybeans as following crops, an application rate of 16 g a.i./ha, (0.23 oz a.i./acre), (2 × the maximum recommended rate) and a 120–day treatment-to-planting interval. A field crop rotation study was also conducted using oats, rape, sorghum and soybean as following crops, a 30 g a.s./ha, (0.86 oz a.i./acre), application rate and a 1-year treatment-to-planting interval. Residues of metsulfuron methyl or its degradation products were not detected in any edible crop commodities (<0.01 mg/kg), suggesting that use of metsulfuron methyl should not expose consumers to detectable residues in food through following crops.

2. *Analytical method*. The quantification of metsulfuron methyl is by HPLC/UV (high performance liquid chromatography/ultra violet) utilizing eluent and column switching with UV absorbance detection at 254 nm. The LOQ (limits of quantitation) of the analytical method for sorghum is 0.10 ppm for metsulfuron methyl and its metabolite (4-hydroxy metsulfuron methyl) in grain and fodder, 0.050 ppm for metsulfuron methyl and its metabolite in forage, 0.070 ppm for the glucose conjugate metabolite in grain and forage, and 0.14 ppm for the glucose conjugate metabolite in fodder. The LOQ of the analytical method for metsulfuron methyl and its metabolite in wheat and barley is 0.05 ppm for wheat/barley forage or grain and 0.10 ppm for wheat/barley straw.

3.—a. *Magnitude of residues*. The results of an analyses of sorghum grain, fodder and stover (at seed maturity), forage and hay (30 days), after application of metsulfuron methyl at the maximum proposed label rate and twice the rate, show that all residues of metsulfuron methyl and its metabolites (4-hydroxy metsulfuron methyl and its glucose conjugate) were below the limit of quantitation (0.05 or 0.1 ppm).

b. *Magnitude of residues in processed commodities*. Sorghum was field treated with metsulfuron methyl at exaggerated rates and samples were analyzed for metsulfuron methyl and its metabolites in bran, large grits, small grits, flour, grain dust, starch and gluten. All residues of metsulfuron methyl and it's metabolites in sorghum seeds and its processed fractions were below the limit of quantitation (<0.02–0.05 ppm).

B. Toxicological Profile

1. *Acute toxicity*. Based on EPA criteria, technical metsulfuron methyl is in acute toxicity Category IV for oral and inhalation routes of exposure and for dermal irritation and Category III for the dermal route of exposure and for eye irritation. It is not a skin sensitizer.

Acute oral toxicity in rats LD50>5000 mg/kg

Acute dermal toxicity in rabbits LD50>2000 mg/kg

Acute inhalation toxicity in rats LD50>5.0 mg/L

Primary eye irritation in rabbits Effects reversed within 72 hours.

Primary dermal irritation in rabbits No irritation observed.

Dermal sensitization in guinea pigs Non-sensitizer.

2. *Genotoxicty*. Metsulfuron methyl has shown no genotoxic activity in the following listed *in-vitro* and *in-vivo* tests, except for *in-vitro* chromosomal aberration (CHO):

Ames Negative

Mammalian gene mutation (CHO/HGPRT) Negative

Unscheduled DNA synthesis Negative

In-vivo bone marrow cytogenetics Negative

In-vivo mouse micronucleus Negative

In-vitro chromosomal aberration (CHO) Positive

Metsulfuron methyl was only positive at concentrations > 1,000 mg/L in an *in vitro* test for induction of chromosome aberrations in Chinese Hamster Ovary cells. *In vivo* studies included the assessment of chromosome aberrations by metaphase analysis in bone marrow of male and female rats and the evaluation of micronuclei in bone marrow polychromatic erythrocytes of male and female mice. The results of both studies were negative when exposures were conducted up to 5,000 mg/kg. The fact that no effects were observed in the more definitive *in vivo* tests and considering the negative results in all other genotoxicity studies, the weight-of-evidence indicates that metsulfuron methyl is neither genotoxic nor mutagenic.

3. *Reproductive and developmental toxicity*. The results of a series of studies indicated that there were no reproductive, developmental or teratogenic hazards associated with the use of metsulfuron methyl. In a rat multigeneration reproduction study, reduced parental body weights were observed for both generations at the highest dose tested, 5,000 ppm. There were no effects on fertility, lactation, litter size or pup survival. The NOEL was 500 ppm (or 34 to 43 mg/kg bw/day).

In studies conducted to evaluate developmental toxicity potential, metsulfuron methyl was neither teratogenic nor uniquely toxic to the conceptus (i.e., not considered a developmental toxin). In the rat study, maternal toxicity, presented as reduced food consumption and body weight gain, was observed at 250 mg/kg bw and above. The systemic NOEL for the dams was 40 mg/kg/day. There were no effects on the conceptus at the highest dose tested, 1,000 mg/kg/day. Therefore, the fetal NOEL for rats is greater than 1000 mg/kg/day. In the rabbit developmental toxicity study, maternal mortality, reduced food consumption, and reduced body weights were observed at or above 100 mg/kg bw. The NOEL for maternal toxicity in rabbits was 25 mg/kg, based on maternal mortality and body weight decreases. Impact on the fetuses was minimum at these maternally toxic doses and was characterized only by a non-statistically significant trend in incomplete ossification of frontal bones at 100 and 300 mg/kg bw and above. The NOEL for fetal toxicity in rabbits was >700 mg/kg, the highest dose tested.

4. *Subchronic toxicity*. Repeated dietary exposures to metsulfuron methyl presented low toxicity manifested as reduced food consumption and body weight gain in the rat and the dog. There were no adverse effects observed in mice in subchronic studies at the highest dose tested, 5,000 ppm. The NOEL for subchronic exposure in mice was >5000 ppm (814 and 944 mg/kg/day, M/F). The rat was the most sensitive species tested in subchronic toxicity studies. The NOEL was 1,000 ppm (68 and 84 mg/kg/day for males amd females respectively) based on decreased body weights, body weight gains, and total serum protein in females, and decreased relative liver weights in males exposed at 7,500 ppm. In a 90–day feeding study in dogs, the NOEL was 5,000 ppm (134 and 129 mg/kg/day, M/F), the highest dose tested.

A 21–day dermal study was conducted in rabbits at 0, 125, 500 or 2,000 mg/kg/day. The NOEL was 125 mg/kg/day based on dermal effects at the application site; the NOEL for systemic toxicity was 2,000 mg/kg/day.

5. *Chronic toxicity*. Chronic Toxicity studies of metsulfuron methyl resulted in only minimal effects in the rat, mouse, or dog. Metsulfuron methyl was not oncogenic in the chronic rat and mouse bioassays.

A 1–year feeding study in dogs, the NOEL for chronic toxicity in beagle dogs was 500 ppm (or 13 mg/kg/day) and 5,000 ppm (or 127 mg/kg/day) in male and female dogs, respectively. Metsulfuron methyl produced minimal toxicity after 12 months administration to male beagle dogs, manifested as minimal interference with normal nutrition by decreasing food consumption toward the end of 1 year. This minimal interference was not considered adverse since it did not cause changes in body weights or body weight gains.

In an 18–month study in mice, the NOEL was 5,000 ppm (666 and 836 mg/kg/day for males and females, respectively), the highest dose tested. Metsulfuron methyl is not an oncogen in this study.

A 2–year combined chronic toxicity and oncogenicity study in rats, the NOEL was 500 ppm (or 23 and 30 mg/kg/day for males and females, respectively). Metsulfuron methyl was not oncogenic in rats nor was target organ toxicity evident after two years administration. Chronic toxicity was manifested as minimal interference with normal nutrition and subsequent decreases in body weight gain that were more pronounced during the early growth phase of the animals life span and became less evident toward the end of the study.

6. *Animal metabolism*. The metabolism of metsulfuron methyl in animals (rat, hen and goat) is adequately understood and similar among the species evaluated. The rat metabolism and disposition data indicated rapid absorption, metabolism and elimination. In the rat, approximately 90% of the administered dose of metsulfuron methyl was excreted in the feces and urine within 72 hours. The biological half-lives were 9–16 hours for low-dose groups and 23–29 hours for high-dose groups. The major pathway was breakdown of the urea bridge to give rise to either aminosulfonyl benzoate or sulfonamide and the triazine amine derivative. The secondary biotransformation pathway was demethylation of aminosulfonyl benzoate to form saccharin. Preconditioning with low-dose exposures did not affect the metabolism of metsulfuron methyl. There was no evidence of accumulation of metsulfuron methyl or its metabolites in any organ or tissue. A significant portion (85–95%) of the recovered radioactivity from urine, feces and tissues was intact metsulfuron methyl. There were two major plant specific metabolites identified, that were not detected in the rat. However, in residue studies, no detectable residues of parent or major plant unique metabolites, were found in the feed and food items of cereal crops treated at the maximum seasonal use rate. Hence, toxicity testing of other degradation products of metsulfuron methyl was not needed.

Results from a metabolism study with two radioactive forms of metsulfuron methyl, (14C-Phenyl and 14C-Triazine) in the laying hens show that virtually all the radioactivity was eliminated in the excreta. The total radioactivity in edibale tissues and eggs represented </=0.2% of the total radioactivity administered for either radiolabel. Parent metsulfuron methyl was excreted largely unchanged, and a minor portion is metabolized to o- desmethyl metsulfuron methyl.

The fate of metsulfuron methyl and its metabolite was investigated in the lactating goat. Metsulfuron methyl and the metabolite were eliminated mostly in the urine and feces. Traces of radioactivity were found in some tissues and in milk (0.008–0.009%) of the parent and no radioactivity of the metabolite was detected in the milk or any organ or tissue sample.

In a cattle feeding study, metsulfuron methyl was rapidly excreted in the urine and feces of the treated cows. Less than 0.1% of the daily dose was excreted in the milk as metsulfuron methyl and <10% of the metsulfuron methyl residue level was found as the glucoronide conjugate. Residues (<0.1 ppm) were found in the kidney of cows slaughtered 12 hours after treatment stopped but not in cows slaughtered a week later.

Tolerances for metsulfuron methyl in fat (0.1 ppm), meat (0.1 ppm), meat by products (0.1 ppm), and kidney (0.5 ppm) of cattle, goats, hogs, horses and sheep, and a tolerance of 0.05 ppm in milk have been posted in 40CFR 180.428.

7. *Metabolite toxicology*. There is no evidence that the metabolites of metsulfuron methyl as identified in either the plant or animal metabolism studies are of any toxicological significance.

8. *Endocrine disruption*. No special studies investigating potential estrogenic or other endocrine effects of metsulfuron methyl have been conducted. However, the standard battery of required toxicology studies has been completed. These include an evaluation of the potential effects on reproduction and development, and an evaluation of the pathology of the endocrine organs following repeated or long-term exposure to doses that far exceed likely human exposures. Based on these studies there is no evidence to suggest that metsulfuron methyl has an adverse effect on the endocrine system.

C. Aggregate Exposure

1. *Dietary exposure*. Tolerances have been established (40 CFR 180.428) for the residues of metsulfuron methyl in or on various food commodities ranging from 0.05 ppm in milk to 0.5 in kidney. There are no potential sources of exposure of the general population to residues of metsulfuron methyl from drinking water or non-occupational sources such as in door and out door residential uses. There are no in door or out door residential uses registered for metsulfuron methyl. There are no acute dietary exposure or cancer risk endpoints of concern for metsulfuron methyl. Aggregate risk has been assessed from chronic exposure to food.

2. *Food*. Tolerances have been established for metsulfuron methyl on the following food crops: barley, wheat, and sugar cane. A tolerance of 0.1 ppm for sorghum grain was included in this assessment. Also included were tolerances for meat and milk commodities. The dietary exposure was estimated using the Dietary Exposure Evaluation Model (DEEM ver. 5.03) which utilizes the 1989–1991 CSFII food consumption database. In conducting this assessment the

conservative assumption was made that residues would be at the tolerance level. Use of the tolerances rather than actual field measurements will result in an overestimate of human dietary exposure. The existing metsulfuron methyl tolerances with the addition of the sorghum tolerance result in a theoretical maximum residue level (TMRC) that is equivalent to the following percentages of the RfD:

U.S. Population 0.3%
Nursing Infants (<1 year old) 0.1%
Non-Nursing Infants (<1 year old) 0.4%
Children (1–6 years old) 0.8%
Children (7–12 years old) 0.5%

Thus, the estimated exposure for the U.S. population and all subpopulation was less than 1% of the RfD. Metsulfuron methyl RfD (0.3 mg/kg/day)is based on the NOEL for the 2–year rat study. The most sensitive chronic toxicity/oncogenicity study. The subpopulation with the highest exposure was children ages 1–6 years (0.8% of the RfD). Based on the residue data, potential for dietary exposure is extremely low. Residue studies have shown no residue above LOQ (0.05 or 0.02 ppm) in sorghum samples evaluated including the sorghum grain processed fractions. No dietary exposure is anticipated from secondary residues in meat or milk. Although sorghum is considered a major foodstuff for cattle and poultry, residue studies and metabolism studies in the laying hen and lactating goat and cattle feeding studies showed residues below LOQ of processed fractions and less than 2% of the administered concentration in edible meat and eggs. Only traces of metsulfuron methyl were found in some goat meat and milk (0.008–0.009).

Direct human consumption of sorghum grain as a food commodity in the U.S. is extremely low. At the above levels of exposure, there is a reasonable certainty that no harm will result from dietary exposure to metsulfuron methyl.

3. *Drinking water*. Another potential source of dietary exposure to pesticides are residues in drinking water. There is no established Maximum Contaminant Level (MCL) for metsulfuron methyl in water. Based on the low use rate of metsulfuron methyl and a use pattern that is not widespread, DuPont does not anticipate residues of metsulfuron methyl in drinking water and exposure from this route is unlikely.

4. *Non-dietary exposure*. Metsulfuron methyl is registered for use in weed and brush control in non-crop situations including industrial, unimproved turf areas. Metsulfuron methyl is not to be used on lawns, walks, drive ways, tennis courts, golf courses, athletic fields, commercial sod operations, or other high maintenance, fine turf grass areas, or similar areas. Any non-occupational exposure to metsulfuron methyl in the unimproved areas is likely to be negligible.

D. Cumulative Effects

Metsulfuron methyl belongs to the sulfonylurea class of compounds. The herbicidal activity of the sulfonylurea is due to the inhibition of acetolactase synthase (ALS), an enzyme only found in plants. ALS is part of the biosynthetic pathway leading to the formation of branched chain amino acids. Animals lack ALS and this biosynthetic pathway. This lack of ALS contributes to the low toxicity of the sulfonylurea compounds in animals. We are aware of no information to indicate or suggest that metsulfuron methyl has any toxic effects on mammals that would be cumulative with those of any other chemicals.

E. Safety Determination

1. *U.S. population*. Using the conservative exposure assumptions described above, and based on the most sensitive chronic NOEL of 25 mg/kg/day and an RfD of 0.3 mg/kg/day, the aggregate dietary exposure will utilize less than 1% of the RfD for the U.S. population. Generally, exposure below 100% of the RfD are of no concern because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose risk to human health. We therefore conclude that there is a reasonable certainty that no harm will result from aggregate exposure to metsulfuron methyl residues.

Although no formal acute dietary margin of exposure (MOE) determinations were made, it is highly unlikely that the MOE would exceed a level of concern due to the low acute mammalian toxicity of this compound].

2. *Infants and children*. In assessing the potential for additional sensitivity of infants and children to residues of metsulfuron methyl, data were considered from developmental toxicity studies in the rat and the rabbit, and a multi-generation reproduction study in the rats. These studies proved that metsulfuron methyl was not a teratogenic or a developmental toxin.

Using the conservative exposure assessment described above, the percent of the RfD that will be utilized ranges from 0.1 to 0.8% for infants and young children. Based on this we conclude that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to metsulfuron methyl residues.

Although no formal acute dietary margin of exposure determinations were made, it is highly unlikely that the MOE would exceed a level of concern due to the low mammalian toxicity of this compound.

F. International Tolerances

There are no Canadian, Mexican, or Codex Maximum Residue Level (MRLs) for metsulfuron methyl on sorghum grain.

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BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[PF–796; FRL–5776–6]

Notice of Filing of Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of pesticide petitions proposing the establishment of regulations for residues of certain pesticide chemicals in or on various agricultural commodities.

DATES: Comments, identified by the docket control number PF–796, must be received on or before April 20, 1998.

ADDRESSES: By mail submit written comments to: Public Information and Records Integrity Branch, Information Resources and Services Divison (7502C), Office of Pesticides Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person bring comments to: Rm. 119, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically to: opp-docket@epamail.epa.gov. Following the instructions under ''SUPPLEMENTARY INFORMATION.'' No confidential business information should be submitted through e-mail.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). CBI should not be submitted through e-mail. Information marked as CBI 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 legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager listed in the table below:

Product Manager/Petition No.	Office location/telephone number/e-mail address	Address
Bipin Gandhi (PM 5); (PP 7E4918).	Rm. 4W53, Crystal Station, 703–308–8380, e-mail: gandhi.bipin@epamail.epa.gov.	2800 Crystal Dr., Arlington, VA
Sidney Jackson (PM 5); (PP 5E4463).	Rm. 233, CM #2, 703–305–7610, e-mail: jackson.sidney@epamail.epa.gov.	1921 Jefferson Davis Hwy, Arlington, VA

SUPPLEMENTARY INFORMATION: EPA has received pesticide petitions as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemicals in or on various raw agricultural commodities under section 408 of the Federal Food, Drug, and Comestic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that these petitions contain data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports grantinig of the petition. Additional data may be needed before EPA rules on the petition.

The official record for this notice, as well as the public version, has been established for this notice of filing under docket control number PF–796 (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 5.1/6.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket control number PF–796 and appropriate petition number. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

Authority: 21 U.S.C. 346a.

List of Subjects

Environmental protection, Agricultural commodities, Food additives, Feed additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 5, 1998.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Summaries of Petitions

Below summaries of the pesticide petitions are printed. The summaries of the petitions were prepared by the petitioners. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

1. Hercon Environmental Corporation

PP 7E4918

EPA has received a pesticide petition (PP 7E4918) from Hercon Environmental Corporation, Aberdeen Road, P.O. box 467, Emigsville, PA 17318-0467, proposing pursuant to section 408(d) of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 346a(d), to amend 40 CFR part 180 to establish an exemption from the requirement of a tolerance for Trioctyl Trimellitate (TOTM) as an inert ingredient under 40 CFR 180.1001(c).

A. Product Identity/Chemistry

Tris(2-ethylhexyl)1,2,4-benzenetricarboxylate, the chemical name for TOTM, CAS # [3319–31–1], has a molecular formula of $C_{33}H_{45}O_6$, and a molecular weight of 546.8.

TOTM is a primary plasticizer used in applications requiring good elongation retention such as high-temperature PVC wire coatings. Its excellent resistance to soapy water extraction also makes it attractive for use in vinyl film and vinyl-coated fabrics. Its stereochemical properties make it especially attractive in pheromone formulations as a control-release agent, and its extremely low vapor pressure (0.7×10^{-7} mm Hg), assures its retention in the formulation to perform its intended purpose.

B. Residue Chemistry

No residue chemistry data are available. However, arguments provided above relative to modes of exposure, support the lack of potential for any residues of TOTM to be present in raw agricultural product of the foods from them.

Since this petition requests an exemption from the requirement of a tolerance, Hercon believes that an analytical method for the detection and measurement of TOTM residues is not necessary. The low rate of application and the fact that it is encapsulated in the product leads to the conclusion that TOTM will not migrate into a food from the treatment of crops to any degree that would be detectable.

C. Toxicological Profile

Hercon has submitted to the EPA acute toxicological information and studies of chronic toxicology which exhibit the low toxicity of TOTM. In addition, it was determined from a manufacturer that no reports have been submitted on TOTM under TSCA 8(e) Substantial Risk Notification requirements.

1. *Acute toxicity*. Acute toxicology studies conducted with the ''neat'' material show:

Acute Toxicity: At most only slightly toxic. Slight skin irritant. LD^{50} >3200 mg/kg.

Skin Absorption and Irritation: No evidence of skin absorption. LD^{50} >20 mg/kg

Skin Sensitization: Sensitized 0/5 guinea pigs in drop-on test.

Inhalation: At lowest exposure of 0.23 mg/l, no mortality was experienced.

Eye Irritation: In unwashed eye, there was an initial moderate effect after 1 hour, but the effect disappeared after 48 hours. No effects reported in the washed eye.

2. *Genotoxicty*. — a. *TOTM evaluation in the CHO/HGPRT forward mutation assay*. TOTM was considered to be inactive under the conditions of testing in this assay. The test material did not induce dose-related increases in the mutant frequency at the HGPRT locus in CHO cell cultures. TOTM was not toxic to CHO cells at concentrations up to 5,000 nl/ml either with or without S9 metabolic activation. Mutation assays were performed in duplicate both with

a nd without S9 metabolic activation using 6 concentrations of TOTM ranging from 10.0 nl/ml to 200 nl/ml.

b. *Evaluation of TOTM in the rat primary hepatocyte unscheduled DNA synthesis assay.* The test material did not induce significant changes in the nuclear labeling of primary rat hepatocytes for an applied concentration range of 5000 nl/ml to 250 nl/ml. Little or no toxicity was observed (88.4% to 102.2% survival) but higher concentrations could not be assayed because of the insoluble nature of TOTM in medium. None of the criteria used to indicate UDS were approached by the treatments, and no dose-related response was observed. Therefore, the test material was evaluated as inactive in the Primary Rat Hepatocyte UDS Assay.

3. *Subchronic toxicity.* Twenty-eight Day Toxicity Study with TOTM in the Rat: The results of this study demonstrates that TOTM caused slight peroxisome proliferation but was less potent than DEHP [di(2-ethylhexyl) phthalate], with 2.0% TOTM producing less effects than 0.67% DEHP. There was no effect of feeding TOTM on the body weight or food intakes of the male rats. The females fed 2.0% TOTM showed an initial rejection of the diet which did not have any marked effect on their weight gain.

4. *Chronic toxicity.* Chronic Toxicity of TOTM to Daphnia magna Under Flow-Through Test Conditions: The daphnid lengths in all TOTM mean measured concentrations after 21 days of testing were not significantly different (a = 0.05) from the control. Statistical analysis of survival for Daphnia magna after a 21 days exposure to TOTM indicated that survival rates in all the mean measured test concentrations were not significantly different from the control. The mean young/adult/reproduction day after 21 days was not significantly affected in a deleterious manner in all mean measured test concentrations of TOTM. Based on the statistical analysis of adult mean length, survival and young/adult/reproduction day from the 21 day Daphnia magna dynamic life cycle study, the MATC (Maximum Acceptable Toxicant Concentration) limits were estimated to be greater than the TOTM mean measured concentration of 82 µg/l.

5. *Metabolite toxicology.* Study No. 4: Absorption and Metabolism of [Hexyl-2-14C] TOTM: TOTM is called TEHT in this study. These studies show that TEHT was hydrolyzed to a limited extent in the gastrointestinal tract and was largely excreted unchanged in the feces. Sixteen percent was excreted in the urine as metabolites and 1.9% was expired as CO_2.

D. Aggregate Exposure

Hercon's pheromone formulations containing TOTM will not result in an application rate of product in which more than 25 grams/acre of TOTM on food related crops will result. Depending on an extended or delayed infestation of target pests, no more than 3 applications per crop should be necessary.

It must be remembered that this amount of TOTM is contained in the formulated device, a 0.05 square inch laminated PVC flake, and therefore the TOTM itself does not come into direct contact with the plants or crops treated. At the maximum application rate, there are approximately 0.26 flakes per square foot. This equates to approximately 0.5 mg TOTM / sq.ft. At the lowest recommended application rate, this amount is halved.

To present a worst case scenario for dietary exposure to humans, Hercon has selected applications to a sugar cane crop. This worst case scenario hypothetically presumes that all available TOTM in the product is finally present in the processed sugar.

At an application rate corresponding to 0.5 mg TOTM/sq.ft, and a harvest resulting in 3.3 tons of sugar per acre, the available concentration of TOTM in the sugar would calculate to be 8.4 mg TOTM / Kg of sugar.

The assumption of an intake of 20 gms of sugar per day, would equate to a daily intake of 0.168 mg of TOTM. This hypothetical intake is much lower than the NOEL from a 28 day Chronic oral study in the male rat of 185 mg/kg/day noted in the MSDS.

Actually, it is expected that since the TOTM is contained in the formulated devise, that no detectable TOTM would be found in the sugar.

Exposure to drinking water will be minimal. Hercon's products containing TOTM are not sprayed on lawns or gardens, around swimming pools, etc., and due to the low rates of application, even drift from an agricultural application to lakes or waterways, will not affect drinking water.

Data, calculations, low exposure potential and low toxicity discussed and presented in this petition request, precludes a concern for significant dietary or non-dietary exposure to infants and children.

Non-dietary exposure to TOTM will be mitigated through the use of personal protective equipment which is described on the label of products for personnel which may be around or in a treated field.

E. Cumulative Exposure

No cumulative mode of exposure is expected. Again, the application rate is extremely low, and encapsulation of the TOTM in the product prevents direct exposure.

Normal use patterns will not lead to accumulation of TOTM in the environment.

F. Safety Determinations

Hercon believes that the use of pheromone products containing TOTM, which is of low toxicity and which is used in such low concentrations, is compatible with EPA's objectives to register reduced risk pesticides.

In an absorption and metabolism study on rats, which is included in this package, 75% of the dose was excreted in the feces, 16% in the urine, and 1.9% was expired as CO2. Less than 0.6% remained in the tissues.

At an acute oral LD^{50} toxicity level of >3200 mg/kg in the rat and mouse, TOTM is a low level toxin with at most a class III toxicity rating. A 28 day Chronic Oral toxicity study resulted in a NOEL of 184 mg/kg/day.

Mutagenicity and Genotoxicity data showed negative results in Salmonella typhimurium assay, DHO/HGPRT assay and the Unscheduled DNA synthesis assay.

Because of the low toxcicity of TOTM and the low rate of application, and encapsulation in the product, and more importantly because no residue is expected in the final food product, a determination can be made that there is little or no exposure to the general population or to children and infants.

G. List of International Tolerances

The petitioner understands that therte are no current or known established residue levels for TOTM.

H. Environmental Fate Summary

This summary is taken directly from the Material Safety Data Sheet from Eastman Chemical Co.

''Data for this material have been used to estimate its environmental impact. It has the following properties: a low biochemical oxygen demand and little potential to cause oxygen depletion in aqueous systems, a low potential to affect aquatic organisms, a low potential to biodegrade (high persistence) with acclimated microorganisms from activated sludge, a low potential to bio-concentrate. After dilution with a large amount of water, followed by secondary waste treatment, this material is not expected to cause adverse environmental effects.''

2. IR-4 Project

PP 5E4463

EPA has received a pesticide petition (PP 5E4463) from the Interregional Research Project Number 4 (IR-4), proposing pursuant to section 408(d) of the Federal Food, Drug and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR Part 180 by establishing a tolerance for residues of the insecticide cypermethrin ((+) alpha-cyano(3-phenoxyphenyl)methyl (+) cis, trans 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate) in or on the raw agricultural commodity green onions at 6.0 parts per million (ppm). EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition. This notice contains a summary of the petition submitted by FMC Corporation, the registrant.

A. Residue Chemistry

1. *Plant metabolism*. The metabolism of cypermethrin in plants is adequately understood. Studies have been conducted to delineate the metabolism of radiolabelled cypermethrin in various crops all showing similar results. The residue of concern is the parent compound only.

2. *Analytical method*. There is a practical analytical method for detecting and measuring levels of cypermethrin in or on food with a limit of detection that allows monitoring of food with residues at or above the levels set in these tolerances. The analytical method is Gas Chromatography with Electron Capture Detection (GC/ECD).

3. *Magnitude of residues*. Field residue trials meeting EPA study requirements have been conducted at the maximum label rate for the crop green onions. Results from these trials demonstrate that the proposed cypermethrin tolerance on green onions at 6.0 ppm will not be exceeded when the product is applied following the proposed use directions. These data have previously been reviewed and classified by the Agency as supportive of this tolerance.

B. Toxicological Profile

1. *Acute toxicity*. The required battery of acute toxicity studies has been submitted and found adequate. The findings were as follows: oral toxicity, lethal dose $(LD)_{50}$ of 263 milligram (mg) per kilogram (kg); dermal toxicity, LD_{50} 2,460 mg/kg; inhalation toxicity lethal concentration LC_{50} 2.5 mg/liter (L); primary eye irritation is Toxicity Category III; primary dermal irritation is Toxicity Category IV. Cypermethrin is considered to be a dermal sensitizer.

2. *Genotoxicity*. All reported results from the following genotoxicity tests were all negative: gene mutation (Ames); chromosome aberration in Chinese hamster bone marrow cells; host mediated assay in mice; dominant lethal assay in mice.

3. *Reproductive and developmental toxicity*. No evidence of additional sensitivity to young rats or rabbits was reported following pre- or postnatal exposure to cypermethrin.

a. A 3-generation reproductive toxicity study in rats demonstrated a no observed effect level (NOEL) of 2.5 mg/kg/day and a lowest observed effect level (LOEL) of 7.5 mg/kg/day for parental/systemic toxicity based on decreased body weight gain in both sexes. There were no adverse effects in reproductive performance. The NOEL for reproductive toxicity was considered to be 37.5 mg/kg/day, the highest dose level tested.

b. A developmental study in rats demonstrated a maternal NOEL of 17.5 mg/kg/day and a LOEL of 35 mg/kg/day based on decreased body weight gain. There were no signs of developmental toxicity at 70 mg/kg/day, the highest dose level tested.

c. A developmental study in rabbits demonstrated a maternal NOEL of 100 mg/kg/day and a LOEL of 450 mg/kg/day based on decreased body weight gain. There were no signs of developmental toxicity at 700 mg/kg/day, the highest dose level tested.

4. *Subchronic toxicity*. The systemic NOEL of 5.0 mg/kg/day from the chronic toxicity study in dogs is also used for short- and intermediate-term margin of exposure (MOE) calculations (as well as acute toxicity, discussed in (1) above). This NOEL was based on neurotoxic clinical signs observed in the first week of treatment of the study.

5. *Chronic toxicity*. The Reference Dose (RfD) has been established at 0.010 mg/kg/day. This RfD is based on a chronic toxicity study in dogs with a NOEL of 1.0 mg/kg/day, based on gastrointestinal disturbances observed at the LOEL of 5.0 mg/kg/day during the first week of the study; an uncertainty factor of 100 is used.

Cypermethrin is classified as a Group C chemical (possible human carcinogen with limited evidence of carcinogenicity in animals) based upon limited evidence for carcinogenicity in female mice; assignment of a Q* has not been recommended.

6. *Animal metabolism*. The metabolism of cypermethrin in animals is adequately understood. Cypermethrin has been shown to be rapidly absorbed, distributed, and excreted in rats when administered orally. Cypermethrin is metabolized by hydrolysis and oxidation.

7. *Metabolite toxicology*. The Agency has previously determined that the metabolites of cypermethrin are not of toxicological concern and need not be included in the tolerance expression.

8. *Endocrine disruption*. No evidence of potential estrogenic or other endocrine effects of cypermethrin were reported in the standard battery of required toxicology studies which have been completed and found acceptable. Based on these studies, there is no evidence to suggest that cypermethrin has an adverse effect on the endocrine system.

C. Aggregate Exposure

1. *Dietary exposure*. a. *Food*. Tolerances have been established for the residues of cypermethrin, in or on a variety of raw agricultural commodities. Tolerances, in support of registrations, currently exist for residues of cypermethrin on cottonseed; pecans; lettuce, head; onions, bulb; cabbage; Brassica, head and stem; Brassica, leafy and livestock commodities of cattle, goats, hogs, horses, and sheep as well as this pending tolerance for green onions. For the purposes of assessing the potential dietary exposure for these existing and pending tolerances, FMC has utilized available information on anticipated residues, monitoring data and percent crop treated as follows:

i. Acute exposure and risk. Acute dietary exposure risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. For the purposes of assessing acute dietary risk for cypermethrin, the maternal NOEL of 1.0 mg/kg/day from the chronic toxicity study in dogs was used. The LOEL of this study of 5.0 mg/kg/day was based on gastrointestinal disturbances observed in the first week of the study. This acute dietary endpoint was used to determine acute dietary risks to all population subgroups. Available information on anticipated residues, monitoring data and percent crop treated was incorporated into a Tier 3 analysis, using Monte Carlo modeling for commodities that may be consumed in a single serving. These assessments show that the MOEs are significantly greater than the EPA standard of 100 for all subpopulations. The 95th percentile

of exposure for the overall U. S. population was estimated to be 0.000488 mg/kg/day (MOE of 2,047); 99th percentile 0.002014 mg/kg/day (MOE of 496); and 99.9th percentile 0.004438 mg/kg/day (MOE of 225). The 95th percentile of exposure for all infants < one year old was estimated to be 0.00007 mg/kg/day (MOE of 14,240); 99th percentile 0.000345 mg/kg/day (MOE of 2,902); and 99.9th percentile 0.000997 mg/kg/day (MOE of 1,003). The 95th percentile of exposure for nursing infants < one year old was estimated to be 0.000033 mg/kg/day (MOE of 30,026); 99th percentile 0.000241 mg/kg/day (MOE of 4,144); and 99.9th percentile 0.001400 mg/kg/day (MOE of 714). The 95th percentile of exposure for non-nursing infants < one year old was estimated to be 0.000075 mg/kg/day (MOE of 13,331); 99th percentile 0.000375 mg/kg/day (MOE of 2,667); and 99.9th percentile 0.000748 mg/kg/day (MOE of 1,337). The 95th percentile of exposure for children 1 to 6 years old (the most highly exposed population subgroup) was estimated to be 0.000361 mg/kg/day (MOE of 2,767); 99th percentile 0.002088 mg/kg/day (MOE of 479); and 99.9th percentile 0.005465 mg/kg/day (MOE of 183). Therefore, FMC concludes that the acute dietary risk of cypermethrin, as estimated by the dietary risk assessment, does not appear to be of concern.

ii. Chronic exposure and risk. The acceptable RfD is based on a NOEL of 1.0 mg/kg/day from the chronic dog study and an uncertainty factor of 100 is 0.010 mg/kg/day. The endpoint effect of concern was based on gastrointestinal disturbances observed in the first week of the study at the LOEL of 5.0 mg/kg/day. A chronic dietary exposure/risk assessment has been performed for cypermethrin using the above RfD. Available information on anticipated residues, monitoring data and percent crop treated was incorporated into the analysis to estimate the anticipated residue contribution (ARC). The ARC is generally considered a more realistic estimate than an estimate based on tolerance level residues. The ARC is estimated to be 0.000025 mg/kg body weight (bwt)/day and utilize 0.3 percent of the RfD for the overall U. S. population. The ARCs for non-nursing infants (<1 year) and children 1–6 years old (subgroups most highly exposed) are estimated to be 0.000014 mg/kg bwt/day and 0.000042 mg/kg bwt/day and utilizes 0.1 percent and 0.4 percent of the RfD, respectively. Generally speaking, the EPA has no cause for concern if the total dietary exposure from residues for uses for which there are published and proposed tolerances is less than 100 percent of the RfD. Therefore, FMC concludes that the chronic dietary risk of cypermethrin, as estimated by the dietary risk assessment, does not appear to be of concern.

b. *Drinking water.* Laboratory and field data have demonstrated that cypermethrin is immobile in soil and will not leach into groundwater. Other data show that cypermethrin is virtually insoluble in water and extremely lipophilic. As a result, FMC concludes that residues reaching surface waters from field runoff will quickly adsorb to sediment particles and be partitioned from the water column. Further, a screening evaluation of leaching potential of a typical pyrethroid was conducted using EPA's Pesticide Root Zone Model (PRZM3). Based on this screening assessment, the potential concentrations of a pyrethroid in groundwater at depths of 1 and 2 meters are essentially zero (<<0.001 parts per billion). Surface water concentrations for pyrethroids were estimated using PRZM3 and Exposure Analysis Modeling System (EXAMS) using standard EPA cotton runoff and Mississippi pond scenarios. The maximum concentration predicted in the simulated pond was 0.052 parts per billion(ppb). Concentrations in actual drinking water would be much lower than the levels predicted in the hypothetical, small, stagnant farm pond model since drinking water derived from surface water would normally be treated before consumption. Based on these analyses, FMC believes that the contribution of water to the dietary risk estimate is negligible. Therefore, FMC concludes that together these data indicate that residues of cypermethrin are not expected to occur in drinking water.

2. *Non-dietary exposure.* Analyses were conducted which included an evaluation of potential non-dietary (residential) applicator, post-application and chronic dietary aggregate exposures associated with cypermethrin products used for residential flea infestation control and agricultural/commercial applications. The aggregate analysis conservatively assumes that a person is concurrently exposed to the same active ingredient via the use of consumer or professional flea infestation control products and to chronic level residues in the diet.

In the case of potential non-dietary health risks, conservative point estimates of non-dietary exposures, expressed as total systemic absorbed dose for each product use category (indoor total release fogger and lawn care) and exposed population group (adults, children 1–6 years, and infants < 1 year) are compared to the systemic absorbed dose NOEL for cypermethrin to provide estimates of the MOEs. Based on the toxicity endpoints selected by EPA for cypermethrin, inhalation and incidental oral ingestion absorbed doses were combined and compared to the relevant systemic NOEL for estimating MOEs.

In the case of potential aggregate health risks, the above mentioned conservative point estimates of non-dietary exposure (expressed as systemic absorbed dose) are combined with estimates (arithmetic mean values) of chronic average dietary (oral) absorbed doses. These aggregate absorbed dose estimates are also provided for adults, children 1 – 6 years and infants < 1 year. The combined or aggregated absorbed dose estimates (summed across non-dietary and chronic dietary) are then compared with the systemic absorbed dose NOEL to provide estimates of aggregate MOEs.

The total non-dietary MOEs (combined across all product use categories) for the inhalation plus incidental oral routes are 97,000 for adults, 2,100 for children 1–6 years old, and 1,900 for infants (< 1 year). The aggregate MOE (inhalation + incidental oral + chronic dietary, summed across all product use categories) was estimated to be 65,000 for adults, 2,000 for children 1–6 years old and 1,900 for infants (<1 year). FMC concludes that the potential non-dietary and aggregate (non-dietary + chronic dietary) exposures for cypermethrin are associated with substantial margins of safety.

D. Cumulative Effects

In consideration of potential cumulative effects of cypermethrin and other substances that may have a common mechanism of toxicity, to our knowledge there are currently no available data or other reliable information indicating that any toxic effects produced by cypermethrin would be cumulative with those of other chemical compounds; thus only the potential risks of cypermethrin have been considered in this assessment of its aggregate exposure. FMC intends to submit information for the EPA to consider concerning potential cumulative effects of cypermethrin consistent with the schedule established by EPA at in the **Federal Register** of August 4, 1997, (62 FR 42020), and other EPA publications pursuant to the Food Quality Protection Act.

E. Safety Determination

1. *U.S. population*. Based on a complete and reliable toxicology database, the acceptable reference dose RfD is 0.010 mg/kg/day, based on a LOEL of 5.0 mg/kg/day from the chronic dog study and an uncertainty factor of 100. Available information on anticipated residues, monitoring data and percent crop treated was incorporated into an analysis to estimate the Anticipated Residue Contribution (ARC) for 26 population subgroups. The ARC is generally considered a more realistic estimate than an estimate based on tolerance level residues. The ARC are estimated to be 0.000025 mg/kg body weight (bwt)/day and utilize 0.3 percent of the RfD for the overall U. S. population. The ARC for non-nursing infants (<1 year) and children 1–6 years old (subgroups most highly exposed) are estimated to be 0.000014 mg/kg bwt/day and 0.000042 mg/kg bwt/day and utilizes 0.1 percent and 0.4 percent of the RfD, respectively. Generally speaking, the EPA has no cause for concern if the total dietary exposure from residues for uses for which there are published and proposed tolerances is less than 100 percent of the RfD. Therefore, FMC concludes that the chronic dietary risk of cypermethrin, as estimated by the aggregate risk assessment, does not appear to pose significant risk.

For the overall U.S. population, the calculated margins of exposure (MOE) at the 95th percentile was estimated to be 2,047; 496 at the 99th percentile; and 225 at the 99.9th percentile. For all infants < one year old, the calculated MOE at the 95th percentile was estimated to be 14,240; 2,902 at the 99th percentile; and 1,003 at the 99.9th percentile. For nursing infants < one year old, the calculated margins of exposure (MOE) at the 95th percentile was estimated to be 30,026; 4,144 at the 99th percentile; and 714 at the 99.9th percentile. For non-nursing infants < one year old, the calculated margins of exposure (MOE) at the 95th percentile was estimated to be 13,331; 2,667 at the 99th percentile; and 1,337 at the 99.9th percentile. For the most highly exposed population subgroup, children 1 – 6 years old, the calculated MOE at the 95th percentile was estimated to be 2,767 ; 479 at the 99th percentile; and 183 at the 99.9th percentile. Therefore, FMC concludes that there is reasonable certainty that no harm will result from acute exposure to cypermethrin.

2. *Infants and children*. —a. *General.* In assessing the potential for additional sensitivity of infants and children to residues of cypermethrin, FMC considered data from developmental toxicity studies in the rat and rabbit, and a three-generation reproductive study in the rat. The data demonstrated no indication of increased sensitivity of rats or rabbits to in utero and/or postnatal exposure to cypermethrin. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from pesticide exposure during prenatal development to one or both parents. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity. FFDCA section 408 provides that EPA may apply an additional margin of safety for infants and children in the case of threshold effects to account for pre- and post-natal toxicity and the completeness of the database.

b. *Developmental toxicity studies.* In the prenatal developmental toxicity studies in rats and rabbits, there was no evidence of developmental toxicity at the highest doses tested (70 mg/kg/day in rats and 700 mg/kg/day in rabbits). Decreased body weight gain was observed at the maternal LOEL in each study; the maternal NOEL was established at 17.5 mg/kg/day in rats and 100 mg/kg/day in rabbits.

c. *Reproductive toxicity study*. In the 3-generation reproduction study in rats, offspring toxicity (reduced mean litter weight gain) was observed only at the highest dietary level tested (37.5 mg/kg/day), while toxicity in the parental animals was observed at the lower treatment levels. The parental systemic NOEL was 2.5 mg/kg/day and the parental systemic LOEL was 7.5 mg/kg/day. There were no developmental (pup) or reproductive effects up to 37.5 mg/kg/day (highest dose tested).

d. *Pre- and post-natal sensitivity. —i. Pre-natal.* There was no evidence of developmental toxicity in the studies at the highest doses tested in the rat (70 mg/kg/day) or in the rabbit (700 mg/kg/day). Therefore, there is no evidence of a special dietary risk (either acute or chronic) for infants and children which would require an additional safety factor.

ii. Post-natal. Based on the absence of pup toxicity up to dose levels which produced toxicity in the parental animals, there is no evidence of special post-natal sensitivity to infants and children in the rat reproduction study.

Based on the above, FMC concludes that reliable data support use of the standard 100-fold uncertainty factor, and that an additional uncertainty factor is not needed to protect the safety of infants and children. As stated above, aggregate exposure assessments utilized significantly less than 1 percent of the RfD for either the entire U. S. population or any of the 26 population subgroups including infants and children. Therefore, FMC concludes that there is reasonable certainty that no harm will result to infants and children from aggregate exposure to cypermethrin residues.

F. International Tolerances

There are no codex, Canadian, or Mexican residue limits for residues of cypermethrin in or on green onions.

[FR Doc. 98–7140 Filed 3–18–98; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL HOUSING FINANCE BOARD

Announcing an Open Meeting of the Board

TIME AND DATE: 10:00 a.m., Wednesday, March 25, 1998.

PLACE: Board Room, Second Floor, Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006.

STATUS: The entire meeting will be open to the public.

MATTERS TO BE CONSIDERED DURING PORTIONS OPEN TO THE PUBLIC:

- FHLBank Investment Practices and Implications for Finance Board Investment Policy .
- Final Rule: Eligibility for Membership and Advances.
- Proposed Rule: Elections Regulations.
- Office of Finance—Board Compensation Policy Approval.
- Office of Finance—Board Appointments.

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Secretary to the Board, (202) 408–2837.

William W. Ginsberg,

Managing Director.

[FR Doc. 98–7313 Filed 3–17–98; 2:47 pm]

BILLING CODE 6725–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 2, 1998.

A. Federal Reserve Bank of Minneapolis (Karen L. Grandstrand, Vice President) 90 Hennepin Avenue, P.O. Box 291, Minneapolis, Minnesota 55480-0291:

1. Lee R. Anderson, Jr. Trust dated November 23, 1992, and Lee R. Anderson, Jr., Revocable Trust dated April 24, 1997, both of Golden Valley, Minnesota, to each acquire voting shares of, and Lee R. Anderson Jr., Golden Valley, Minnesota, to retain voting shares of, Anderon Financial Group, Inc., Golden Valley, Minnesota, and thereby indirectly acquire Northern National Bank, Nisswa, Minnesota.

B. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Drue A. Washburn, Alva, Oklahoma; to acquire voting shares of Community Bancshares of Alva, Inc., Alva, Oklahoma, and thereby indirectly acquire voting shares of Community National Bank, Alva, Oklahoma.

Board of Governors of the Federal Reserve System, March 13, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–7074 Filed 3–18–98; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 13, 1998.

A. Federal Reserve Bank of Cleveland (Paul Kaboth, Banking Supervisor) 1455 East Sixth Street, Cleveland, Ohio 44101-2566:

1. Cincinnati Financial Corporation, Cincinnati, Ohio; to acquire shares of FirstMerit Corporation, Akron, Ohio, and thereby indirectly acquire Citizens National Bank, Canton, Ohio; FirstMerit Bank, N.A., Akron, Ohio; Peoples Bank, N.A., Ashtabula, Ohio; and Peoples National Bank, Wooster, Ohio. FirstMerit received the Board's approval to acquire CoBancorp, Elyria, Ohio, and its subsidiaries Premier Bank & Trust, Elyria, Ohio and Jefferson Savings Bank, West Jefferson, Ohio.

2. Heritage Capital Corporation, Ashland, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of Heritage Bank of Ashland, Inc., Ashland, Kentucky, a *de novo* institution.

B. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. Halbur Bancshares, Inc., Halbur, Iowa; to acquire at least 97.2 percent of the voting shares of Westside Banco, Inc., Westside, Iowa, and thereby indirectly acquire Westside State Savings Bank, Westside, Iowa.

C. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. First York Ban Corp., York, Nebraska; to acquire 60 percent of the voting shares of NebraskaLand National Bank, North Platte, Nebraska, a *de novo* insitition.

Board of Governors of the Federal Reserve System, March 13, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–7075 Filed 3–18–98; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in Permissible Nonbanking Activities or To Acquire Companies That are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 2, 1998.

A. Federal Reserve Bank of San Francisco (Maria Villanueva, Manager of Analytical Support, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105-1579:

1. Neighborhood Bancorp, San Diego California; to engage *de novo* through its subsidiary, Neighborhood Housing Development Corporation, San Diego California, in community development activities, pursuant to § 225.28(12) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 13, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–7076 Filed 3–18–98; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL TRADE COMMISSION

[File No. 981–0011]

Federal-Mogul Corporation, et al.; Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before May 18, 1998.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pa. Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Joseph Krauss, FTC/H–386, Washington, D.C. 20580. (202) 326–2713.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for March 6, 1998), on the World Wide Web, at ''http://www.ftc.gov/os/actions97.htm.'' A paper copy can be obtained from the FTC Public Reference Room, Room H–130, Sixth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580, either in person or by calling (202) 326–3627. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an Agreement Containing Consent Order (''Agreement'') from Federal-Mogul Corporation (''Federal-Mogul'') and T&N plc (''T&N'').

The proposed Consent Order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the Agreement and the comments received and will decide whether it should withdraw from the Agreement or make final the Agreement's proposed Order.

Both Federal-Mogul, a Michigan corporation, and T&N, a corporation organized under the laws of the United Kingdom, design, manufacture and sell fluid film or ''plain'' thinwall bearings (''thinwall bearings''). These are bearings that do not have roller or ball elements, but have a surface coating of oil which reduces friction. Among the thinwall bearings Federal-Mogul and T&N manufacture and sell are thinwall bearings for use in automobile and light truck engines (''light duty engine bearings'') and thinwall bearings for use in heavy truck and heavy equipment engines (''heavy duty engine bearings''). Both Federal-Mogul and T&N sell light duty and heavy duty engine bearings to original equipment manufacturers (''OEMs''), which buy bearings and use them to manufacture engines, and to aftermarket companies, which buy bearings and use them to repair or service engines after the engines' warranty periods have expired. Federal-Mogul and T&N are the largest competitors in the manufacture and sale of thinwall bearings to OEMs and the aftermarket in the United States. On October 16, 1997, Federal-Mogul notified T&N of Federal-Mogul's intention to commence a cash tender offer to acquire 100 percent of the voting securities of T&N for approximately $2.4 billion.

The Proposed Complaint

The proposed complaint alleges that the proposed acquisition may substantially lessen competition in the development, manufacture, and sale of (1) thinwall bearings, (2) light duty engine bearings sold to OEMs, (3) heavy duty engine bearings sold to OEMs, and (4) engine bearings sold to the aftermarket. The proposed complaint also alleges that the relevant geographic market for evaluating the acquisition's effect on the thinwall bearings market is the world. Every engine has a unique set of bearings which, with few exceptions, cannot be used in any other engine. The bearings are engineered in terms of materials, shapes and sizes to meet the bearing performance demands of a particular engine. While engines built for the United States market have different performance characteristics from engines built for other markets, and require bearings engineered for those performance requirements, engine manufacturers in the United States are willing to buy engine bearings from anywhere in the world if the bearings meet the performance requirements for the United States market.

The proposed complaint alleges that Federal-Mogul and T&N are the two leading producers in the four different bearings markets. The complaint further alleges that the proposed transaction would give Federal-Mogul the ability to unilaterally exercise market power and that the transaction could also substantially increase the likelihood of collusion or coordinated anticompetitive conduct between Federal-Mogul and the other remaining bearings producers.

The proposed complaint alleges that entry into the four alleged markets would not be timely, likely, or sufficient to deter or offset the adverse effects of the acquisition on competition in these markets. Entry into the markets to sell engine bearings to OEM customers requires developing appropriate bearings and precision manufacturing capabilities and extensive testing before sales can be made. This process, from development to the completion of testing, would take substantially more than two years. In the aftermarket, the entrant would have to develop a broad product line to compete with Federal-Mogul and T&N, which would take more than two years, and a new entrant would be at a significant cost disadvantage to the incumbent firms.

The Proposed Order

The proposed Order would remedy the alleged violation by preserving the competition that would otherwise be lost as a result of Federal-Mogul's acquisition of T&N. The proposed Order requires Federal-Mogul to divest the thinwall bearing business of T&N, which includes the assets and plants that T&N now uses to make thinwall bearings, as well as the assets, including intellectual property, that T&N now uses to develop and design new bearings to meet the bearings needs of engines that OEMs will develop in the future. To insure that the divested thinwall bearing business would be in the same position that T&N had been in terms of research, the proposed Order specifically identifies the individuals in T&N who worked on bearings research and development and requires Federal-Mogul and T&N to assign those personnel to the business to be divested. In addition, certain employees who are believed to be particularly important to the future research success of the divested T&N thinwall business will be given incentives to remain with the divested thinwall business. Finally, certain assets relating the aftermarket

sales of bearings in North America, including the brand names under which T&N has sold bearings, must be included in the divestiture.

The proposed Order also addresses a relationship that T&N's thinwall bearings business had with Daido Metals (''Daido''), a Japanese bearing producer. For a number of years, T&N had cooperative technology exchange arrangements with Daido, as well as a joint venture to produce bearings at Bellefontaine, Ohio. In the past, these arrangements between T&N and Daido may have allowed the two companies together to compete better against other bearings producers and to meet their customers' needs for high quality, low cost, sophisticated bearings, better than either company could on its own. To allow for the continuation of cooperation between Daido and the divested T&N bearings business, the proposed Order prohibits Federal-Mogul from entering into such arrangements with Daido for a period of five years. In addition, because certain individuals at T&N are believed to be important to maintaining the cooperative relationships between T&N and Daido, these individuals are given incentives under the proposed Order to stay with the divested T&N thinwall bearings business. The purpose of these provisions is not to force the divested T&N thinwall bearing business or Daido to form any particular cooperative arrangements, but to allow any efficient cooperation between the two firms to continue as if T&N had not been acquired by Federal-Mogul.

The proposed Order also identifies certain assets related to dry bearings or polymer bearings that are to be included in the divestiture. Dry or polymer bearings are bearings that do not rely on a film of oil, but instead on a polymer coating, to reduce friction. These bearings are produced at T&N plants that also produce thinwall bearings, and the inclusion of these bearings in the assets to be divested may be important to the viability of the T&N plants to be divested. Absent the specific references to polymer bearings, the identification of the plants to be divested would require the divestiture of the manufacturing lines for these dry or polymer bearings that are contained in the named plants. However, Federal-Mogul wishes to include these products by name in the proposed Order, to insure the German Federal Cartel Office that the dry bearing products listed will be divested. The German Federal Cartel Office has raised concerns about a product overlap between Federal-Mogul and T&N in dry bearings that would adversely impact competition in dry bearings in Germany. By including these products in the Commission's proposed Order, Federal-Mogul avoids having to enter into a separate divestiture procedure, relating to the same plants, to satisfy the Federal Cartel Office.

The proposed Order requires that Federal-Mogul divest the identified assets within six months after the proposed Order becomes final. If Federal-Mogul does not divest the assets within that time period, the proposed Order provides for the appointment of a trustee to divest the assets.

The purpose of this analysis is to facilitate public comment on the proposed Order. This analysis is not intended to constitute an official interpretation of the Agreement or the proposed Order or in any way to modify the terms of the Agreement or the proposed Order.

By direction of the Commission, Commissioner Azcuenaga not participating.

Donald S. Clark,

Secretary.

[FR Doc. 98–7115 Filed 3–18–98; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Cardiovascular and Renal Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Cardiovascular and Renal Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA regulatory issues.

Date and Time: The meeting will be held on April 9, 1998, 8:30 a.m. to 5:30 p.m., and April 10, 1998, 8:30 a.m. to 4 p.m.

Location: National Institutes of Health, Clinical Center, Bldg. 10, Jack Masur Auditorium, 9000 Rockville Pike, Bethesda, MD. Parking in the Clinical Center is reserved for Clinical Center patients and their visitors. If you must drive, please use an outlying lot such as Lot 41B. Free shuttle bus service is provided from Lot 41B to the Clinical Center every 8 minutes during rush hour and every 15 minutes at other times.

Contact Person: Joan C. Standaert, Center for Drug Evaluation and Research (HFD–110), 419–259–6211, or Danyiel D'Antonio (HFD–21), 301–443–5455, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12533. Please call the Information Line for up-to-date information on this meeting.

Agenda: On April 9, 1998, the committee will discuss nitric oxide. On April 10, 1998, the committee will discuss new drug applications 20–912 and 20–913, Aggrastat® (tirofiban HCI), Merck Research Laboratories, to be indicated: (1) In combination with heparin for patients with unstable angina or non-Q-wave myocardial infarction to prevent cardiac ischemic events, and (2) patients with coronary ischemic syndromes undergoing percutaneous translumenal coronary angioplasty or atherectomy to prevent cardiac ischemic complications related to abrupt closure of the treated coronary artery.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by April 2, 1998. Oral presentations from the public will be scheduled between approximately 8:30 a.m. and 9:30 a.m. on April 9, 1998. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before April 2, 1998, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: March 11, 1998.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 98–7054 Filed 3–18–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Peripheral and Central Nervous System Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Peripheral and Central Nervous System Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA regulatory issues.

Date and Time: The meeting will be held on April 9, 1998, 8:30 a.m. to 5 p.m.

Location: Holiday Inn, Versailles Ballrooms I, II, and III, 8120 Wisconsin Ave., Bethesda, MD.

Contact Person: Ermona McGoodwin or Danyiel D'Antonio, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5455, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12543. Please call the Information Line for up-to-date information on this meeting.

Agenda: The Committee will discuss further considerations on the efficacy of new drug application 20–654 Myotrophin® (human mecasermin (recombinant deoxyribonucleic acid origin)) Injection, (Cephalon-Chiron Partners) for the treatment of amyotrophic lateral sclerosis.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by April 3, 1998. Oral presentations from the public will be scheduled between approximately 8:30 a.m. and 9:30 a.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before April 3, 1998, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: March 11, 1998.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 98–7053 Filed 3–18–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Pulmonary-Allergy Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Pulmonary-Allergy Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA regulatory issues.

Date and Time: The meeting will be held on April 20, 1998, 8 a.m. to 5 p.m.

Location: Gaithersburg Hilton, Ballrooms C, D, and E, 620 Perry Pkwy., Gaithersburg, MD.

Contact Person: Leander B. Madoo, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5455, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12545. Please call the Information Line for up-to-date information on this meeting.

Agenda: The committee will discuss the safety and efficacy of new drug application (NDA) 20–929 for Pulmicort Respules™ (budesonide suspension for nebulization, Astra USA) indicated for the maintenance treatment of asthma and as prophylactic therapy in children aged 6 months to 8 years. Pulmicort Respules™ is also indicated for children aged 6 months to 8 years with asthma who require systemic corticosteroid administration where adding Pulmicort Respules™ may reduce or eliminate the need for systemic corticosteroid administration.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by April 14, 1998. Oral presentations from the public will be scheduled between approximately 8:05 a.m. and 9:05 a.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before April 14, 1998, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: March 11, 1998.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 98–7055 Filed 3–18–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Health Resources and Services Administration (HRSA) publishes abstracts of information collection requests under review by the Office of Management and Budget, in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). To request a copy of the clearance requests submitted to OMB for review, call the HRSA Reports Clearance Office on (301) 443–1129.

The following request has been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995:

Proposed Project: Uniform Data System (OMB No. 0915–0193); Extension and Revision

This is a request for extension and revision of approval of the Uniform Data System (UDS), which contains the annual reporting requirements for the cluster of primary care grantees funded by the Bureau of Primary Health Care (BPHC), Health Resources and Services Administration (HRSA). The UDS includes reporting requirements for grantees of the following primary care programs: Community Health Centers, Migrant Health Centers, Health Care for the Homeless, Outreach and Primary Health Services for Homeless Children and Public Housing Primary Care. Authorizing Legislation is found in Public Law 104–299, Health Center Consolidation Act of 1996, enacting Section 330 of the Public Health Service Act.

The Bureau of Primary Health Care collects data on its programs to ensure compliance with legislative mandates and to report to Congress and policy makers on program accomplishments. To meet these objectives, BPHC requires

a core set of information collected annually that is appropriate for monitoring and evaluating performance and reporting on annual trends. The UDS includes two components: the Universal Report, completed by all grantees, provides data on services, staffing, and financing; and the Grant Report, completed by grantees funded under the Homeless or Public Housing Program as well as one of the other programs, provides data on characteristics of users whose services fall within the scope of the Homeless or Public Housing Program grant. The first UDS reports were collected March 31, 1997, and analysis of data indicates that several revisions should be made. Program officials have noted that additional information needs to be collected which was included in previous reporting systems but was deleted from the UDS. Grantees will be asked to provide information on the charges, collections, bad debt write off and contractual disallowances by payor sources (Medicaid, Medicare, self pay and private insurance). Additional revisions include adding categories to some of the lists (e.g., services, ICD codes, CPT codes) and annotating the forms to indicate which lines are subtotals and the lines to which they sum.

The proposed changes are not expected to add significantly to the reporting burden. Estimates of annualized reporting burden are as follows:

Type of report	Number of respondents	Hours per response	Total burden hours
Universal Report	685	24	16,440
Grant Report	94	16	1,504
Total	685	.....	17,944

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Laura Oliven, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: March 13, 1998.

Jane Harrison,

Acting Director, Division of Policy Review and Coordination.

[FR Doc. 98–7051 Filed 3–18–98; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Council; Meeting

In accordance with section 10(a) (2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of April 1998.

Name: National Advisory Council on the National Health Service Corps.

Date and Time: April 26, 1998, 8:00 a.m.–5:00 p.m.; April 27, 1998, 8:00 a.m.–11:00 a.m.

Place: Renaissance Washington DC Hotel, 999 Ninth Street, N.W., Washington, D.C. 20001; Telephone: (202) 898–9000.

The meeting is open to the public.

Agenda: The agenda item will be developing an outline for a paper pertaining to the NHSC of the 21st century.

Anyone requiring information regarding the subject Council should contact Ms. Eve Morrow, National Advisory council on the National Health Service Corps, Health Resources and Services Administration, 4350 East West Highway, 8th Floor, Bethesda, Maryland 20814, Telephone (301) 594–4144.

Agenda items are subject to change as priorities dictate.

Dated: March 13, 1998.

Jane M. Harrison,

Acting Director, Division of Policy Review and Coordination.

[FR Doc. 98–7052 Filed 3–18–98; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting that is being held to review grant applications:

HEALTH PROMOTION AND DISEASE PREVENTION INITIAL REVIEW GROUP

Study section/contact person	April 1998 meeting	Time	Location
Epidemiology & Disease Control –2, Dr. H. Mac Stiles, 301–435–1785.	April 22–24 ..	8:30 a.m.	Georgetown Holiday Inn, Washington, DC.

The meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 13, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–7158 Filed 3–18–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Cancer Institute Special Emphasis Panel (SEP) meeting:

Name of SEP: Cohort and Nested Case-Control Study of AIDS-Related Non-Hodgkin's Lymphoma, Kaposi's Sarcoma, and Other Maliganances.

Date: April 3, 1998.

Time: 9:00 a.m. to Adjournment.

Place: Executive Plaza North, Conference Room D, 6130 Executive Boulevard, Bethesda, MD 20892.

Contact Person: Lalita Palekar, Ph.D., Scientific Review Administrator, National Cancer Institute, NIH, 6130 Executive Boulevard, EPN, Room 622B, Bethesda, MD 20892–7405, Telephone: 301/496–7575.

Purpose/Agenda: To review, discuss and evaluate responses to Request for Proposal.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. Applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(CATALOG OF FEDERAL DOMESTIC ASSISTANCE PROGRAM NUMBERS: 93.393, Cancer and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control)

Dated: March 12, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–7174 Filed 3–18–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institutes; Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting of the National Cancer Institute Initial Review Group:

Agenda/Purpose: To review, discuss and evaluate grant applications.

Committee Name: Subcommittee C—Basic and Preclinical Sciences.

Date: April 6–7, 1998.

Time: April 6–7:30 p.m. to Recess; April 7–8:00 a.m. to Adjournment.

Place: Holiday Inn—Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Virginia P. Wray, Ph.D., Scientific Review Administrator, National Cancer Institute, NIH, 6130 Executive Boulevard, North, Room 635D, Bethesda, Md 20892–7405, Telephone: 301/496–9236.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(CATALOG OF FEDERAL DOMESTIC ASSISTANCE PROGRAM NUMBERS: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control)

Dated: March 12, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–7175 Filed 3–18–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the National Cancer Institute Special Emphasis Panel, March 23–24, 1998, Double Tree Hotel, Rockville, Maryland, which was published in the **Federal Register** on February 9, 1998 (63 FR 6574).

The meeting was cancelled due to a scheduling conflict.

Dated: March 12, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–7177 Filed 3–18–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 United States Code Appendix 2), notice is hereby given of the following National Institute of General Medical Sciences Special Emphasis Panel (SEP) meeting:

Name of SEP: Trauma and Burn (Teleconference).

Date: March 25, 1998.

Time: 10:00 a.m.—adjournment.

Place: NIH, NIGMS, Natcher Building, Room 1AS–13, Bethesda, Maryland.

Contact person: Dr. Bruce Wetzel, Scientific Review Administrator, NIGMS, Natcher Building—Room 1AS–13, Bethesda, Maryland 20892, Telephone: 301–594–3907.

Purpose/Agenda: To evaluate and review grant applications.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. The discussions of these applications could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with these applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Nos. [93.821], Biophysics and Physiological Sciences; 93.859, Pharmacological Sciences; 93.862, Genetics Research; 93.863, Cellular and Molecular Basis of Disease Research; 93.880, Minority Access Research Careers (MARC); and 93.375, Minority Biomedical Research Support (MBRS)], National Institutes of Health)

Dated: March 13, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–7159 Filed 3–18–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institutes of Mental Health; Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings of the National Institute of Mental Health Special Emphasis Panel.

Agenda/Purpose: To review and evaluate grant applications.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: March 30, 1998.

Time: 11 a.m.

Place: Parklawn, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Sheri L. Schwartzback, Parklawn, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 446–6470.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: March 31, 1998.

Time: 8:30 a.m.

Place: George Washington University Inn, 824 New Hampshire Avenue, NW., Washington, DC 20037.

Contact Person: Gloria B. Levin, Parklawn, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–1340.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: April 2, 1998.

Time: 11 a.m.

Place: Parklawn, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: W. Gregory Zimmerman, Parklawn, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–1340.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meetings due to the urgent need to meet limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, and 93.282)

Dated: March 13, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–7160 Filed 3–11–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 United States Code Appendix 2), notice is hereby given of the following National Institute of General Medical Sciences Special Emphasis Panel (SEP) meetings:

Name of SEP: Trauma and Burn.

Date: March 30–31, 1998.

Time: March 30—8:30 a.m.–5:00 p.m.; March 31—8:30 a.m.–adjournment.

Place: University of Michigan, Ann Arbor, Michigan.

Contact Person: Dr. Bruce Wetzel, Scientific Review Administrator, NIGMS, Natcher Building—Room 1AS–13, Bethesda, Maryland 20892, Telephone: 301–594–3907.

Name of SEP: Pharmacological Sciences

Date: April 7–8, 1998.

Time: April 7—8:30 a.m.–5:00 p.m.; April 8—8:30 a.m.–adjournment.

Place: University of Washington, Seattle, Washington.

Contact Person: Dr. Bruce Wetzel, Scientific Review Administrator, NIGMS, Natcher Building—Room 1AS–13, Bethesda, Maryland 20892, Telephone: 301–594–3907.

Purpose/Agenda: To evaluate and review grant applications.

These meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. The discussions of these applications could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with these applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than 15 days prior to the above meetings due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Nos. [93.821, Biophysics and Physiological Sciences; 93.859, Pharmacological Sciences; 93.862, Genetics Research; 93.863, Cellular and Molecular Basis of Disease Research; 93.880, Minority Access Research Careers (MARC); and 93.375, Minority Biomedical Research Support (MBRS)], National Institutes of Health)

Dated: March 13, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–7161 Filed 3–18–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke, Division of Extramural Activities; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel (Telephone Conference Call).

Date: March 31, 1998.

Time: 2:30 p.m.

Place: National Institutes of Health, 7550 Wisconsin Avenue, Room 9C10, Bethesda, MD 20892.

Contact Person: Dr. Katherine Woodbury-Harris, Mr. Phillip Wiethorn, Scientific Review Administrators, NINDS, National Institutes of Health, 7550 Wisconsin Avenue, Room 9C10, Bethesda, MD 20892, (301) 496–9223.

Purpose/Agenda: To review and evaluate Phase I SBIR Contract Proposal(s). This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

The meeting will be closed in accordance with the provisions set forth in secs. 552(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93–853, Clinical Research Related to Neurological Disorders; No. 93.854, Biological Basis Research in the Neurosciences)

Dated: March 12, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–7176 Filed 3–18–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institutes of Mental Health; Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings of the National Institute of Mental Health Special Emphasis Panel:

Agenda/Purpose: To review and evaluate grant applications.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: March 26, 1998.

Time: 1 p.m.

Place: Parklawn, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Phyllis D. Artis, Parklawn, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–6470.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: April 1, 1998.

Time: 3:15 p.m.

Place: Parklawn, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Phyllis D. Artis, Parklawn, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857, Telephone 301, 443–6470.

The meetings will be closed in accordance with the provisions set forth in secs.

552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meetings due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: March 12, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–7178 Filed 3–18–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings of the National Institute of Mental Health Special Emphasis Panel:

Agenda/Purpose: To review and evaluate grant applications.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: April 7, 1998.

Time: 12 p.m.

Place: Parklawn, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: W. Gregory Zimmerman, Parklaws, Room 9C–18, 5600 Fishes Lane, Rockville, MD 20857, Telephone: 301, 443–1340.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: April 10, 1998.

Time: 1 p.m.

Place: Parklawn, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857.

Contract Person: W. Gregory Zimmerman, Parklawn, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–1340.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: March 12, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–7179 Filed 3–18–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Meeting of the Board of Scientific Counselors, National Institute of Environmental Health Sciences

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Environmental Health Sciences (NIEHS), May 3–5, 1998. The meeting will begin at 8:00 p.m. on May 3, at the Siena Hotel, 1505 E. Franklin Street, Chapel Hill, North Carolina. It will resume on May 4 at South Campus, Conference Rooms 101 ABC, NIEHS, 111 T.W. Alexander Drive, Research Triangle Park, North Carolina.

This meeting will be open to the public from 8:30 a.m. to approximately 3:30 p.m. on May 4 for the purpose of presenting an overview of the organization and conduct of research in the Laboratory of Environmental Carcinogenesis and Mutagenesis. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sec. 552b(c)(6) of the Title 5, U.S. Code and sec. 10(d) of Pub. L. 92–463, the prereview meeting will be closed to the public on May 3 from approximately 8:00 p.m. to recess, as will the post review discussions on May 4 from 3:30 p.m. to adjournment and May 5 from 8:30 a.m. to adjournment, for the evaluation of the programs of the laboratory listed above, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Executive Secretary, Dr. Carl Barrett, Scientific Director, Division of Intramural Research, NIEHS, Research Triangle Park, N.C. 27709, telephone (919) 541–3205, will furnish rosters of committee members and program information.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Executive Secretary in advance of the meeting.

Dated: March 12, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–7180 Filed 3–18–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel meeting:

Name of SEP: ZDK1 GRB–6 M2 M.

Date: April 24, 1998.

Time: 4:00 pm.

Place: Room 6AS–37A, Natcher Building, NIH (Telephone Conference Call).

Contact: Neal Musto, Ph.D., Scientific Review Administrator, Review Branch, DEA, NIDDK, Natcher Building, Room 6AS–37A, National Institutes of Health, Bethesda, Maryland 20892–6600, Phone: (301) 594–7798.

Purpose/Agenda: To review and evaluate grant applications.

This meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.847–849, Diabetes, Endocrine and Metabolic Diseases; Digestive Diseases and Nutrition; and Kidney Diseases, Urology and Hematology Research, National Institutes of Health)

Dated: March 12, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–7181 Filed 3–18–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental Research; Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as

amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Dental Research Special Emphasis Panel (SEP) meetings:

Name of SEP: National Institute of Dental Research Special Emphasis Panel-Review of R03 (98–34).
Dates: April 1, 1998.
Time: 10:00 a.m.
Place: Natcher Building, Rm. 4AN–44F, National Institutes of Health, Bethesda, MD 20892 (teleconference).
Contact Person: Dr. Philip Washko, Scientist Review Administrator, 4500 Center Drive, Natcher Building, Room 4AN–44F, Bethesda, MD 20892, (301) 594–2372.
Purpose/Agenda: To evaluate and review grant applications and/or contract proposals.

This notice is being published less than fifteen days prior to this meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

Name of SEP: National Institute of Dental Research Emphasis Panel-Review of P01 (98–18).
Dates: April 16–17, 1998.
Time: 8:30 a.m.
Place: Marriott Suites Bethesda, 6711 Democracy Boulevard, Bethesda, MD 20817.
Contact Person: Dr. Philip Washko, Scientist Review Administrator, 4500 Center Drive, Natcher Building, Room 4AN–44F, Bethesda, MD 20892, (301) 594–2372.
Purpose/Agenda: To evaluate and review grant applications and/or contract proposals.

Name of SEP: National Institute of Dental Research Special Emphasis Panel-Review of R01 (98–38).
Dates: April 21, 1998.
Time: 1:00 p.m.
Place: Natcher Building, Rm 4AN–44F, National Institutes of Health, Bethesda, MD 20892 (teleconference).
Contact Person: Dr. Philip Washko, Scientist Review Administrator, 4500 Center Drive, Natcher Building, Room 4AN–44F, Bethesda, MD 20892, (301) 594–2372.
Purpose/Agenda: To evaluate and review grant applications and/or contract proposals.

Name of SEP: National Institute of Dental Research Special Emphasis Panel-Review of R13 (98–40)
Dates: April 23, 1998.
Time: 4:00 p.m.
Place: Natcher Building, Rm. 4AN–44F, National Institutes of Health, Bethesda, MD 20892 (teleconference).
Contact Person: Dr. George Hausch, Chief, Extramural Review Division, 4500 Center Drive, Natcher Building, Room 4AN–44F, Bethesda, MD 20892, (301) 594–2372.
Purpose/Agenda: To evaluate and review grant applications and/or contract proposals.

Name of SEP: National Institute of Dental Research Special Emphasis Panel-Review of R13 (98–23).
Dates: April 27–28, 1998.
Time: 8:30 a.m.
Place: The Bethesda Ramada, 8300 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Dr. George Hausch, Chief, Extramural Review Division, 4500 Center Drive, Natcher Building, Room 4AN–44F, Bethesda, MD 20892, (301) 594–2372.
Purpose/Agenda: To evaluate and review grant applications and/or contract proposals.

Name of SEP: National Institute of Dental Research Emphasis Panel-Review of R03 & R13 (98–35).
Dates: May 7, 1998.
Time: 1:00 p.m.
Place: Natcher Building, Rm. 4AN–44F, National Institutes of Health, Bethesda, MD 20892 (teleconference).
Contact Person: Dr. Philip Washko, Scientist Review Administrator, 4500 Center Drive, Natcher Building, Room 4AN–44F, Bethesda, MD 20892, (301) 594–2372.
Purpose/Agenda: To evaluate and review grant applications and/or contract proposals.

These meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.121, Oral Diseases and Disorders Research)

Dated: March 12, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–7182 Filed 3–18–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Toxicology Program; Call for Public Comments; Agents, Substances, Mixtures and Exposure Circumstances Proposed for Listing in or Removing From the Report on Carcinogens, Ninth Edition

Background

The National Toxicology Program (NTP) solicits final public comments on its intent to recommend additional agents, substances, mixtures and exposure circumstances for listing in or delisting from the Report on Carcinogens, Ninth Edition. This Report is a Congressionally-mandated listing of known human carcinogens and reasonably anticipated human carcinogens and its preparation is delegated to the National Toxicology Program by the Secretary, Department of Health and Human Services (HHS). Section 301(b)(4) of the Public Health Service Act, as amended, provides that the Secretary, (HHS), shall publish a report which contains a list of all substances (1) which either are known to be human carcinogens or may reasonably be anticipated to be human carcinogens; and (2) to which a significant number of persons residing in the United States (US) are exposed. The law also states that the report should provide available information on the nature of exposures, the estimated number of persons exposed and the extent to which the implementation of Federal regulations decreases the risk to public health from exposure to these chemicals.

In 1997, 14 substances or exposure circumstances were reviewed for listing in or removal from the Ninth Report. This review included two Federal and one non-government, scientific peer reviews and public comment and review. All available data relevant to the criteria for inclusion or removal of candidate substances or exposure circumstances in the Report were evaluated by the three scientific review committees. The criteria used in the review process and the detailed description of the review procedures, including the steps in the current formal review process, can be obtained by contacting: Dr. C.W. Jameson, National Toxicology Program, Report on Carcinogens, MD EC–14, P.O. Box 12233, Research Triangle Park, NC 27709; phone: (919) 541–4096, fax: (919) 541–2242, email:jameson@niehs.nih.gov.

Public Comment Requested

The NTP will be making a final recommendation for the 14 substances or exposure circumstances reviewed in 1997, for either listing in, delisting from, or changing the current listing from reasonably anticipated to be a human carcinogen to the known to be a human carcinogen category in the Ninth Report. These nominated substances or exposure circumstances are provided in the following table with their Chemical Abstracts Services (CAS) Registry numbers (where available) and the recommendations from the three scientific peer reviews of the nominations.

Background documents provided to the review committees and the interested public and summary minutes of the public peer review by the NTP Board Subcommittee are available upon request. The NTP will review the recommendations of each of the review committees and consider the public comments received throughout the process in making decisions regarding the NTP recommendations to the Secretary, DHHS, for listing or removal of the nominated substances and exposure circumstances in the Ninth Edition of the Report on Carcinogens. The NTP solicits final public comment to supplement any previously submitted

comments or to provide comments for the first time on any substance or exposure circumstances in the following table. Because of the different recommendations forwarded by the three scientific review groups, the NTP is especially interested in obtaining additional relevant information in support of or against the petition to delist Saccharin from the Report on Carcinogens. The critical areas identified in the earlier scientific reviews where additional input is solicited include (1) information that addresses the adequacy of existing epidemiology data, particularly as it relates to reported increased incidences of bladder tumor formation in certain small populations; (2) the levels of human exposure, especially in infants and children; (3) information addressing the mechanism of urinary bladder tumor formation in male rats as it relates to other test species (especially female rats and male and female mice) and to humans; and (4) the adequacy of data for tumor formation in laboratory animals at target sites other than the urinary bladder. Comments will be accepted for a period of 60 days from the date of the publication of this announcement in the **Federal Register.** Comments or questions should be directed to Dr. C.W. Jameson at the address listed above.

Attachment.

Dated: March 12, 1998.

Kenneth Olden,

Director, National Toxicology Program.

SUMMARY OF RG1 [1], RG2 [2] AND NTP BOARD SUBCOMMITTEE [3] RECOMMENDATIONS FOR THE AGENTS, SUBSTANCES, MIXTURES OF EXPOSURE CIRCUMSTANCES REVIEWED IN 1997 FOR LISTING IN OR DELISTING FROM THE REPORT ON CARCINOGENS, 9TH EDITION

Substance or exposure circumstance/CAS No.	Primary uses or exposures	RG1 action	RG2 action	NTP Board Subcommittee action
DYES METABOLIZED TO BENZIDINE (BENZIDINE DYES AS A CLASS).	Benzidine-based dyes are used primarily for dyeing textiles, paper and leather products. More than 250 benzidine-based dyes have been reported by the Society of Dyers and Colorists.	RG1 voted 7/1 to list as known to be human carcinogen.	RG2 voted unanimously to list as a known to be human carcinogen.	The Subcommittee recommended unanimously listing as known to be human carcinogen.
1,3-BUTADIENE/106–99–0	Used primarily as a chemical intermediate and polymer component in the manufacture of synthetic rubber.	RG1 voted 9/0 with 1 abstention to upgrade the current listing to known to be human carcinogen.	RG2 voted unanimously to upgrade the current listing to known to be human carcinogen.	The Subcommittee recommended (4 yes votes to 2 no votes with 1 abstention) upgrading the current listing to known to be human carcinogen.
CADMIUM and CADMIUM COMPOUNDS/7740–43–9.	Used in batteries, coating and plating, plastic and synthetic products and in alloys.	RG1 voted 7/1 to upgrade the current listing to known to be human carcinogen.	RG2 voted unanimously to upgrade the current listing to known to be human carcinogen.	The Subcommittee recommended unanimously upgrading the current listing to known to be a human carcinogen.
CHLOROPRENE/126–99–8	Used as monomer for neoprene elastomers, industrial rubber products, and as a component of adhesives in food packaging.	RG1 voted 7/0 with 2 abstentions to list as a reasonably anticipated human carcinogen.	RG2 voted unanimously to list as a reasonably anticipated human carcinogen.	The Subcommittee recommended unanimously listing as reasonably anticipated to be a human carcinogen.
PHENOLPHTHALEIN/77–09–8.	Used as a laboratory reagent and acid-base indicator and as a cathartic drug in over-the-counter laxative preparations.	RG1 voted 9/1 to list as reasonably anticipated to be a human carcinogen.	RG2 voted 7/0 with 1 abstention to list as a reasonably anticipated to be a human carcinogen.	The Subcommittee recommended unanimously listing as reasonably anticipated to be a human carcinogen.
SACCHARIN/218–44–9	Used primarily as a nonnutritive sweetening agent.	RG1 voted 7/3 to delist from the Report on Carcinogens.	RG2 voted 6/2 to delist from the Report on Carcinogens.	The Subcommittee recommended (4 yes votes to 3 no votes) not to delist from the Report, and leave saccharin listed as reasonably anticipated to be a human carcinogen.
SMOKELESS TOBACCO ..	Oral use of smokeless tobacco products.	RG1 voted unanimously to list as a known to be human carcinogen.	RG2 voted unanimously to list as a known to be human carcinogen.	The Subcommittee recommended unanimously listing as a known to be human carcinogen.

SUMMARY OF RG1[1], RG2[2] AND NTP BOARD SUBCOMMITTEE[3] RECOMMENDATIONS FOR THE AGENTS, SUBSTANCES, MIXTURES OF EXPOSURE CIRCUMSTANCES REVIEWED IN 1997 FOR LISTING IN OR DELISTING FROM THE REPORT ON CARCINOGENS, 9TH EDITION—Continued

Substance or exposure circumstance/CAS No.	Primary uses or exposures	RG1 action	RG2 action	NTP Board Subcommittee action
STRONG INORGANIC ACID MISTS CONTAINING SULFURIC ACID.	Sulfuric acid is the one of the most widely used of all industrial chemicals. Used in the manufacture of fertilizers, rayon and other fibers, pigments and colors, explosives, plastics, coal-tar products such as dyes and drugs, storage batteries, synthetic detergents, natural and synthetic rubber, pulp and paper.	RG1 voted unanimously to list as known to be a human carcinogen.	RG2 voted 7/1 to list as known to be a human carcinogen.	The Subcommittee recommended unanimously listing as known to be a human carcinogen.
TAMOXIFEN/10540–29–1	Used as an anti-estrogen drug and in the palliative treatment of breast cancer.	RG1 voted unanimously to list as known to be human carcinogen with the added statement that there is also conclusive evidence that tamoxifen therapy reduces the risk of contralateral breast cancer in women with a previous diagnosis of breast cancer.	RG2 voted 7/0 with 1 abstention to list as known to be a human carcinogen with the added statement that there is also conclusive evidence that tamoxifen therapy reduces the risk of contralateral breast cancer in women with a previous diagnosis of breast cancer.	The Subcommittee recommended unanimously listing as known to be a human carcinogen, with the statement that there is also conclusive evidence that tamoxifen therapy reduces the risk of contralateral breast cancer in women with a previous diagnosis of breast cancer.
2,3,7,8-TETRACHLORODIBENZO-P-DIOXIN (TCDD)/1746–01–6.	Not used commercially, used only as a research chemical.	RG1 voted unanimously to upgrade the current listing to known to be human carcinogen.	RG2 voted unanimously to upgrade the current listing to known to be human carcinogen.	The Subcommittee recommended (4 yes votes to 3 no votes with 1 abstention) upgrading the current listing to known to be human carcinogen.
TETRAFLUOROETHYLENE/116–14–3.	Used in the production of polytetrafluoroethylene (Teflon) and other polymers. Has also been used as a propellant for food product aerosols.	RG1 voted unanimously to list as reasonably anticipated to be a human carcinogen.	RG2 voted unanimously to list as reasonably anticipated to be a human carcinogen.	The Subcommittee recommended unanimously listing as reasonably anticipated to be a human carcinogen.
TOBACCO SMOKING	Inhalation of tobacco smoke.	RG1 voted unanimously to list as known to be a human carcinogen.	RG2 voted unanimously to list as known to be a human carcinogen.	The Subcommittee recommended unanimously listing as known to be a human carcinogen.
TRICHLOETHYLENE/79–01–6.	Used as an industrial solvent for vapor degreasing and cold cleaning of fabricated metal parts. Has also been used as a carrier solvent for the active ingredients of insecticides and fungicides, as an anesthetic for medical and dental use, and for caffeine from coffee.	RG1 voted 6/2 to list as reasonably anticipated to be a human carcinogen.	RG2 voted 7/1 to list as reasonably anticipated to be a human carcinogen.	The Subcommittee recommended unanimously listing as reasonably anticipated to be a human carcinogen.
UV RADIATION	Solar and artificial sources of ultraviolet radiation.	RG1 voted unanimously to list Solar Radiation and use of Sunlamps and Sunbeds as known to be a human carcinogen.	RG2 voted 7/1 in favor of motion to defer action on UV Radiation until the Background Document could be revised to address the full spectrum of UV Radiation, including UVA, UVB, and UVC.	The Subcommittee recommended unanimously listing Solar Radiation and use of Sunlamps and Sunbeds as know to be a human carcinogen.

[1] The NIEHS Review Committee for the Report on Carcinogens (RG1).
[2] The NTP Interagency Executive Committee Working Group for the Report on Carcinogens (RG2).
[3] The NTP Board of Scientific Counselors Report on Carcinogens Subcommittee.

[FR Doc. 98–7183 Filed 3–18–98; 8:45 am]
BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Revised Information Collection Submitted to the Office of Management and Budget (OMB) for Approval Under the Paperwork Reduction Act

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The collection of information listed below will be submitted to OMB for approval under the provisions of the Paperwork Reduction Act. A copy of the information collection requirement is included in this notice. Copies of the proposed information collection requirement, related forms, and explanatory material may be obtained by contacting the Service Information Collection Clearance Officer at the address listed below.

DATES: Comments must be submitted on or before May 18, 1998.

ADDRESSES: Comments and suggestions on the requirement should be sent directly to the Office of Information and Regulatory Affairs; Office of Management and Budget; Attention: Interior Desk Officer, Washington, DC 20503; and a copy of the comments should be sent to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, ms 224—ARLSQ, 1849 C Street NW., Washington, DC 20204.

FOR FURTHER INFORMATION CONTACT: Phyllis H. Cook, Service Information Collection Clearance Officer, (703) 358–1943; (703) 358–2269 (fax).

SUPPLEMENTARY INFORMATION: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and, (4) ways to minimize the burden of the collection of information on respondents.

Title: Migratory Bird Harvest Surveys.

Approval Number: 1018–0015.

Service Form Number(s): 3–1823A, 3–2056G, 3–165, 3–165A-C, 3–2056J-M.

Description and Use: The Migratory Bird Treaty Act (16 USC 703–711) and Fish and Wildlife Act of 1956 (16 USC 742d) designate the Department of the Interior as the key agency responsible for the wise management of migratory bird populations frequenting the United States and for the setting of hunting regulations that allow appropriate harvests that are within the guidelines that will allow for those populations' well being. These responsibilities dictate the gathering of accurate data on various characteristics of migratory bird harvest of a geographic and temporal nature. Knowledge attained by determining harvests and harvest rates of migratory game birds is used to regulate populations (by promulgating hunting regulations) and to encourage hunting opportunity, especially where crop depredations are chronic and/or lightly harvested populations occur. Based on information from harvest surveys, hunting regulations can be adjusted as needed to optimize harvests at levels that provide a maximum of hunting recreation while keeping populations at desired levels.

This information collection approval request combines three sets of surveys (the Waterfowl Hunter Survey, the Migratory Bird Hunter Survey, OMB Approval 1018–0015, and the Parts Collection Survey, OMB Approval 1018–0009) and associated forms because they are interrelated and/or dependent upon each other.

The Waterfowl Hunter Survey, which estimates the harvest of ducks and geese, is based on Federal Duck Stamp sales. This survey asks people who purchase Federal Duck Stamps from randomly sampled Post Offices and other stamp vendors to complete and return a postcard (form 3–1823A) with their name and address. Hunters who complete and return the postcard are sent a postcard questionnaire (form 3–2056G) at the end of the hunting season, asking them to report their harvest of ducks and geese. Their responses provide estimates of the average harvest per hunter, which, combined with total Federal Duck Stamp sales, enables the Service to estimate the total harvest of ducks and geese.

The Migratory Bird Hunter Survey is based on the Migratory Bird Harvest Information Program, under which each State annually provides a list of all licensed migratory bird hunters in the State. Randomly selected migratory bird hunters are sent either a waterfowl questionnaire (form 3–2056J), a dove and band-tailed pigeon questionnaire (form 3–2056K), a woodcock questionnaire (form 3–2056L), or a snipe, rail, gallinule, and coot questionnaire (form 3–2056M) and are asked to report their harvest of those species. The resulting estimates of harvest per hunter are combined with the complete list of migratory bird hunters to provide estimates of the total harvest of those species. This survey will replace the Waterfowl Hunter Survey after it has been fully implemented in all States and comparisons of results with Waterfowl Hunter Survey results have been completed.

The Parts Collection Survey estimates the species, sex, and age composition of the harvest, and the geographic and temporal distribution of the harvest. Randomly selected successful hunters who responded to the Waterfowl Hunter Survey or the Migratory Bird Hunter Survey the previous year are asked to complete and return a postcard (forms 3–165A and C) if they are willing to participate in the Parts Collection Survey. Respondents are provided postage-paid envelopes before the hunting season and asked to send in a wing or the tail feathers from each duck, goose, or coot (form 3–165) they harvest, or a wing from each woodcock, band-tailed pigeon, snipe, rail, or gallinule (form 3–165B) they harvest. The wings and tail feathers are used to identify the species, age, and sex of the harvested sample. Respondents are also asked to report on the envelope the date and location (state and county) of harvest for each bird. Results of this survey are combined with harvest estimates from the Waterfowl Hunter Survey and the Migratory Bird Hunter Survey to provide species-specific national harvest estimates.

The combined results of these surveys enable the Service to evaluate the effects of season length, season dates, and bag limits on the harvest of each species, and thus help determine appropriate hunting regulations.

Frequency of Collection: Annually.

Description of Respondents: Individuals and households.

Estimated Completion Time: The reporting burden is estimated to average 2 minutes per respondent for the Migratory Bird Harvest Information Program, 8 minutes per respondent for the Waterfowl Hunter Survey, 4 minutes per respondent for the Migratory Bird Hunter Survey, and 50 minutes per respondent for the Parts Collection Survey.

Number of Respondents: About 3,300,000 individuals are expected to participate in the Migratory Bird Harvest Information Program. Recent Service experience indicates that about 34,000 hunters will respond to the Waterfowl Hunter Survey each year, and about 12,000 hunters will respond to the Parts Collection Survey annually. The Service anticipates that about 105,000 hunters will respond to the Migratory

Bird Hunter Survey annually when that survey is conducted nationwide, beginning in 1998.

Annual Burden Hours: 131,992.

Dated: March 13, 1998.

Carolyn A. Bohan,

Acting Assistant Director for Refuges and Wildlife.

[FR Doc. 98–7078 Filed 3–18–98; 8:45 am]

BILLING CODE 4310–55–F

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Intent to Prepare Comprehensive Conservation Plans and Associated Environmental Documents for the Ohio River Islands National Wildlife Refuge and the Rhode Island National Wildlife Refuge Complex

SUMMARY: This notice advises the public that the U.S. Fish and Wildlife Service (Service) intends to gather information necessary to prepare two Comprehensive Conservation Plans (CCP) and environmental documents pursuant to the National Environmental Policy Act and its implementing regulations. One CCP will be prepared for Ohio River Islands National Wildlife Refuge, in Ohio, West Virginia, Kentucky and Pennsylvania. The second CCP will be prepared for Rhode Island National Wildlife Refuge Complex, including Ninigret, Block Island, Pettaquamscut Cove, Sachuest Point, and Trustom Pond National Wildlife Refuges in Rhode Island and Massachusetts. The Service is furnishing this notice in compliance with the National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 668dd et seq.):

(1) To advise other agencies and the public of our intentions, and

(2) To obtain suggestions and information on the scope of issues to include in the environmental documents.

DATES: Inquire at the addresses below for dates of planning activity and due dates for comments regarding specific projects.

ADDRESSES: Address comments, questions and requests for more information to the following:

Refuge Manager, Ohio River Islands National Wildlife Refuge, P.O. Box 1811, Parkersburg, WV 26101–1811, (304) 422–0752.

Refuge Manager, Rhode Island National Wildlife Refuge Complex, P.O. Box 307, Charlestown, RI 02813–0307, (401) 364–9124).

SUPPLEMENTARY INFORMATION: By federal law, all lands within the National Wildlife Refuge System are to be managed in accordance with an approved CCP. The CCP guides management decisions and identifies refuge goals, long-range objectives, and strategies for achieving refuge purposes. The planning process will consider many elements including habitat and wildlife management, habitat protection and acquisition, public use, and cultural resources. Public input into this planning process is essential. The CCP will provide other agencies and the public with a clear understanding of the desired conditions for the Refuges and how the Service will implement management strategies.

The Service will solicit public input via open houses, public input via open houses, public meetings, workshops, and written comments. Special mailings, newspaper articles, and announcements will inform people of the time and place of such opportunities for public input to the CCP.

The Ohio River Islands National Wildlife Refuge is scattered along approximately 400 river miles from western Pennsylvania, on the borders of northwestern West Virginia and northern Kentucky, and southeastern and southern Ohio. Established in 1990, the Refuge currently consists of 19 islands. Comments and ideas for the protection of threatened and endangered species and migratory birds and the protection and management of their habitats will be solicited as part of the planning process. Comments on the protection of shallow water embayments and wetlands along the river will also be solicited.

The Rhode Island National Wildlife Refuge Complex currently consists of 1534 acres of coastal habitats—barrier beach, salt marsh, freshwater wetlands, grasslands, and shrublands. The complex is comprised of five National Wildlife Refuges: Ninigret (408 acres), Block Island (68 acres), Pettaquamscut Cove (174 acres), Sachuest Point (242 acres), and Trustom Pond (642 acres). Comments and ideas for the protection of threatened and endangered species and migratory birds and the protection and management of their habitats will be solicited as part of the planning process.

Review of these projects will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), NEPA Regulations (40 CFR parts 1500–1508), other appropriate Federal laws and regulations, and Service policies and procedures for compliance with those regulations.

Dated: March 9, 1998.

Ronald E. Lambertson,

Regional Director, U.S. Fish and Wildlife Service, Hadley, Massachusetts.

[FR Doc. 98–7125 Filed 3–18–98; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

PRT–840255

Applicant: The Zoological Society of Philadelphia, Philadelphia, PA.

The applicant requests a permit to import a male Greater Indian One-horned Rhinoceros (*Rhinoceros unicornis*) from the Metropolitan Toronto Zoo, Scarborough, Ontario, Canada, for the purpose of enhancement of the species through breeding.

PRT–839380

Applicant: Dr. John Faaborg, University of Missouri, Columbia, MO.

The applicant requests a permit to import blood samples from Galapagos hawks (*Buteo galapagoensis*) collected in the wild in Ecuador, incidental to other research activities, for scientific research.

PRT–840226

Applicant: William Wrightson, Boston, MA.

The applicant requests a permit to purchase feathers of Swinhoe's pheasants (*Lophura swinhoei*) and of the genus Polyplectreon in interstate commerce for the purpose of enhancement of the survival of the species.

PRT–840483

Applicant: Keith Masserant, Newport, MI.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–840484

Applicant: Linda Masserant, Newport, MI.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd

maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–840485

Applicant: Lawrence I. Masserant, Newport, MI.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

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).

PRT–837414

Applicant: Alaska Sealife Center, Seward, AK.

Permit Type: Take for enhancement/scientific research.

Name and Number of Animals: northern sea otter (*Enhydra lutris lutris*) and walrus (*Odobenus rosmarus*), unlimited.

Summary of Activity to Be Authorized: The applicant requests authorization for species enhancement and scientific research for the following activities: recovery and rehabilitation of sick and stranded sea otters and walrus, and investigations of new rehabilitation protocols for sea otters to increase the chances of succesful reintroduction. The applicant has proposed to include an education component to the rehabilitation program to help educate the public of species biology and conservation.

Source of Marine Mammals: Range of species in Alaska.

Period of Activity: Up to 5 years from issuance date of permit, if issued.

Concurrent with the publication of this notice in the **Federal Register**, the Office of Management Authority is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

PRT–839985

Applicant: Thomas A. Rue, Ovando, MT.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted prior to April 30, 1994, from the Baffin Bay polar bear population, Northwest Territories, Canada for personal use.

PRT–840250

Applicant: Fred D. Rich, Portland, TX.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Southern Beaufort Sea polar bear population, Northwest Territories, Canada for personal use.

PRT–840283

Applicant: Ralph W. Brockman, Monroe, LA.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted prior to April 30, 1994, from the Lancaster Sound polar bear population, Northwest Territories, Canada for personal use.

PRT–840287

Applicant: Robert L. Zachrich, Holgate, OH.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted prior to April 30, 1994, from the Lancaster Sound polar bear population, Northwest Territories, Canada for personal use.

PRT–840286

Applicant: John Victor Lattimore III, Denison, TX.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Southern Beaufort Sea polar bear population, Northwest Territories, Canada for personal use.

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 13, 1998.

MaryEllen Amtower,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 98–7079 Filed 3–18–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Issuance of Permit for Marine Mammals

On December 19, 1997, a notice was published in the **Federal Register**, Vol. 62, No. 244, Page 66660, that an application had been filed with the Fish and Wildlife Service by Eugene Giscombe for a permit (PRT–837603) to import a sport-hunted polar bear trophy, taken from the McClintock Channel population, Northwest Territories, Canada for personal use.

Notice is hereby given that on February 10, 1998, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On January 6, 1998, a notice was published in the **Federal Register**, Vol. 63, No. 3, Page 571, that an application had been filed with the Fish and Wildlife Service by Stephen C. Slack for a permit (PRT–837990) to import a sport-hunted polar bear trophy, taken prior to April 30, 1994, from the Davis Strait population, Northwest Territories, Canada for personal use.

Notice is hereby given that on March 3, 1998, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

Documents and other information submitted for these applications are available for review by any party who submits a written request to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Rm 700, Arlington, Virginia 22203. Phone (703) 358–2104 or Fax (703) 358–2281.

Dated: March 13, 1998.

MaryEllen Amtower,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 98–7080 Filed 3–18–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Application for a Natural Gas Pipeline Right-of-Way

SUMMARY: Notice is hereby given that under Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449: 30 U.S.C. 185), as amended by Public Law 93–153,

Southern Natural Gas Company has applied for a right-of-way to install and maintain a 16-inch outer-diameter natural gas pipeline across 2.82 miles of Wheeler National Wildlife Refuge, in Morgan and Limestone Counties, Alabama, described as follows:

A right-of-way with a beginning width of fifty (50) feet, on, over, across, and through that part of the Wheeler National Wildlife Refuge (NWR) lying and being in Sections 25 and 36, Township 5 South, Range 4 West of Morgan County, Sections 13, 24, and 25, Township 5 South, Range 4 West and Section 18, Township 5 South, Range 3 West of Limestone County, Alabama. The boundaries of said right-of-way are more particularly described as being situated twenty five (25) feet either side and measured at right angles to the following described pipeline survey centerline. The boundaries of said right-of-way increase to approximately one hundred (100) feet in width for a length of approximately 882 feet in Section 24, Township 5 South, Range 4 West of Limestone County, as more particularly described below. The said right-of-way parallels and abuts an existing Department of Transportation easement for Interstate 65 in the same sections described above and becomes a part of the same corridor.

Commencing at a ½″ rebar at or near the interior Southeast corner of the Wheeler NWR; thence S88°27′57″ W along the interior South line of said tract or parcel of land a distance of 25.7 feet to the Point of Beginning, at which point the fifty (50) feet wide right-of-way is situated twenty five (25) feet either side and measured at right angles of a surveyed line; thence run N14°32′11″ E a distance of 154.4 feet to a point; thence run N15°55′16″ E a distance of 158.8 feet to a point; thence run N17°08′36″ E a distance of 3,994.3 feet to a point; thence run N77°8′40″ E a distance of 404.8 feet to a point; thence run N17°22′59″ E a distance of 2,249.5 feet to a point; from said point (Sta. 560+94) the right-of-way starts a transition from fifty (50) feet to one hundred (100) feet in width; thence run N21°57′19″ E a distance of 892.9 feet to a point;

At said point (Sta. 569+87) the one hundred (100) feet wide right-of-way is situated twenty five (25) feet East and seventy five feet (75) feet West of a surveyed line; thence run N17°15′43″ E a distance of 881.7 feet to a point; from said point (Sta. 578+68) the right-of-way starts a transition from one hundred (100) feet to fifty (50) feet in width; thence run N12°18′06″ E a distance of 864.6 feet to a point; at said point (Sta. 587+33) the right-of-way is twenty five (25) feet either side and measured at right angles of a surveyed line; thence run N17°30′24″ E a distance of 1,274.7 feet to a point; thence run N10°31′35″ E a distance of 142 feet to a point; thence run N14°54′58″ E a distance of 225 feet to a point; thence run N13°45′48″ E a distance 224.4 feet to a point; thence run N11°40′40″ E a distance of 357.7 feet to a point; thence run N10°10′43″ E a distance of 495 feet to a point; thence run N07°33′10″ E a distance of 302.6 feet to a point; thence run N06°15′25″ E a distance of 395.2 feet to a point; thence run N04°11′32″ E a distance of 366.2 feet to a point; thence run N02°48′17″ E a distance of 423.5 feet to a point; thence run N00°24′45″ W a distance of 544.9 feet to a point, thence run N19°45′17″ E a distance of 136.6 feet to a point; thence run N07°44′51″ E a distance of 13.7 feet to the Point of Ending, which is a point on 136.6 feet to a point, thence run N07°44′51″ E a distance of 13.7 feet to the Point of Ending, which is a point on the North line of said Wheeler NWR, said point is also located a distance of 1,448.6 feet from a ''T'' post (T.V.A. corner No. 99) at or near the Northeast corner of the Wheeler NWR.

Said right-of-way contains 18.666 acres, more or less.

Also for the purpose and duration of the initial construction and installation of the proposed pipeline, a temporary right-of-way and work space twenty (20) feet in width along and adjacent to the west right-of-way from Sta. 1000+35 to Sta. 1000+85. Also a twenty (20) feet in width temporary right-of-way and work space along and adjacent to the east right-of-way from Sta. 1000+85 to Sta. 636+46;

Also an additional temporary right-of-way and work space twenty (20) feet in width along and adjacent to the east temporary work space limits at the following locations: Sta. 566+65 to Sta. 573+50, Sta. 582+32 to Sta. 588+26, Sta. 605+01 to Sta. 617+45, Sta. 620+53 to Sta. 621+74, Sta 623+48 to Sta. 625+14, and Sta. 627+15 to Sta. 634+91;

Also a temporary work space (drill site) being one hundred fifty (150) feet in width and two hundred and fifty (250) feet in length;

Also twelve (12) twenty five (25) feet wide by one hundred (100) feet long temporary rights-of-way and work spaces located at water crossings.

The above-described temporary rights-of-way and work spaces contain, in the aggregate 7.448 acres, more or less.

The purpose of this notice is to inform the public that the United States Fish and Wildlife Service is currently considering the merits of approving this application.

DATES: Interested persons desiring to comment on this application should do so on or before April 20, 1998.

ADDRESSES: Comments should be addressed to the Regional Director, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Room 420, Atlanta, Georgia 30345.

Sam D. Hamilton,

Regional Director.

[FR Doc. 98–7095 Filed 3–18–98; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

U.S. Geological Survey

Technology Transfer Act of 1986

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of proposed cooperative research and development agreement (CRADA) negotiations.

SUMMARY: The United States Geological Survey (USGS) is contemplating entering into a Cooperative Research and Development Agreement (CRADA) with the University of Florida—Gainesville to jointly perform Large Scale and Live Bed Pier Scour research at the Conte Anadromous Fish Research Center.

ADDRESSES: If any other parties are interested in similar activities with the USGS, please contact: Dr. Mufeed Odeh, 413–863–8994, Ext. 43.

SUPPLEMENTARY INFORMATION: This notice is to meet the USGS requirement stipulated in the Survey Manual.

Dated: March 11, 1998.

Dennis B. Fenn,

Chief Biologist.

[FR Doc. 98–7124 Filed 3–18–98; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–952–08–1420–00]

Arizona State Office; Filing of Plats of Survey

March 9, 1998.

1. The plats of survey of the following described lands were officially filed in the Arizona State Office, Phoenix, Arizona, on the dates indicated:

A plat, in two sheets, representing the dependent resurvey of a portion of the subdivisional lines and portions of certain mineral surveys; and the

subdivision of Sections 21 and 22, Township 4 North, Range 3 East, Gila and Salt River Meridian, Arizona, was accepted June 12, 1997, and was officially filed June 19, 1997.

This plat was prepared at the request of the Bureau of Land Management, Phoenix District Office.

A plat representing the dependent resurvey of a portion of the Fort McDowell Indian Reservation and a portion of the subdivisional lines; and the metes-and-bounds survey in Sections 27 and 28, Township 3 North, Range 7 East, Gila and Salt River Meridian, Arizona, was accepted June 24, 1997, and was officially filed July 3, 1997.

This plat was prepared at the request of the Tonto National Forest.

A plat, in two sheets, representing the dependent resurvey of a portion of the east boundary, a portion of the subdivisional lines, and portions of Mineral Survey Nos. 1134 and 3886; and the subdivision of Section 1, and a metes-and-bounds survey, Township 1 North, Range 8 East, Gila and Salt River Meridian, Arizona, was accepted December 16, 1997, and was officially filed December 31, 1997.

This plat was prepared at the request of the Bureau of Land Management, Phoenix Field Office.

A plat, in six sheets, representing the dependent resurvey of the Fifth Standard Parallel North (south boundary), the north boundary, and a portion of the subdivisional lines; and the subdivision of Sections 26, 27, and 34, and metes-and-bounds surveys, Township 21 North, Range 27 East, Gila and Salt River Meridian, Arizona, was accepted July 22, 1997, and was officially filed July 31, 1997.

This plat was prepared at the request of the Navajo-Hopi Relocation Commission.

A plat representing the dependent resurvey of a portion of the Seventh Auxiliary Guide Meridian East (west boundary), and a portion of the subdivisional lines; and the subdivision of Section 18, Township 22 North, Range 29 East, Gila and Salt River Meridian, Arizona, was accepted March 31, 1997, and was officially filed April 10, 1997.

This plat was prepared at the request of the Navajo-Hopi Relocation Commission.

A plat representing the corrective dependent resurvey of a portion of the subdivisional lines, Township 12 North, Range 30 East, Gila and Salt River Meridian, Arizona, was accepted June 30, 1997, and was officially filed July 10, 1997.

This plat was prepared at the request of the Kenneth Shaw, Registered Land Surveyor.

A plat representing the dependent resurvey of a portion of the subdivision of Section 14, and the metes-and-bounds surveys in Section 14, Township 26 North, Range 30 East, Gila and Salt River Meridian, Arizona, was accepted July 30, 1997, and was officially filed August 7, 1997.

This plat was prepared at the request of the Navajo Area Office, Bureau of Indian Affairs.

A plat representing the dependent resurvey of a portion of the south boundary, Township 26 North, Range 30 East, Gila and Salt River Meridian, Arizona, was accepted August 22, 1997, and was officially filed September 5, 1997.

This plat was prepared at the request of the Navajo Area Office, Bureau of Indian Affairs.

A plat representing the dependent resurvey of a portion of the subdivisional lines, Township 26 North, Range 31 East, Gila and Salt River Meridian, Arizona, was accepted August 22, 1997, and was officially filed September 5, 1997.

This plat was prepared at the request of the Navajo Area Office, Bureau of Indian Affairs.

A plat representing the dependent resurvey of a portion of the First Guide Meridian East (west boundary); and the survey of the south boundary, a portion of the east boundary, and a portion of the subdivisional lines, Township 18 South, Range 5 East, Gila and Salt River Meridian, Arizona, was accepted May 12, 1997, and was officially filed May 22, 1997.

This plat was prepared, at the request of the Phoenix Area Office, Bureau of Indian Affairs.

A plat representing the dependent resurvey of a portion of the First Guide Meridian East (west boundary); and the survey of a portion of the east boundary, and a portion of the subdivisional lines, Township 19 South, Range 5 East, Gila and Salt River Meridian, Arizona, was accepted May 12, 1997, and was officially filed May 22, 1997.

This plat was prepared, at the request of the Phoenix Area Office, Bureau of Indian Affairs.

A plat representing the dependent resurvey of a portion of the east boundary and a portion of the subdivisional lines; and the subdivision of Sections 12 and 13, and an informative traverse in Sections 12 and 13, Township 9 South, Range 6 East, Gila and Salt River Meridian, Arizona, was accepted June 24, 1997, and was officially filed July 3, 1997.

This plat was prepared, at the request of the Bureau of Land Management, Phoenix District Office.

A supplemental plat showing amended lottings of fractional areas created by the segregation of patented mineral surveys and the cancellation of Mineral Survey Numbers 2718, 3367, 4644, and a portion of Mineral Survey 2605 in the west half of Section 11, Township 3 South, Range 13 East, Gila and Salt River Meridian, Arizona, was accepted June 10, 1997, and was officially filed June 19, 1997.

This plat was prepared at the request of ASARCO, Incorporated.

A supplemental plat showing amended lottings of fractional areas created by the segregation of patented mineral surveys and the cancellation of Mineral Survey Numbers 3381 and 4640, in the Section 13, Township 3 South, Range 13 East, Gila and Salt River Meridian, Arizona, was accepted June 10, 1997, and was officially filed June 19, 1997.

This plat was prepared at the request of ASARCO, Incorporated.

A plat representing the dependent resurvey and corrective dependent resurvey of portions of the subdivisional lines; and the subdivision of Section 28, and a metes-and-bounds survey, Township 18 South, Range 21 East, Gila and Salt River Meridian, Arizona, was accepted January 29, 1998, and was officially filed February 12, 1998.

This plat was prepared at the request of the Bureau of Land Management, Safford Field Office.

A plat representing the dependent resurvey of a portion of the San Rafael Del Valle Land Grant and a portion of the subdivisional lines; and the subdivision of certain sections, Township 21 South, Range 22 East, Gila and Salt River Meridian, Arizona, was accepted February 24, 1998, and was officially filed March 6, 1998.

This plat was prepared, at the request of the Bureau of Land Management, Safford Field Office.

A plat, in sixteen sheets, representing the survey of the legal descriptive boundary of the North Maricopa Mountains Wilderness Area in Townships 3 and 4 South, Ranges 2, 3 and 4 West, and Townships 5 South, Ranges 2 and 3 West, Gila and Salt River Meridian, Arizona, was accepted April 8, 1997, and was officially filed April 24, 1997.

This plat was prepared at the request of the Bureau of Land Management, Resources Division.

A plat representing the dependent resurvey of a portion of the subdivisional lines; and the subdivision of Sections 14 and 15, and metes-and-

bounds surveys in Sections 14 and 15, Township 6 North, Range 4 West, Gila and Salt River Meridian, Arizona, was accepted February 4, 1998, and was officially filed February 12, 1998.

This plat was prepared at the request of the Bureau of Land Management, Phoenix Field Office.

A plat, in seven sheets, representing the survey of the legal descriptive boundary of the Cottonwood Point Wilderness Area in Townships 41 and 42 North, Ranges 5 and 6 West, Gila and Salt River Meridian, Arizona, was accepted July 1, 1997, and was officially filed July 17, 1997.

This plat was prepared at the request of the Bureau of Land Management, Resources Division.

A plat, in three sheets, representing the dependent resurvey of a portion of the west boundary and a portion of the subdivisional lines; and the subdivision of certain sections, the metes-and-bounds survey of the Cottonwood Point Wilderness Area Boundary, and an informative traverse, Township 41 North, Range 5 West, Gila and Salt River Meridian, Arizona, was accepted April 29, 1997, and was officially filed May 9, 1997.

This plat was prepared at the request of the Bureau of Land Management, Resources Division.

A plat representing the dependent resurvey of the Arizona and Utah State Boundary (north boundary) from the 64 mile corner to the 66 mile corner, a portion of the south boundary, the west boundary, and a portion of the subdivisional lines; and the metes-and-bounds survey of the Cottonwood Point Wilderness Area Boundary, fractional Township 42 North, Range 5 West, Gila and Salt River Meridian, Arizona, was accepted April 29, 1997, and was officially filed May 9, 1997.

This plat was prepared at the request of the Bureau of Land Management, Resources Division.

A plat, in seven sheets, representing the dependent resurvey of a portion of the subdivisional lines; and the subdivision of certain sections, the metes-and-bounds survey of the Cottonwood Point Wilderness Area Boundary, and informative traverses, Township 41 North, Range 6 West, Gila and Salt River Meridian, Arizona, was accepted April 29, 1997, and was officially filed May 9, 1997.

This plat was prepared at the request of the Bureau of Land Management, Resources Division.

A plat, in three sheets, representing the dependent resurvey of the Arizona and Utah State Boundary (north boundary) from the mile corner 59 to the mile corner 64, a portion of the south boundary, and a portion of the subdivisional lines; and the subdivision of Section 32, and the metes-and-bounds survey of the Cottonwood Point Wilderness Area Boundary, fractional Township 42 North, Range 6 West, Gila and Salt River Meridian, Arizona, was accepted April 29, 1997, and was officially filed May 9, 1997.

This plat was prepared at the request of the Bureau of Land Management, Resources Division.

A plat representing the corrective dependent resurvey of a portion of the subdivisional lines, Township 13 North, Range 20 West, Gila and Salt River Meridian, Arizona, was accepted October 29, 1997, and was officially filed November 6, 1997.

This plat was prepared at the request of the Arizona State Land Department.

2. These plats will immediately become the basic records for describing the land for all authorized purposes. These plats have been placed in the open files and are available to the public for information only.

3. All inquiries relating to these lands should be sent to the Arizona State Office, Bureau of Land Management, 222 N. Central Avenue, P.O. Box 1552, Phoenix, Arizona 85001–1552.

Kenny D. Ravnikar,

Chief Cadastral Surveyor of Arizona.

[FR Doc. 98–7122 Filed 3–18–98; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–942–5700–00]

Filing of Plats of Survey; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public and interested state and local government officials of the latest filing of Plats of Survey in California.

EFFECTIVE DATE: Unless otherwise noted, filing was effective at 10:00 a.m. on the next federal work day following the plat acceptance date.

FOR FURTHER INFORMATION CONTACT: Lance J. Bishop, Chief, Branch of Cadastral Survey, Bureau of Land Management (BLM), California State Office, 2135 Butano Drive, Sacramento, CA 95825–0451, (916) 978–4310.

SUPPLEMENTARY INFORMATION: The plats of Survey of lands described below have been officially filed at the California State Office of the Bureau of Land Management in Sacramento, CA.

Mount Diablo Meridian, California

T. 12 N., R. 10 E.,—Supplemental plat of the NE ¼ of section 1, accepted February 3, 1998, to meet certain administrative needs of the BLM, Folsom Field Office.

San Bernardino Meridian, California

T. 9 S., R. 22 E.,—Supplemental plat of fractional section 9, accepted February 2, 1998, to meet certain administrative needs of the BLM (Arizona), Yuma Field Office. Tps. 1 N. and 1 S., R. 15 W.,—Metes-and-bounds survey, (Group 1141) accepted February 3, 1998, to meet certain administrative needs of the National Park Service, Santa Monica Mountains National Recreation Area.

T. 1 S., R. 16 W.,—Dependent resurvey and subdivision of fractional section 19, (Group 1247) accepted February 4, 1998, to meet certain administrative needs of the National Park Service, Santa Monica Mountains National Recreation Area.

T. 1. S., R. 19 W.,—Meets-and-bounds survey, (Group 1222) accepted February 4, 1998, to meet certain administrative needs of the National Park Service, Santa Monica Mountains National Recreational Area.

All of the above listed survey plats are now the basic record for describing the lands for all authorized purposes. The survey plats have been placed in the open files in the BLM, California State Office, and are available to the public as a matter of information. Copies of the survey plats and related field notes will be furnished to the public upon payment of the appropriate fee.

Dated: March 9, 1998.

Lance J. Bishop,

Chief, Branch of Cadastral Survey.

[FR Doc. 98–7127 Filed 3–18–98; 8:45 am]

BILLING CODE 4310–40–M

DEPARTMENT OF THE INTERIOR

National Park Service

Availability of Plan of Operations and Environmental Assessment for Proposed Three Dimensional Seismic Testing at Jean Lafitte National Historical Park and Preserve, Barataria Preserve Unit, Louisiana

SUMMARY: Notice is hereby given in accordance with Section 9.52(b) of Title 36 of the Code of Federal Regulations that the National Park Service has received from Burlington Resources a Plan of Operations for the Couba Island 3–D Seismic Prospect encompassing a portion of the Barataria Preserve Unit of Jean Lafitte National Historical Park and Preserve, located within Jefferson Parish, Louisiana.

The Plan of Operations and Environmental Assessment are available for public review and comment for a

period of 30 days from the publication date of this notice in the Office of the Superintendent, Jean Lafitte National Historical Park and Preserve, 365 Canal Street, Suite 2400, New Orleans, Louisiana and will be sent upon written request.

DATES: This seismic operation is anticipated to take place during the months of April, May, or June and will last approximately six weeks within the park.

FOR FURTHER INFORMATION CONTACT: Superintendent, Jean Lafitte National Historical Park and Preserve, 365 Canal Street, Suite 2400, New Orleans, Louisiana 70130, Telephone: (504) 589–3882.

SUPPLEMENTARY INFORMATION: In compliance with 36 CFR 9B ''Non-federal Oil and Gas Rights,'' Burlington Resources Corporation is proposing to conduct a three dimensional seismic survey encompassing approximately 50 square miles in Jefferson and St. Charles Parishes, Louisiana. A portion of this proposed survey occupies an area of 5,760 acres within the Barataria Preserve Unit of Jean Lafitte National Historical Park and Preserve. A Plan of Operation and Environmental Assessment has been prepared cooperatively by Burlington Resources and the National Park Service. This documents the actions required to accomplish the three dimensional seismic survey while avoiding and minimizing adverse environmental impact to park resources.

Dated: March 10, 1998.

Daniel W. Brown,

Regional Director, Southeast Region.

[FR Doc. 98–7106 Filed 3–18–98; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Final Environmental Impact Statement for Saint Croix Island International Historic Site General Management Plan

AGENCY: National Park Service, Interior.

ACTION: Availability for 30 days of Final Environmental Impact Statement (FEIS) for general management plan at Saint Croix Island International Historic Site located in Calais, Washington County, Maine, U.S.A. The National Park Service will take no action concurrent with the availability of the FEIS after which time a Record of Decision will be prepared.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the National Park Service (NPS) announces the availability of the Final Environmental Impact Statement for actions described in the final draft general management plan for Saint Croix Island International Historic Site. The FEIS is bound with the final draft general management plan and final draft plans for interpretation and land protection that will be implemented when a Record of Decision is finalized.

St. Croix Island is the 1604 site of the first French attempt to colonize the territory called Acadia and the location of one of the earliest European settlements in North America. Saint Croix Island International Historic Site was authorized as a national monument in 1949, dedicated in 1968, and redesignated an international historic site (IHS) in 1984. It is the only IHS in the National Park System. A memorandum of understanding between Canada and the United States recognizes the international significance of the site and commits both nations to joint planning and commemoration.

Four alternatives for the future management of Saint Croix Island IHS were presented and evaluated in the draft general management plan and Draft Environmental Impact Statement. After considering public and agency comment, the NPS modified the preferred alternative to pursue cooperative development of a regional visitor center in downtown Calais with local, state, and other federal agencies. The FEIS considers the consequences of the actions recommended by the Saint Croix Island IHS final draft general management plan on cultural resources; visitor use and experience; natural resources; the socioeconomic environment; and NPS operations and administration.

DATES: The FEIS is available for a period of 30 days, March 20, 1998, through April 20, 1998.

SUPPLEMENTARY INFORMAITON: Public reading copies of the FEIS will be available for review at the Department of Interior Natural Resources Library, 1849 C. Street, N.W., Washington, D.C. 20240, and at Acadia National Park Headquarters, Eagle Lake Road, Bar Harbor, Maine, 04609.

For further information contact the Superintendent, Acadia National Park, P.O. Box 177, Bar Harbor, Maine, 04609; voice at (207) 288–5472; fax at (207) 288–5507; e-mail to *acadplanning@nps.gov*.

Dated: March 9, 1998.

Paul F. Haertel,

Superintendent, Acadia National Park.

[FR Doc. 98–7107 Filed 3–18–98; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Spruce Creek Access Proposal and Environmental Impact Statement, Denali National Park and Preserve, Alaska

SUMMARY: The National Park Service (NPS) is preparing an environmental impact statement (EIS) to evaluate an application for a right-of-way permit to a private inholding on Spruce Creek in the Kantishna Hills of Denali National Park and Preserve. The application for the right-of-way was submitted by the owner of the inholding pursuant to the Alaska National Interest Lands Conservation Act of 1980 (ANILCA), Title XI, Section 1110(b) and the implementing regulations at 43 CFR Part 36. The application states that the right-of-way would provide access for the inholder to construct and operate a remote backcountry lodge.

On January 7, 1998, the NPS accepted a complete application for access to a 20-acre parcel on Spruce Creek (Spruce 4) for the proposed purposes. The proposed access route would follow a nine-mile, single-track gravel road from mile 88 of the Denali Park Road to the private inholding, and would cross Moose Creek 24 times and Spruce Creek four times. The applicant also requested use of an airstrip near Glen Creek for an alternate method of transportation. ANILCA Title XI, Section 1110(b) provides that the Secretary of the Interior shall give ''* * * such rights as may be necessary to assure adequate and feasible access for economic and other purposes to the concerned land by such State or private owner and their successors in interest.'' Implementing regulations (43 CFR Part 36) define *adequate and feasible access* as ''* * * a route and method of access that is shown to be reasonably necessary and economically practicable but not necessarily the least costly alternative for achieving the use and development by the applicant on the applicant's non-federal land or occupancy interest.''

Possible alternatives to the proposed access to be considered in the EIS include: (1) construction of a new road on the north side of Moose Creek and air access via an airstrip near Glen Creek; (2) vehicle access only over a ridge-top route (Skyline Drive) to a point east of Glacier Creek and construction of a new road down a ridge to Spruce Creek; (3) air access only, with construction of a new airstrip near Spruce Creek; and (4) no action.

Primary issues to be addressed by the EIS are visitor access; environmental

constraints; potentially adverse impacts on natural, physical, and/or cultural resources; concerns for NPS management and operations; and interrelationships with adjacent area users. The EIS will assess the cumulative effects of a new lodge in the Kantishna Hills with 15–30 double-occupancy cabins.

The EIS is being prepared in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4331 et seq.) and its implementing regulations at 40 CFR Part 1500.

Interested groups, organizations, individuals and government agencies are invited to comment on the proposal and alternatives. Three public scoping meetings are scheduled as noted below. The draft EIS will be available for public review in the fall of 1998. Public hearings on the draft EIS will be scheduled in the McKinley Park/Healy area, Fairbanks, and Anchorage, Alaska, and Washington, DC.

DATES: *Public Scoping Meetings:*

1. Tuesday, March 31, 1998, 7 p.m., Golden Lion Hotel, Anchorage, Alaska.
2. Wednesday, April 1, 1998, 7 p.m., Pioneer Room at Alaska Land, Fairbanks, Alaska.
3. Thursday, April 2, 1998, 7 p.m., Tri-Valley Community Center, Healy, Alaska.

FOR FURTHER INFORMATION CONTACT: Steven P. Martin, Superintendent, Denali National Park and Preserve, P.O. Box 9, Denali Park, Alaska 99755. Phone (907) 683–2294.

Paul R. Anderson,

Regional Director.

[FR Doc. 98–7108 Filed 3–18–98; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Preservation Technology and Training Board: Meeting

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of meeting of the National Preservation Technology and Training Board.

Notice is hereby given in accordance with the Federal Advisory Committee Act, 5 U.S.C. Appendix (1988), that the National Preservation Technology and Training Board will meet on April 20, 21 and 22, 1998, in Philadelphia, Pennsylvania.

The Board was established by Congress to provide leadership, policy advice, and professional oversight to the National Center for Preservation Technology and Training, as required under the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470).

The Board will meet in the First National Bank of the United States on Monday, April 20 and in Carpenters' Hall on Tuesday, April 21 and Wednesday, April 22 in the Independence Historical Park area in Philadelphia, Pennsylvania. Matters to be discussed will include, officer and committee reports; Northwestern University report; staff program updates; the establishment of non-Federal support for the Center's programs; budget review; grant program, long-range plan and cooperating organizations.

Monday, April 20 and Tuesday, April 21 the meeting will start at 8:30 a.m. and end at 5:00 p.m. On Wednesday, April 22, the meeting will be begin at 8:30 a.m. and end at 11:30 a.m. Meetings will be open to the public. However, facilities and space for accommodating members of the public are limited and persons will be accommodated on a first-come, first-served basis. Any member of the public may file a written statement concerning the matters to be discussed with Dr. Elizabeth A. Lyon, Chair, National Preservation Technology and Training Board, P.O. Box 1269, Flowery Branch, Georgia 30542.

Persons wishing more information concerning this meeting, or who wish to submit written statements, may do so by contacting Mr. E. Blaine Cliver, Chief, HABS/HAER, National Park Service, P.O. Box 37127, Washington, DC 20013–7127, telephone: (202) 343–9573. Draft summary minutes of the meeting will be available for public inspection about eight weeks after the meeting at the Office of the Preservation Assistance Division, Suite 200, 800 North Capitol Street, Washington, DC.

Dated: 10 March 1998.

E. Blaine Cliver,

Chief, Preservation Assistance Division, Designated Federal Official, National Park Service.

[FR Doc. 98–7116 Filed 3–18–98; 8:45 am]

BILLING CODE 4310–70–P

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collection Requirements Submitted to OMB for Review

SUMMARY: U.S. Agency for International Development (USAID) has submitted the following information collections to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding this information collection are best assured of having their full effect if received within 30 days of this notification. Comments should be addressed to: Desk Officer for USAID, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20503. Copies of submission may be obtained by calling (202) 712–1365.

SUPPLEMENTARY INFORMATION:

OMB Number: OMB 0412–
Form Number: N/A.
Title: Training Results and Information Network (TraiNet).
Type of Submission: New.
Purpose: The purpose of this information collection is to propose a new Training Results and Information Network (TraiNet) designed to take advantage of new information technologies that enhance information processing productivity at reduced cost, be approved to replace the existing Participant Training Information System (PTIS) system; and to be an operational compliance requirement for all contractors and grantees engaged in USAID training activities.

Annual Reporting Burden

Respondents: 374.
Total annual responses: 15,720.
Total annual hours requested: 2,620.

Dated: March 12, 1998.

Willette L. Smith,

Chief, Information and Records Division, Bureau for Management, Office of Administrative Services.

[FR Doc. 98–7144 Filed 3–18–98; 8:45 am]

BILLING CODE 6116–01–M

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notie of Public Information Collection Requirements Submitted to OMB for Review

SUMMARY: U.S. Agency for International Development (USAID) has submitted the following information collections to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding this information collection are best assured of having their full effect if received within 30 days of this notification. Comments should be addressed to: Desk Officer for USAID, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503. Copies of submission may be obtained by calling (202) 712–1365.

SUPPLEMENTARY INFORMATION:

OMB Number: OMB 4212–

Form Number: N/A.

Title: USAID Technical Consulting Services Resume Database.

Purpose: The purpose of this information collection is to gain approval for an electronic consultant data base that will allow USAID employees to sort and select consultant assistance based on language ability, regional expertise, and technical specialty. The data base will also include information on salary rates, clearance levels, and health status. Also will be a listing of previous consultant assignments and contact numbers for references.

Annual Reporting Burden

Respondents: 5,000.

Total annual responses: 5,000.

Total annual hours requested:

Dated: March 12, 1998.

Willette L. Smith,

Chief, Information and Records Division, Bureau for Management, Office of Administrative Services.

[FR Doc. 98–7145 Filed 3–18–98; 8:45 am]

BILLING CODE 6116–01–M

INTERNATIONAL TRADE COMMISSION

[Investigation 332–362]

U.S.-Africa Trade Flows and Effects of the Uruguay Round Agreements and U.S. Trade and Development Policy

AGENCY: United States International Trade Commission.

ACTION: Notice of opportunity to submit comments in connection with the fourth annual report.

EFFECTIVE DATE: March 6, 1998.

SUMMARY: Following receipt on March 31, 1995, of a letter from the United States Trade Representative (USTR), the Commission instituted investigation No. 332–362, U.S.-Africa Trade Flows and Effects of the Uruguay Round Agreements and U.S. Trade and Development Policy (60 FR 24884). The USTR letter requested that the Commission prepare its first annual report under this investigation not later than November 15, 1995, and provide annually thereafter for a period of 5 years. The first report was submitted on November 15, 1995 (USITC publication 2938 issued in January 1996). The second annual report was submitted on October 4, 1996 (USITC publication 3000 issued in October 1996). The third annual report was submitted on October 31, 1997 (USITC publication 3067 issued in October 1997). The fourth report will be submitted in October 1998.

FOR FURTHER INFORMATION CONTACT: Constance A. Hamilton, Office of Economics (202–205–3263), or William Gearhart, Office of the General Counsel (202–205–3091) for information on legal aspects. The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819). Hearing impaired individuals are advised that information on this matter can be obtained by contacting the TDD terminal on (202–205–1810).

Background

Section 134 of the Uruguay Round Agreements Act (URAA), Pub. L. 103–465, directs the President to develop a comprehensive trade and development policy of the countries of Africa. The President is also to report to the Congress annually over the next 5 years on the steps taken to carry out that mandate. The Statement of Administrative Action that was approved by the Congress with the URAA states that the President will direct the International Trade Commission to submit within 12 months following the enactment of the URAA into law, and annually for the 5 years thereafter, a report providing (1) an analysis of U.S.-African trade flows, and (2) an assessment of any effects of the Uruguay Round Agreements, and of U.S. trade and development policy for Africa on such trade flows.

The fourth annual report on U.S.-African trade flows and effects of U.S. trade and development policy will contain the following information:

1. An update of U.S.-African trade and investment flows for the latest year available, including both overall trade and trade in the following major sectors: agriculture, forest products, textiles and apparel, footwear, energy, chemicals, minerals and metals, machinery, transportation equipment, electronics technology, miscellaneous manufactures, and services. It also requested that the basic trade flow information be provided for U.S. trade with the following regional trade groups: the Southern African Customs Union (SACU), the Southern African Development Community (SADC), Western African Economic and Monetary Union (WAEMU), and Common Market for Eastern and Southern Africa (COMESA).

2. An identification of major developments in the World Trade Organization and in U.S. trade/economic activities which significantly affect U.S.-Africa trade and investment flows by sector during the last year.

3. To the extent possible, changing trade and economic activities within African countries that have a significant impact will be highlighted.

4. Progress in regional integration in Africa.

As requested by the USTR, the Commission will limit its study to the 48 countries in Sub-Saharan Africa.

Written Submissions

The Commission does not plan to hold a public hearing in connection with the fourth annual report. However, interested persons are invited to submit written statements concerning the matters to be addressed in the report. Commercial or financial information that a person desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked ''Confidential Business Information'' at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons in the Office of the Secretary to the Commission. To be assured of consideration by the Commission, written statements relating to the Commission's report should be submitted at the earliest practical date and should be received not later than Friday, June 19, 1998. All submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW, Washington, D.C. 20436.

Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

By order of the Commission.

Issued: March 10, 1998.

Donna R. Koehnke,

Secretary.

[FR Doc. 98–7142 Filed 3–18–98; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Services; Agency Information Collection Activities: Proposed collection; Comment Request

ACTION: Notice of Information Collection Under Review; COPS Visiting Fellowship Program Application Form.

The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days from the date this is published in the **Federal Register.** Written comments and suggestions from the public and affected agencies concerning the proposed

collection of information are requested. Comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC, 20530. Additionally, comments may be submitted to OMB via facsimile to 202–395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, 1001 G Street, NW, Washington, DC, 20530. Additionally, comments may be submitted to DOJ via facsimile to 202–514–1534. Written comments may also be submitted to Stacy Curtis, Social Science Analyst, Office of Community Oriented Policing Services, 1100 Vermont Avenue, N.W., Washington, D.C. 20530, or via facsimile at (202) 616–5998.

Overview of this information collection:

(1) Type of Information Collection: New collection.

(2) Title of the Form/Collection: COPS Visiting Fellowship Program Application Form.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form: COPS 26/01. Office of Community Oriented Policing Services, U.S. Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Applicants interested in contributing to the use and enhancement of community policing to address crime and related problems in communities across the country. Applicants may include individuals, public agencies, colleges or universities, nonprofit organizations, and profit-making organizations willing to waive their fees.

The COPS Visiting Fellowship Program is intended to offer researchers, law enforcement professionals and legal experts an opportunity to undertake independent research, program development activities and policy analysis designed to (1) improve police-citizen cooperation and communication; (2) to enhance police relationships within the criminal justice system, as well as at all levels of local government; (3) to increase police and citizens' ability to innovatively solve community problems; (4) to facilitate the restructuring of agencies to allow the fullest use of departmental and community resources; (5) to promote the effective flow and use of information both within and outside an agency; and (6) to improve law enforcement responsiveness to members of the community. Visiting fellows study a topic of mutual interest to the Fellow and the COPS Office for up to 12 months. While in residence with the COPS Office, Fellows contribute to the development of community policing programs that are national in scope.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: COPS Visiting Fellowship Program Application Form: Approximately 15 respondents, at 22 hours per respondent (including record-keeping).

(6) An estimate of the total public burden (in hours) associated with the collection: Approximately 330 hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: March 13, 1998.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 98–7059 Filed 3–18–98; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Services; Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of Information Collection Under Review; Problem Solving Partnerships Progress Reports.

Office of Management and Budget (OMB) approval is being sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** on December 9, 1997, and received no comments.

The purpose of this notice is to allow an additional 30 days for public comments from the date this is published in the **Federal Register**. This process is conducted in accordance with 5 Code of Federal Regulation, Part 1320.10. Written comments and/or suggestions regarding the items(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to 202–395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, 1001 G Street, NW, Washington, DC 20530. Additionally, comments may be submitted to DOJ via facsimile to 202–514–1534.

Written comments and suggestions from the public and affected agencies should address one or more of the following points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology,

e.g., permitting electronic submission of responses.

The proposed collection is listed below:

(1) Type of information collection. New collection.

(2) The title of the form/collection. Problem Solving Partnerships Report on Analysis.

(3) The agency form number, if any, and the applicable component of the Department sponsoring the collection. Form: 1103–0038. Office of Community Oriented Policing Services, United States Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract. Primary: State, Local or Tribal Governments. Other: None.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond. 470 respondents at 8 hours per response.

(6) An estimate of the total public burden (in hours) associated with the collection. 3,760 annual burden hours.

Public comment on this proposed information collection is strongly encouraged.

Dated: March 13, 1998.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 98–7058 Filed 3–18–98; 8:45 am]

BILLING CODE 4410–21–M

DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Services; Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review; problem solving partnerships progress reports.

Office of Management and Budget (OMB) approval is being sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** on December 9, 1997, and received no comments.

The purpose of this notice is to allow an additional 30 days for public comments from the date listed at the top of this page in the **Federal Register.** This process is conducted in accordance with 5 Code of Federal Regulation, Part 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to 202–395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, 1001 G Street, NW., Washington, DC 20530. Additionally, comments may be submitted to DOJ via facsimile to 202–514–1534.

Written comments and suggestions from the public and affected agencies should address one or more of the following points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

The proposed collection is listed below:

(1) Type of information collection. New collection.

(2) The title of the form/collection. Problem Solving Partnerships Report on Analysis.

(3) The agency form number, if any, and the applicable component of the Department sponsoring the collection. Form: 1103–0038. Office of Community Oriented Policing Services, United States Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract. Primary: State, Local or Tribal Governments. Other: None.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond. 470 respondents at 8 hours per response.

(6) An estimate of the total public burden (in hours) associated with the collection. 3,760 annual burden hours.

Public comment on this proposed information collection is strongly encouraged.

Dated: March 13, 1998.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 98–7102 Filed 3–18–98; 8:45 am]

BILLING CODE 4410–21–M

DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Services; Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review; Community policing to combat domestic violence progress reports.

Office of Management and Budget (OMB) approval is being sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** on December 9, 1997, and received no comments.

The purpose of this notice is to allow an additional 30 days for public comments from the date listed at the top of this page in the **Federal Register**. This process is conducted in accordance with 5 Code of Federal Regulation, Part 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to 202–395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, 1001 G Street, NW., Washington, DC 20530. Additionally, comments may be submitted to DOJ via facsimile to 202–514–1534. Written comments and suggestions from the public and affected agencies should address one or more of the following points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

The proposed collection is listed below:

(1) Type of information collection. New collection.

(2) The title of the form/collection. Community Policing to Combat Domestic Violence Progress Reports.

(3) The agency form number, if any, and the applicable component of the Department sponsoring the collection. Form: 1103–0039. Office of Community Oriented Policing Services, United States Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract. Primary: State, Local or Tribal Governments. Other: None.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond. 336 respondents at 8 hours per response.

(6) An estimate of the total public burden (in hours) associated with the collection. 2,688 annual burden hours.

Public comment on this proposed information collection is strongly encouraged.

Dated: March 16, 1998.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 98–7103 Filed 3–18–98; 8:45 am]

BILLING CODE 4410–21–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. 98–7151 Filed 3–18–98; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Cable Television Laboratories, Inc.

Notice is hereby given that, on November 3, 1997, pursuant to Section 6(a) of the National Cooperative Research Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Cable Television Laboratories, Inc. (''CableLabs'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions to the membership. 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, the following companies have joined CableLabs: Marcus Cable Operating Company, L.P., Dallas, TX; and Rock Hill Cable TV, Rock Hill, SC.

No other changes have been made in either the membership or planned activity of CableLabs. Membership remains open and CableLabs intends to file additional written notifications disclosing all changes in membership.

On August 8, 1988, CableLabs 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 September 7, 1988 (53 FR 34593). The last notification with respect to membership changes was filed with the Department on June 24, 1997. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on October 6, 1997 (62 FR 52151).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 98–7148 Filed 3–18–98; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Motorola HOIT Consortium

Notice is hereby given that, on November 28, 1997, pursuant to § 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), The Motorola HOIT Consortium (''Consortium'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to § 6(b) of the Act, the identities of the parties are: Motorola, Inc., Schaumburg, IL; Arizona State University, Tempe, AZ; University of California at San Diego, La Jolla, CA; New Interconnections Packaging Technologies, San Diego, CA.

The Consortium's area of planned activity is to perform a coordinated research and development program designed to develop free-space holographic optical interconnect technology.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 98–7146 Filed 3–18–98; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1933; Petroleum Environmental Research Forum Project No. 95–04

Notice is hereby given that, on December 30, 1997, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1933, 15 U.S.C. 4301, *et seq.* (''the Act''), the participants in the Petroleum Environmental Research Forum (''PERF'') Project No. 95–04, titled ''Risk Assessment Cooperative Research Program,'' have filed written notifications simultaneously with the Attorney General and with the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the Project. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, The identities of the current parties in PERF Project No. 95–04 are: American Association of Railroads, Washington, DC; Amoco Corporation, Naperville, IL; Brookhaven National Laboratory,Upton, NY; Elf Aquitaine, Washington, DC; Exxon Biomedical Sciences, Inc., East Millstone, NJ; Lawrence Livermore National Laboratory, Livermore, CA; Lockheed Martin Idaho Technologies Company, Idaho Falls, ID; Los Alamos National Laboratories, Los Alamos, NM; Phillips Petroleum Company, Bartlesville, OK; Shell Oil Company, Houston, TX; Sandia National Laboratories, Albuquerque, NM: Texas Group, Inc., Bellaire, TX; and Unocal Corporation, Brea, CA.

The nature and objectives of the research program to be performed in accordance with PERF Project No. 95–04 are aimed at developing/improving methods, data and models for measuring or estimating the fate and transport of contaminants in support of risk assessment activities as applied to site cleanup efforts at petroleum, petrochemical, and chemical industry facilities. The results should fill gaps in the science of risk assessment allowing technically defensible and cost effective measurement or estimation of concentrations at potential points of exposure to contaminants.

Participation in this project will remain open to interested persons and organizations until issuance of the final Project Report, which is presently anticipated to occur approximately May 31, 1998. The participants intend to file additional written notification(s) disclosing all changes in project membership.

Information regarding participation in this project may be obtained from Dr. Bruce Krewinghaus, Shell Oil Products Company, P.O. Box 1380, Houston, Texas 77251–1380, telephone: (281) 544–8970.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 98–7147 Filed 3–18–98; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Short Wavelength Optical Storage Consortium

Notice is hereby given that, on September 3, 1997, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), the Short Wavelength Optical Storage Consortium (the ''Consortium'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes to (1) the identities of the parties and (2) the nature and objectives of the venture. 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. Pursuant to Section 6(b) of the Act, the identities of the parties added to the Joint Venture are: Hewlett Packard Company, Palo Alto, CA; Imation Corp., Oakdale, MN. The parties dropped are: Minnesota Mining and Manufacturing Company, IBM, Philips Electronics N.V., Philips Electronic North American Corporation.

A change in planned activities occurred in 1997. The venture entered into a new agreement with various effective dates to work together to develop technology for cost effective fabrication of commercially attractive wavelength systems. Advances in optical storage technology are required to meet the evolving, information-intensive requirements of military, commercial and consumer users. The goal of the venture is to develop the technology base for a high density blue-green laser rewritable optical storage system, targeting commercial sales by the year 2000. The technical approach includes parallel development of laser diodes, plastic substrates, recording layers, servo and recording formats, and detection systems.

On April 18, 1995, the participants filed their 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 June 27, 1995 (60 FR 33233).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 98–7150 Filed 3–18–98; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Southwest Research Institute; Correction

In notice document 97–31306 appearing on pages 63389 and 63390 in the issue of Friday, November 28, 1997, make the following correction:

In the third column of page 63389, line 34, starting after the word, ''Inc.,'', the following should be added: ''has had a change of name to Texas Group, Inc.;''.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 98–7149 Filed 3–18–98; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 1880–97]

Notice of Implementation of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 Pertaining to Female Genital Mutilation (FGM)

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: This notice announces how the Immigration and Naturalization Service (Service) intends to implement the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), as it pertains to the practice of female genital mutilation (FGM) which is carried out by members of certain cultural and religious groups within the United States. This is necessary to ensure that visa recipients, prior to or at the time of entry into the United States, are notified of the severe harm to the physical and psychological health of women and girls, caused by FGM, and of the potential legal consequences for performing FGM on a child or adult, or

by allowing FGM to be performed on a child, in the United States.

FOR FURTHER INFORMATION CONTACT: Jacquelyn Bednarz, Office of Programs, (202) 514–2764; Susan Houser, Office of the General Counsel, (202) 616–0781; or Lorraine Eide, Office of Asylum, (202) 305–2663; Immigration and Naturalization Service, 425 I Street, NW; Room 6100, Washington, DC 20536.

SUPPLEMENTARY INFORMATION:

What Are the Requirements of Section 644 of IIRIRA?

Section 644 Of IIRIRA requires the Service, in cooperation with the Department of State, to make available for all aliens who are issued immigrant or nonimmigrant visas, prior to or at the time of entry into the United States, the following:

1. Information on the severe harm to physical and psychological health caused by FGM, compiled and presented in a manner which is limited to the practice itself, and respectful to the cultural values of the societies in which such practice takes place, and
2. Information concerning potential legal consequences in the United States for performing FGM, or allowing a child under one's care to be subject to FGM.

Section 644 also provides that, in consultation with the Department of State, the Service shall identify those countries in which FGM is commonly practiced and, to the extent practicable, limit the provision of information to aliens from those countries.

How Will the Service Comply With Section 644 of IIRIRA?

The Service, after consultation with the Department of State, shall comply with section 644 of IIRIRA by:

1. Posting a notice containing the required information in all United States Embassies and consulates concerning FGM, and
2. Providing a copy of the notice to each alien granted an immigrant or nonimmigrant visa in any of the those countries which have been identified by the Department of State as countries where FGM is prevalent, either countrywide or in particular ethnic subgroups. The United States Embassy or consulate in those countries will provide a copy of the notice to aliens at the time a visa is issued.

Which Countries Have Been Identified by the Department of State Where FGM is Prevalent?

The following 28 countries have been identified by the Department of State as countries where FGM is prevalent, either countrywide, or in particular ethnic subgroups:

Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Cote d'Ivoire, Djibouti, Egypt, Ethiopia, Eritria, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, Somalia, Sudan, Tanzania, Togo, Uganda, Zaire (Congo).

In What Language Will the Notice Be Provided?

The notice will be provided in English and in the official, or predominant, written language of the country where the United States Embassy or consulate is located.

What Information Will Be Contained in the Notice?

The following is the text of the proposed notice, which was drafted by the Service in consultation with the Department of Justice's Criminal Division, the Department of State, and the Department of Health and Human Services:

What is Female Genital Mutilation (FGM)?

Female genital mutilation (FGM) is the removal or infibulation (or both) of the whole or part of the clitoris, labia minora, and labia majora. The procedure can include sewing the vagina almost completely closed after the genitals are removed (infibulation). The procedure is common in certain cultures among various ethnic groups and across many different religions.

What are the Health Problems Associated With FGM?

The World Health Organization and other United Nations organizations, as well as the United States Government, recognize that FGM has very serious effects on the health of women and girls. Immediate complications of FGM include severe pain, shock, hemorrhage, urine retention, ulceration of the genital region, and injury to the adjacent tissue. Hemorrhage and infection can cause death.

Long-term consequences of FGM include cysts and abscesses, keloid scar formation, damage to the urethra resulting in urinary incontinence, painful intercourse, and sexual dysfunction. The most extreme forms of FGM can cause infertility, and may also cause an increase in the risk of stillbirths and maternal deaths.

Psychological consequences of FGM in childhood can include behavior disturbances and loss of trust and confidence in caregivers. As adults, these women may suffer feelings of incompleteness, anxiety, depression, chronic irritability, and frigidity, and may experience marital conflicts.

What Are the Legal Consequences of Performing FGM in the United States?

The United States is among those countries that have made FGM illegal because of the dangerous health problems associated with it. In the United States, it is against the law to perform FGM on a person under the age of 18, unless the operation is medically necessary. There is no exception for performing FGM because of a belief that it is required as a matter of custom or ritual. A parent who knowingly allows FGM to be performed on his or her child could potentially be held criminally liable.

Will Victims of FGM Be Eligible for a Visa to Come to the United States?

The fact that a person has been subjected to FGM will have no effect on the victim's eligibility for a visa to the United States.

Why is the United States Providing This FGM Notice?

The United States Government is committed to working with local community organizations, both in the United States and in other countries, to help educate people about the serious detrimental effects that FGM has on women and girls.

Dated: March 4, 1998.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 98–7162 Filed 3–18–98; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 1888–97]

Expansion of the Direct Mail Program for the Dallas, El Paso, Harlingen, Houston, and San Antonio District Offices and the Albuquerque and Oklahoma City Suboffices; Form N–400

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: The Immigration and Naturalization Service (INS or Service) is expanding its Direct Mail Program to include the Dallas, El Paso, Harlingen, Houston, and San Antonio District Offices and the Albuquerque and Oklahoma City Suboffices on the current list of direct mail sites for filing Form N–400, Application for

Naturalization. Applicants residing within these districts and suboffices will mail their Form N–400 directly to the designated INS service center for processing. This expansion is intended to improve INS service to the public by reducing processing times for Form N–400, limiting in-person visits to local offices, and improving the quality of case status information provided to the public.

DATES: This notice is effective April 15, 1998.

FOR FURTHER INFORMATION CONTACT: Susan Arroyo, Adjudications Officer, Immigration and Naturalization Service, Office of Naturalization Operations, 801 I Street, NW., Room 935E, Washington, DC 20536, telephone, (202) 514–8247.

SUPPLEMENTARY INFORMATION: Under the Direct Mail Program, certain applicants and petitioners for immigration benefits mail their applications and petitions directly to an INS service center for processing instead of submitting them to a local INS office. The purposes and strategy of the Direct Mail Program have been discussed in detail in previous rulemaking and notices (see, e.g., 59 FR 33903 and 59 FR 33985).

The Service is continuing expansion of the Direct Mail Program, as applied to Form N–400, by adding the Dallas, El Paso, Harlingen, Houston, and San Antonio District Offices and the Albuquerque and Oklahoma City Suboffices as Direct Mail sites.

Where to File

Effective April 15, 1998 applicants for naturalization residing within the jurisdiction of the Dallas, El Paso, Harlingen, Houston, and San Antonio District Offices and the Albuquerque and Oklahoma City Suboffices must mail the Form N–400, Application for Naturalization, directly to the Texas Service Center at the following address: USINS Texas Service Center, Attention: N–400 Unit, P.O. Box 851204, Mesquite, Texas 75185–1204.

Transition

During the first 60 days following the effective date of this notice, the Dallas, El Paso, Harlingen, Houston, and San Antonio District Offices and the Albuquerque and Oklahoma City Suboffices will forward in a timely fashion to the Texas Service Center any Form N–400, Application for Naturalization, which has been inadvertently filed with the respective District or Suboffice. Applicants will be provided a notice at the time of filing at the District or Suboffice advising them that their application is being forward to the service center for initial processing. The applicant will receive written notification from their respective District or Suboffice of the date, place, and time of their interview for naturalization. When applications are forwarded from the District or Suboffices, they will be receipted and filed when they arrive at the service center. After the 60-day transition period, applicants attempting to file Form N–400, Application for Naturalization, at the offices listed above will be directed to mail their application directly to the Texas Service Center for processing.

Dated: March 12, 1998.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 98–7104 Filed 3–18–98; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF JUSTICE

National Institute of Justice

[OJP(NIJ)–1145]

RIN 1121–ZB03

Meeting of the Methamphetamine Interagency Task Force

AGENCY: Office of Justice Programs, National Institute of Justice, Justice.

ACTION: Meeting notice.

SUMMARY: Meeting of the Methamphetamine Interagency Task Force.

DATES: May 4, 1998, from 1:00 p.m. to 5:00 p.m. and May 5, 1998, from 8:30 a.m. to 4:30 p.m.

ADDRESSES: The Assistant Attorney General's Conference Room, Office of Justice Programs, 810 7th Street, N.W., Washington, D.C. 20531.

FOR FURTHER INFORMATION CONTACT: For information and reservations: Kristina Rose, National Institute of Justice, 810 7th Street, N.W., Washington, D.C. 20531. Telephone: (202) 307–0466. Facsimile: (202) 307–6256. E-mail: rosek@ojp.usdoj.gov.

For submission of written questions: Cherise Fanno, National Institute of Justice, 810 7th Street, N.W., Washington, D.C. 20531. Telephone: (202) 307–9021. Facsimile: (202) 307–6394. E-mail: fanno@ojp.usdoj.gov.

SUPPLEMENTARY INFORMATION: The Methamphetamine Interagency Task Force will hold its inaugural meeting. The agenda will include an ethics briefing for all Task Force members; remarks by the Attorney General and the Director of the Office of National Drug Control Policy; presentations on the current status of methamphetamine abuse, and efforts to prevent and treat such abuse, in the United States; open discussion of issues of concern to Task Force Members; and procedures for organizing the work of the Task Force in order to carry out its statutory responsibilities.

The meeting will be open to the public on a space-available basis, and reservations will be required. A photo ID will be requested for admittance. See contact point listed above to reserve a space and to advise of any special needs. Anyone wishing to submit written questions to this session should notify the contact point listed above by Monday, April 20, 1998. Questions must be accompanied by the interested party's name, affiliation, and means of contact (address or telephone number). Interested persons are encouraged to attend.

Dated: March 16, 1998.

Jeremy Travis,

Director, National Institute of Justice.

[FR Doc. 98–7143 Filed 3–18–98; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. H–372]

RIN 1218–AB58

Metalworking Fluids Standards Advisory Committee: Notice of Meeting

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Metalworking Fluids Standards Advisory Committee: Notice of meeting.

SUMMARY: Notice is hereby given that the Metalworking Fluids Standards Advisory Committee (MWFSAC), established under section 7 of the Occupational Safety and Health Act of 1970 to advise the Secretary of Labor on appropriate actions to protect workers from the hazards associated with occupational exposure to metalworking fluids, will meet in Cleveland, Ohio, on Wednesday, April 8, 1998, at the Sheraton Airport Hotel, 5300 Riverside Drive, Cleveland, Ohio 44135–3196, (1–800–362–2244).

DATES: The meeting will be held on April 8, 1998. The meeting will begin at 8:30 A.M. and adjourn at approximately 5:00 P.M.

ADDRESSES: The meeting will take place at the Cleveland Sheraton Airport Hotel, 5300 Riverside Drive, Cleveland, Ohio 44135–3196. Mail comments, views or

statements in response to this notice to Dr. Peter Infante, U.S. Department of Labor, OSHA, Directorate of Health Standards Programs, Metalworking Fluids Standards Advisory Committee, Room N–3718, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Bonnie Friedman, Director, Office of Information and Consumer Affairs, OSHA, (202) 219–8151.

SUPPLEMENTARY INFORMATION: All interested persons are invited to attend the April 8th public meeting of the Metalworking Fluids Standards Advisory Committee at the time and place indicated above. Individuals with disabilities wishing to attend should contact Theresa Berry at (202) 219–8615 ext. 106 (Fax: 202–219–5986) no later than March 31, 1998, to obtain appropriate accommodations.

Meeting Agenda

This meeting will focus on the need for reducing exposure to metalworking fluids in small businesses, and the economic and technological feasibility of reducing such exposures in these industries. The Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health will introduce their small business study. Investigative strategies for obtaining health effects data and exposure data for a wide range of industries will be discussed. Concerns unique to small businesses will be explored.

Public Participation

Written data, views or comments for consideration by the MWFSAC on the various agenda items listed above may be submitted, preferably with 20 copies, to Dr. Peter Infante at the address provided above. Submissions received by March 31, 1998 may be provided to the members of the committee and will be included in the record of the meeting. At this meeting it is unlikely that there will be any time for oral presentations by members of the public. However, anyone wishing to make a presentation to the committee should notify Dr. Peter Infante of this fact at the address listed above. The request should state the amount of time desired, the capacity in which the person will appear and a brief outline of the content of the presentation. Requests to make oral presentations to the Committee may be granted if time permits.

Authority

This notice is issued under the authority of sections 6(b)(1) and 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655, 656), the Federal Advisory Committee Act (5 U.S.C. App. 2), and 29 CFR part 1912.

Signed at Washington, D.C. this 16th day of March 1998.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 98–7173 Filed 3–18–98; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Electronic Records Work Group; Request for Comment on Options to Replace GRS 20

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of materials for public review and comment; request for comment.

SUMMARY: The Electronic Records Work Group has prepared a paper outlining possible short-term approaches for scheduling electronic records currently covered by General Records Schedule 20. Public comment is sought on the options and issues raised in the paper, and suggestions for other alternatives not identified in the paper. The Electronic Records Work Group is charged with identifying workable alternatives to the disposition practices currently authorized under NARA's General Records Schedule 20 for Electronic Records.

The options paper is posted on NARA's GRS 20 Internet Web page at <http://www.nara.gov/records/grs20/opt312.html>. Individuals who do not have Internet access may call the person indicated in the **FOR FURTHER INFORMATION CONTACT** section to request paper copies of these materials.

DATES: Comments must be received by March 31, 1998.

ADDRESSES: Comments should be sent electronically to the e-mail address <grs20@arch2.nara.gov>. If you do not have access to e-mail, comments may be mailed to Electronic Records Work Group (NWM), Room 2100, 8601 Adelphi Rd., College Park, MD 20740–6001, or faxed to 301–713–6850.

FOR FURTHER INFORMATION CONTACT: To request paper copies of the options paper or other materials posted on the GRS 20 Internet Web page, contact Lisa Haralampus at 301–713–7110, extension 266.

Dated: March 13, 1998.

Lewis J. Bellardo,

Deputy Archivist of the United States.

[FR Doc. 98–7050 Filed 3–18–98; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* NRC Form 474, ''Simulation Facility Certification.''
2. *Current OMB approval number:* 3150–0138.
3. *How often the collection is required:* One-time requirement for initial certification and quadrennial thereafter.
4. *Who is required or asked to report:* All power reactor licensees and applicants for an operating license.
5. *The number of annual respondents:* 20.
6. *The number of hours needed annually to complete the requirement or request:* 2,400 hours.
7. *Abstract:* Licensed power facilities that propose the use of a simulation facility consisting solely of a plant-referenced simulator for the conduct of NRC licensing operating tests are required to submit NRC Form 474.

The information on the form consists of the results of performance testing completed on the subject simulation facility and a schedule for the conduct of performance tests for the subsequent four-year period. NRC uses this information to ascertain the acceptability of simulation facilities for use in the conduct of operating tests for nuclear power plant operator and senior operator candidates and to determine whether to initiate a simulation facility inspection at a specific site due to concerns about their suitability for use in operating tests.

Submit by May 18, 1998, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the burden estimate accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW (lower level), Washington, DC. OMB clearance requests are available at the NRC worldwide web site (http://www.nrc.gov) under the FedWorld collection link on the home page tool bar. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T–6 F33, Washington, DC 20555–0001, or by telephone at 301–415–7233, or by Internet electronic mail at BJS1@NRC.GOV.

Dated at Rockville, Maryland, this 12th day of March 1998.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 98–7113 Filed 3–18–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on April 2–4, 1998, in Conference Room T–2B3, 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the **Federal Register** on Thursday, November 20, 1997 (62 FR 62079).

Thursday, April 2, 1998

8:30 a.m.–8:45 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding conduct of the meeting.

8:45 a.m.–9:45 a.m.: Performance-Based Regulation and Related Matters (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the performance-based regulation and related matters.

10:00 a.m.–11:00 a.m.: AP600 Design (Open/Closed)—The Committee will hear presentations by and hold discussions with representatives of the Westinghouse Electric Company and the NRC staff regarding Chapters 2, 9, 10, 12, 13, and 15 of the AP600 Standard Safety Analysis Report (SSAR) and associated NRC staff's draft Final Safety Evaluation Report (FSER) Chapters.

[Portions of the session may be closed to discuss safeguards information related to the AP600 design.]

11:00 a.m.–12:00 Noon: Preparation for Meeting with the NRC Commissioners (Open)—The Committee will discuss with the NRC Commissioners the following topics:

- Improvements to the Senior Management Meeting Process.
- Proposed Revision to 10 CFR 50.59 Process.
- Risk-Informed, Performance-Based Regulations Including Use of PRA in the Regulatory Decisionmaking Process.
- Status of AP600 Review.
- NRC Safety Research Program.
- Fire Protection.
- Shutdown and Low-Power Operation.
- License Renewal.

1:00 p.m.–2:30 p.m.: Meeting with the NRC Commissioners—Commissioners' Conference Room, One White Flint North (Open)—The Committee will meet with the NRC Commissioners to discuss matters identified above.

2:45 p.m.–4:00 p.m.: Updated Source Term for Operating Plants (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the staff activities associated with the use of updated source term for operating plants.

4:00 p.m.–7:00 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters considered during this meeting, as well as proposed ACRS reports regarding the NRC Safety Research Program, and coordination of ACRS/ACNW review activities.

Friday, April 3, 1998

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding conduct of the meeting.

8:35 a.m.–10:00 a.m.: Elevation of Core Damage Frequency (CDF) to a Fundamental Safety Goal and Possible Revision to the Safety Goal Policy Statement (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding elevation of the CDF to a fundamental Safety Goal and possible revision to the Safety Goal Policy Statement.

10:15 a.m.–11:15 a.m.: Proposed Final Standard Review Plan (SRP) Section and Regulatory Guide for Risk-Informed, Performance-Based Inservice Inspection (ISI) (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the proposed final SRP Section and Regulatory Guide for risk-informed, performance-based ISI.

11:15 a.m.—11:30 a.m.: Reconciliation of ACRS Comments and Recommendations (Open)—The Committee will discuss responses from the NRC Executive Director for Operations to comments and recommendations included in recent ACRS reports.

11:30 a.m.—12:00 Noon: Future ACRS Activities (Open)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the full Committee during future meetings.

1:00 p.m.—2:00 p.m.: Continued Need for the Nuclear Safety Research Review Committee (NSRRC) Function (Open)—The Committee will discuss the need for the NSRRC function and will hold discussions with former NSRRC members.

2:00 p.m.—3:15 p.m.: Loss of Shutdown Cooling Event at River Bend Nuclear Station (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the inadvertent loss of cooling event at the River Bend nuclear plant, which resulted in an increase in the reactor coolant temperature, and the findings of the Special Inspection Team, which investigated this event.

3:30 p.m.—5:00 p.m.: SECY–97–225, Enhancing NRC Effectiveness and Efficiency and Related Matters (Open)—The Committee will hear presentations by and hold discussions with the Acting Deputy Executive Director for Regulatory Effectiveness, Program Oversight, Investigations and Enforcement regarding SECY–97–225 and related matters.

5:15 p.m.—7:00 p.m.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports on matters considered during this meeting, as well as proposed ACRS reports regarding the NRC Safety Research Program, and coordination of ACRS/ACNW review activities.

Saturday, April 4, 1998

8:30 a.m.—9:00 a.m.: Report of the Planning and Procedures Subcommittee (Open/Closed)—The Committee will hear a report of the Planning and Procedures Subcommittee on matters

related to the conduct of ACRS business, and organizational and personnel matters relating to the ACRS.

[**Note:** A portion of this session may be closed to discuss organizational and personnel matters that relate solely to the internal personnel rules and practices of this Advisory Committee, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

9:00 a.m.—3:00 p.m.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports on matters considered during this meeting, as well as proposed ACRS reports regarding the NRC Safety Research Program, and coordination of ACRS/ACNW review activities.

3:00 p.m.—3:30 p.m.: Miscellaneous (Open)—The Committee will discuss matters related to the conduct of Committee activities and matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on September 4, 1997 (62 FR 46782). In accordance with these procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry, electronic recordings will be permitted only during the open portions of the meeting, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify Dr. Medhat M. El-Zeftawy, Acting Chief of the Nuclear Reactors Branch, at least five days before the meeting, if possible, so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by contacting the Acting Chief of the Nuclear Reactors Branch prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Acting Chief of the Nuclear Reactors Branch if such rescheduling would result in major inconvenience.

In accordance with Subsection 10(d) P.L. 92–463, I have determined that it is necessary to close portions of this meeting noted above to discuss matters that relate solely to the internal personnel rules and practices of this Advisory Committee per 5 U.S.C. 552b(c)(2), to discuss safeguards information related to the Westinghouse AP600 design per 5 U.S.C. 552b(c)(3), and to discuss information the release of which would constitute a clearly unwarranted invasion of personal privacy per 5 U.S.C. 552b(c)(6).

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting Dr. Medhat M. El-Zeftawy, Acting Chief of the Nuclear Reactors Branch (telephone 301/415–6889), between 7:30 a.m. and 4:15 p.m. EST.

ACRS meeting agenda, meeting transcripts, and letter reports are available for downloading or reviewing on the internet at http://www.nrc.gov/ACRSACNW.

Dated: March 13, 1998.

John C. Hoyle,

Acting Advisory Committee Management Officer.

[FR Doc. 98–7111 Filed 3–18–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee Meeting on Planning and Procedures

The ACRS Subcommittee on Planning and Procedures will hold a meeting on April 1, 1998, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Wednesday, April 1, 1998—12:00 Noon until 1:30 p.m.

The Subcommittee will discuss proposed ACRS activities and related matters. It may also discuss the qualifications of candidates for appointment to the ACRS. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff person named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor can be obtained by contacting the cognizant ACRS staff person, Dr. John T. Larkins (telephone: 301/415–7360) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: March 12, 1998.

Medhat M. El-Zeftawy,

Acting Chief, Nuclear Reactors Branch.

[FR Doc. 98–7112 Filed 3–18–98; 8:45 am]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

SUMMARY: In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and Purpose of Information Collection

Application for Search of Census Records, OMB 3220–0106.

Evidence of age is required when an employee or their spouse, widow(er), parents or children, apply for an annuity or Medicare enrollment under the railroad retirement system. This requirement is prescribed at 20 CFR 219.20. The RRB's authority for requesting the information is Section 7(b)(6) of the Railroad Retirement Act. When an applicant, after making reasonable efforts, is unable to provide adequate proof of age, or offers evidence of conflicting or little probative value, the RRB obtains a census record to help resolve the issue of age.

The RRB utilizes Form G–256, Application for Search of Census Records, to obtain records (with the applicant's authorization) from the Bureau of the Census.

The RRB proposes minor non-burden impacting editorial changes to Form G–256 which include the addition of language required by the Paperwork Reduction Act of 1995. No other changes are proposed. The completion time for the G–256 is estimated at 10 minutes per response. The RRB estimates that approximately 75 Form G–156's are received annually.

Additional Information or Comments

To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751–3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092. Written comments should be received within 60 days of this notice.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 98–7121 Filed 3–18–98; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39746; File No. SR–GSCC–97–04]

Self-Regulatory Organizations; Government Securities Clearing Corporation; Order Approving a Proposed Rule Change Relating to the Implementation of a Final Schedule

March 12, 1998.

On May 21, 1997, the Government Securities Clearing Corporation (''GSCC'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change (File No. SR–GSCC–97–04) pursuant to Section 19(b)(1) of the Securities and Exchange Act of 1934 (''Act'').[1] Notice of the proposal was published in the **Federal Register** on September 19, 1997.[2] No comment letters were received. For the reasons discussed below, the Commission is approving the proposed rule change.

I. Description

The proposed rule change amends GSCC's rules to implement a fine schedule as it relates to the late payment of a funds-only settlement obligations. This fee is being established in connection with GSCC's ''autodebit'' arrangement.[3] The severity of any fine will be a function of the magnitude and recent history of the member's late payments. In addition, the proposed rule change eliminates the current limitation of $5,000 as the maximum size of any single fine GSCC may impose.

After the first late payment of a funds-only settlement obligations, a warning letter will be sent to senior officials of the offender describing the nature of the violation and the consequences of successive violations. GSCC will deem each instance of late payment of a funds settlement debit or late satisfaction of a clearing fund deficiency call to be a separate occasion. These instances will be combined, regardless of type, to determine the number of occasions. The number of occasions is determined over a moving 30 calendar-day period beginning with date of the first occasion. A specific determination will be made by GSCC's Membership and Standards Committee of the Board of Directors (''Committee'') when the number of occasions exceeds four or when the number of occasions of lateness of more than an hour exceeds two. The Committee will reserve the discretion to waive or reduce scheduled fines when a particular occasion is not deemed to be the fault of the affected member. GSCC's late payment fine schedule is set forth below.

[1] 15 U.S.C. 78s(b)(1).

[2] Securities and Exchange Act Release No. 39054 (September 11, 1997), 62 FR 49281.

[3] The autodebit arrangement allows GSCC's netting members to satisfy funds-only settlement obligations by payment instructions given directly by GSCC to the members' banks. For a complete description of the autodebit arrangement, refer to Securities and Exchange Act Release No. 39309 (November 7, 1997) 62 FR 61158 [File No. SR–GSCC–97–06] (notice of filing and order granting accelerated approval of a proposed rule change regarding funds-only settlement payment procedures).

GSCC FINE SCHEDULE LATE PAYMENT OF FUNDS SETTLEMENT DEBIT/LATE SATISFACTION OF CLEARING FUND DEFICIENCY CALL

Amount	First occasion	Second occasion	Third occasion	Any lateness more than one hour or fourth occasion
$1 to $100M	Warning Letter	$100	$200	$500
Greater than $100M to $1MM	Warning Letter	300	600	1,000
Greater than $1MM to $2MM	Warning Letter	600	1,200	2,000
Greater than $2MM	$250	1,000	2,000	3,000

II. Discussion

Section 17A(b)(3)(F)[4] of the Act requires that the rules of a clearing agency be designed to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible. The Commission believes that GSCC's proposed rule change is consistent with its obligations under the Act because the fine schedule should provide GSCC members with an incentive to meet their financial responsibilities on a timely basis. The possibility of being assessed a fine should increase GSCC's members' timeliness of their payments of settlement and clearing fund obligations to GSCC. By increasing compliance with GSCC's deadlines for the payment of settlement and clearing fund obligations, the proposed rule change should enable GSCC to better safeguard securities and funds which are in its custody or control or for which it is responsible.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with requirements of the Act and in particular with requirements of Section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–GSCC–97–04) be, and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–7069 Filed 3–18–98; 8:45 am]

BILLING CODE 8010–01–M

[4] 15 U.S.C. 78q–1(b)(3)(F).

[5] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39745; File No. SR–PCX–98–11]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Pacific Exchange, Inc. Relating to the Exchange's Specialist Post Fee Waiver Program

March 12, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 19, 1998, the Pacific Exchange, Inc. (''PCX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to adopt a fee waiver program for certain new specialist firms on the Exchange. The text of the proposed rule change is set forth in Exhibit A to the filing.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Purpose

The Exchange is proposing to adopt a Specialist Post Fee Waiver Program (the ''Program'') in order to provide short-term cost relief to new specialist firms that agree to operate a specialist post, and to existing specialist firms that agree to operate an additional specialist post, on the Equity Floors of the Exchange. The Program is intended to provide financial incentives to encourage specialist firms to operate specialist posts and to encourage those firms to bring new equity order flow to the Exchange. Any specialist firm that provides new backing of a specialist post, after the effective date of the Program, would be eligible to participate in the Program. Fees for posts already being operated by a specialist firm are not affected by this waiver Program.

The terms of the Program are as follows: First, if a specialist assumes new financial responsibility for a specialist post after the effective date of the Program, that specialist firm's fixed specialist fees for the post taken over will be waived for three months.[3] Second, once the three months of the fee waiver have been earned, all of the fees previously waived under the Program will be reinstated. Third, once the previously waived fees are reinstated, the specialist firm will be eligible to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The specialist fees that will be waived include: Exchange Member Dues, the Floor Privilege Fee, the Specialist Facility Fee, the Specialist Systems Fee, Workstation Fees, the Market Data Fee, the Card Access Fee, the Pacific Clearing Corporation (''PCC'') Post Cashiering Fee and the PCC Post Clearing Fee. Some of the fees waived will vary based on the number of staff the firm has on the floor and the services the firm uses. Consequently, the actual dollar amount of waived fees will vary slightly by firm. Generally, waived fees will average $7,330 per month.

earn additional fee credits for three months based upon monthly trading volume at the specialist post taken over. The proposed schedule is set forth below. These fee credits are intended to serve as incentives for specialist firms to bring new equity order flow to the Exchange.

Monthly post trading volume	Post fee credit		Est'd effective monthly post fee
	Percent	Amount	
4 million shares or more	85	$6,230	$1,100
3 to less than 4 million shares	50	3,665	3,665
2 to less than 3 million shares	25	1,830	5,500
Less than 2 million shares	0	0	7,330

Fourth, a specialist firm is eligible to earn the fee credits provided above for three trade months. Fifth, if a specialist firm begins operating a specialist post under the Program during the course of a trade month, the Exchange will stagger the issuance of part of the fee waiver until after the passage of time in which fee credits may be earned. This will allow the Exchange to avoid crediting a specialist firm an amount that exceeds its fixed fees during any given trade month. Thus, for example, if a firm begins operating a post on February 15, the prorated fixed fees for February (*i.e.*, from February 15 to the end of February) will be waived, as will the fixed fees for March and April. The firm will then be eligible to earn fee credits during the months of May, June and July. Then, in August, the Exchange will provide a fee waiver equal to the amount not previously waived in February (*i.e.*, the portion equal to the fees for the first half of February). Finally, once a specialist firm has participated in the Program for six full months, the Exchange will no longer apply fee waivers and fee credits, and the specialist firm will be subject to regular specialist post fees for the post taken over.

Basis

The proposal is consistent with Section 6(b) of the Act [4] in general, and Section 6(b)(4),[5] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among members.[6]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective immediately pursuant to Section 19(b)(3)(A)(ii) [7] of the Act and subparagraph (e)(2) of Rule 19b–4 thereunder [8] because it constitute or changes a due, fee, or other charge imposed by the Exchange. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[9]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to File No. SR–PCX–98–11 and should be submitted by April 9, 1998.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–7068 Filed 3–18–98; 8:45 am]

BILLING CODE 8010–01–M

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4).

[6] The Commission notes that the filing may raise questions concerning payment for order flow. To the extent that it does raise such issues, exchange members should consider any associated disclosure obligations, namely pursuant to Rules 10b–10 and 11Ac1–3 under the Act, 17 CFR 240.10b–10 and 17 CFR 240.11Ac1–3, respectively.

[7] 15 U.S.C. 78s(b)(3)(A)(ii).

[8] 17 CFR 240.19b–4(e)(2).

[9] In reviewing the proposal, the Commission has considered the proposal's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[10] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice No. 2760]

Office of Defense Trade Controls; Notifications to the Congress of Proposed Commercial Export Licenses

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Department of State has forwarded the attached Notifications of Proposed Export Licenses to the Congress on the dates shown on the attachments pursuant to section 36(c) and in compliance with section 36(e) of the Arms Export Control Act (22 U.S.C. 2776).

EFFECTIVE DATE: As shown on each of the six letters.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Lowell, Director, Office of Defense Trade Controls, Bureau of Political-Military Affairs, Department of State (703) 875–6644.

SUPPLEMENTARY INFORMATION: Section 38(e) of the Arms Export Control Act mandates that notifications to the Congress pursuant to section 36(c) must

be published in the **Federal Register** when they are transmitted to Congress or as soon thereafter as practicable.

Dated: March 3, 1998.

William J. Lowell,

Director, Office of Defense Trade Controls.

BILLING CODE 4710–25–M

United States Department of State

Washington, D.C. 20520

FEB 24 1998

Dear Mr. Speaker:

Pursuant to section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold under a contract in the amount of $50,000,000 and or more.

The transaction described in the attached certification involves a technical assistance agreement with the Republic of Korea to support intermediate level maintenance training for the AN/ALQ-165 Airborne Self Protection Jammer line replacement units and system replacement units.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin

Barbara Larkin
Assistant Secretary
Legislative Affairs

Enclosure:
Transmittal No. DTC-9-98

The Honorable
Newt Gingrich,
Speaker of the House of Representatives.

United States Department of State

Washington, D.C. 20520

FEB 24 1998

Dear Mr. Speaker:

Pursuant to section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold under a contract in the amount of $50,000,000 or more.

The transaction described in the attached certification involves a technical assistance agreement with Germany to support development and production of imaging infra-red seekers for the Kinetic Energy Penetration Destroyer (KEPD) 350 Taurus air-to-ground cruise missile program.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin

Barbara Larkin
Assistant Secretary

Legislative Affairs

Enclosure:
Transmittal No. DTC-10-98

The Honorable
Newt Gingrich,
Speaker of the House of Representatives.

United States Department of State

Washington, D.C. 20520

FEB 24 1998

Dear Mr. Speaker:

Pursuant to section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves the export of the Sentry-based Air Defense System to the Republic of Korea (ROK) for end-use by the ROK Air Force.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin

Barbara Larkin
Assistant Secretary
Legislative Affairs

Enclosure:
Transmittal No. DTC-11-98

The Honorable
Newt Gingrich,
Speaker of the House of Representatives.

United States Department of State

Washington, D.C. 20520

FEB 24 1998

Dear Mr. Speaker:

Pursuant to section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of technical data, defense services and hardware for support of the Reconnaissance Airborne Pod for the Tornado (RAPTOR) Program for the Royal Air Force in the United Kingdom.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin

Barbara Larkin
Assistant Secretary
Legislative Affairs

Enclosure:
Transmittal No. DTC-13-98

The Honorable
Newt Gingrich,
Speaker of the House of Representatives.

United States Department of State

Washington, D.C. 20520

FEB 24 1998

Dear Mr. Speaker:

Pursuant to section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed export of defense articles or defense services sold under a contract in the amount of $50,000,000.

The transaction described in the attached certification involves the export of defense services and equipment for a Structural Life Extension Program upgrade of the Philippine Air Force's fleet of F-5A/B aircraft.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin

Barbara Larkin
Assistant Secretary
Legislative Affairs

Enclosure:
Transmittal No. DTC-14-98

The Honorable
Newt Gingrich,
Speaker of the House of Representatives.

United States Department of State

Washington, D.C. 20520

FEB 24 1998

Dear Mr. Speaker:

Pursuant to section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed export of defense articles or defense services sold under a contract in the amount of $50,000,000.

The transaction described in the attached certification involves the transfer of technical data and assistance for the development and deployment of a littoral water surveillance system for end use by the Republic of Korea Navy.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin

Barbara Larkin
Assistant Secretary
Legislative Affairs

Enclosure:
Transmittal No. DTC-15-98

The Honorable
Newt Gingrich,
Speaker of the House of Representatives.

[FR Doc. 98–7096 Filed 3–18–98; 8:45 am]
BILLING CODE 4710–25–C

DEPARTMENT OF STATE

[Public Notice No. 2751]

Office of Defense Trade Controls; Notifications to the Congress of Proposed Export Licenses

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Department of State has forwarded the attached Notifications of Proposed Export Licenses to the Congress on the dates shown on the attachments pursuant to section 36(c) and in compliance with section 36(e) of the Arms Export Control Act (22 U.S.C. 2776).

EFFECTIVE DATE: As shown on each of the five letters.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Lowell, Director, Office of Defense Trade Controls, Bureau of Political-Military Affairs, Department of State (703) 875–6644.

SUPPLEMENTARY INFORMATION: Section 38(e) of the Arms Export Control Act mandates that notifications to the Congress pursuant to section 36(c) must be published in the **Federal Register** when they are transmitted to Congress or as soon thereafter as practicable.

Dated: February 20, 1998.

William J. Lowell,

Director, Office of Defense Trade Controls.

BILLING CODE 4710–25–M

United States Department of State

Washington, D.C. 20520

FEB 18 1998

Dear Mr. Speaker:

Pursuant to section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed export of major defense equipment sold under a contract in the amount of $14,000,000, or more.

The transaction described in the attached certification involves the sale to Taiwan of four S-70A helicopters.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin

Barbara Larkin
Assistant Secretary
Legislative Affairs

Enclosure:
Transmittal No. DTC-108-97

The Honorable
Newt Gingrich,
Speaker of the House of Representatives.

United States Department of State

Washington, D.C. 20520

FEB 10 1998

Dear Mr. Speaker:

Pursuant to section 36(c) of the Arms Export Control Act, I am transmitting herewith notification of a proposed license for the export of major defense equipment sold commercially under a contract in the amount of $14,000,000 or more.

The transaction contained in the attached notification involves the sale of 472 TOW-2B anti-tank missiles to Sweden.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin
Assistant Secretary
Legislative Affairs

Enclosure:
Transmittal No. DTC-5-98

The Honorable
Newt Gingrich,
Speaker of the House of Representatives.

United States Department of State

Washington, D.C. 20520

FEB 10 1998

Dear Mr. Speaker:

Pursuant to section 36(c) of the Arms Export Control Act, I am transmitting herewith notification of a proposed license for the export of major defense equipment sold commercially under a contract in the amount of $14,000,000 or more.

The transaction contained in the attached notification involves the sale of 703 TOW-2A anti-tank missiles to Denmark.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin
Assistant Secretary
Legislative Affairs

Enclosure:
Transmittal No. DTC-6-98

The Honorable
Newt Gingrich,
Speaker of the House of Representatives.

United States Department of State

Washington, D.C. 20520

FEB 10 1998

Dear Mr. Speaker:

Pursuant to section 36(c) of the Arms Export Control Act, I am transmitting herewith notification of a proposed license for the export of major defense equipment sold commercially under a contract in the amount of $14,000,000 or more.

The transaction contained in the attached notification involves the sale of 2205 TOW 2A anti-tank missiles to Norway.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin

Barbara Larkin
Assistant Secretary
Legislative Affairs

Enclosure:
Transmittal No. DTC-7-98

The Honorable
Newt Gingrich,
Speaker of the House of Representatives.

United States Department of State

Washington, D.C. 20520

FEB 10 1998

Dear Mr. Speaker:

Pursuant to section 36(d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed manufacturing license agreement amendment with Germany concerning the sale of the AN/APG-65 radar to Greece.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin

Barbara Larkin
Assistant Secretary
Legislative Affairs

Enclosure:
Transmittal No. DTC-19-98

The Honorable
Newt Gingrich,
Speaker of the House of Representatives.

[FR Doc. 98–7097 Filed 3–18–98; 8:45 am]
BILLING CODE 4710–25–C

DEPARTMENT OF THE TREASURY

Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service; Notice of Meeting

AGENCY: Departmental Offices, Treasury.

ACTION: Notice of meeting.

SUMMARY: This notice announces the date and location of the next meeting and the agenda for consideration by the Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service.

DATES: The next meeting of the Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service will be held on April 3, 1998. The session will be held in Los Angeles, California, from approximately 8:30 a.m. to 12:30 p.m. at the Manhattan Beach Marriott, 1400 Parkview Avenue, Manhattan Beach, CA 90266. Tel.: 310–546–7511.

FOR FURTHER INFORMATION CONTACT: Dennis M. O'Connell, Director, Office of Tariff and Trade Affairs, Office of the Under Secretary for Enforcement, Room 4004, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220. Tel.: (202) 622–0220.

SUPPLEMENTARY INFORMATION: This is the sixth meeting of the current two-year term of the Committee. The provisional agenda to be considered at the meeting is as follows:

Old Business

1. Automated Export System: Interim report of the subcommittee to develop industry recommendations.
2. Status and progress of Customs automation.

New Business

1. Import restrictions on merchandise produced abroad with forced or indentured child labor.
2. Impact of ''Operation Brass Ring''.
3. The self-governance initiative and status of compliance assessment team (CAT) reviews.
6. Hours of operations for commercial processing at the border and Customs proposed rule clarifying the authority of port directors to designated crossings within a port that particular carriers must use.

The foregoing provisional agenda may be modified prior to the meeting.

Members of the public may verify the final content of the agenda and the precise time and location of the meeting by calling the information number one week prior to the meeting. The Committee, in its discretion, may take up other matters, time permitting.

The meeting is open to the public. However, participation in the discussion is limited to Committee members and Treasury and Customs staff. It is necessary for any person other than an Advisory Committee member who wishes to attend the meeting to give notice by contacting Ms. Theresa Manning no later than March 27, 1998 at 202–622–0220.

John P. Simpson,

Depty Assistant Secretary, (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 98–7063 Filed 3–18–98; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS–103–90]

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–103–90 (TD 8578), Election Out of Subchapter K for Producers of Natural Gas (§ 1.761–2).

DATES: Written comments should be received on or before May 18, 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: Election Out of Subchapter K for Producers of Natural Gas.

OMB Number: 1545–1338.

Regulation Project Number: PS–103–90.

Abstract: This regulation contains certain requirements that must be met by co-producers of natural gas subject to a joint operating agreement in order to elect out of subchapter K of chapter 1 of the Internal Revenue Code. Under regulation section 1.761–2(d)(5)(i), gas producers subject to gas balancing agreements must file Form 3115 and certain additional information to obtain the Commissioner's consent to a change in method of accounting to either of the two permissible accounting methods described in the regulation.

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: 10.

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 5.

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 16, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98–7167 Filed 3–18–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[INTL–50–86]

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–50–86 (TD 8110), Sanctions on Issuers and Holders of Registration-Required Obligations Not in Registered Form (§§ 1.165–12 and 1.1287–1).

DATES: Written comments should be received on or before May 18, 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: Sanctions on Issuers and Holders of Registration-Required Obligations Not in Registered Form.

OMB Number: 1545–0786.

Regulation Project Number: INTL–50–86.

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 requirements in this regulation are necessary to ensure that persons holding registration-required obligations in bearer form properly report interest income 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 Responses: 750,000.

Estimated Time Per Response: 3 minutes.

Estimated Total Annual Burden Hours: 39,742.

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 12, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98–7168 Filed 3–18–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS–66–93 and PS–120–90]

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 existing final regulations, PS–66–93 (TD 8609), Gasohol; Compressed Natural Gas, and PS–120–90 (TD 8241), Gasoline Excise Tax (§§ 48.4041–21, 48.4081–2(c)(3), 48.4081–3(d)(2)(iii), 48.4081–3(e)(2)(ii), 48.4081–3(f)(2)(ii), 48.4081–4(b)(2)(ii), 48.4081–4(b)(3)(i), 48–4081–4(c), 48.4081–6(c)(1)(ii), 48.4081–7. and 48.4081–9).

DATES: Written comments should be received on or before May 18, 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: PS–66–93, Gasohol; Compressed Natural Gas; and PS–120–90, Gasoline Excise Tax.

OMB Number: 1545–1270.

Regulation Project Numbers: PS–66–93 and PS–120–90.

Abstract: PS–66–93: This regulation relates to gasohol blending and the tax on compressed natural gas (CNG). The sections relating to gasohol blending affect certain blenders, enterers, refiners, and throughputters. The sections relating to CMG affect persons that sell or buy CNG for use as a fuel in a motor vehicle or motorboat. *PS–120–90:* This regulation relates to the federal excise tax on gasoline. It affects refiners, importers, and distributors of gasoline and provides guidance relating to taxable transactions, persons liable for tax, gasoline blendstocks, and gasohol.

Current Actions: There is no change to these existing regulations.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, not-for-profit institutions, farms, and state, local, or tribal governments.

Estimated Number of Respondents: 3,170.

Estimated Time Per Respondent: 7 minutes.

Estimated Total Annual Burden Hours: 371.

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 12, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98–7169 Filed 3–18–98; 8:45 am]

BILLING CODE 4830–01–U

Corrections

Federal Register

Vol. 63, No. 53

Thursday, March 19, 1998

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–020–1020–00]

Pelican Lake/Ouray National Wildlife Refuge Plan Amendment; Environmental Statement

Correction

In notice document 98–6686, beginning on page 12819, in the issue of Monday, March 16, 1998, in the **DATES** section, in the last line, ''March 16, 1998'' should read ''April 15, 1998''.

BILLING CODE 1505–01–D

OFFICE OF PERSONNEL MANAGEMENT

Science and Technology Reinvention Laboratory Demonstration Project at the U.S. Army Research Laboratory (ARL)

Correction

In notice document 98–5426 beginning on page 10680, in the issue of Wednesday, March 4, 1998, make the following correction:

1. On page 10687, the note to the table should read:

''*Administrative Pay Band III includes two full performance levels because not all work assignments in band III will support movement to the top of the band. Positions that typically support the higher salaries perform non-supervisory work associated with formulating programs and policies with laboratory-wide scope and impact. Other positions perform supervision of operating level programs in one or more administrative fields. In order to move beyond the equivalent of the GS–12 Step 10 salary, duty and work assignments must satisfy the highest level of the criteria in the classification standard for this pay band.''.

2. On the same page, in the first column, starting in the fourth line, remove:

''assignments in band III will support movement to the top of the band. Positions that typically support the higher salaries perform non-supervisory work associated with formulating programs and policies with laboratory-wide scope and impact. Other positions perform supervision of operating level programs in one or more administrative fields. In order to move beyond the equivalent of the GS-12 Step 10 salary, duty and work assignments must satisfy the highest level of the criteria in the classification standard for this pay band.''.

BILLING CODE 1505–01–D

federal register

Thursday
March 19, 1998

Part II

Environmental Protection Agency

40 CFR Parts 302 and 355

Administrative Reporting Exemptions for Certain Radionuclide Releases; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 302 and 355

[FRL–5970–8]

RIN 2050–AD46

Administrative Reporting Exemptions for Certain Radionuclide Releases

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency today is issuing a final rule that will reduce reporting burdens under the Comprehensive Environmental Response, Compensation, and Liability Act and the Emergency Planning and Community Right-to-Know Act. Reducing reporting burdens is one of the goals of the President's government-wide regulatory reform initiatives.

Through this rule, EPA will broaden existing reporting exemptions for releases of naturally occurring radionuclides to include releases that result from: land disturbance incidental to extraction activities, except that which occurs at uranium, phosphate, tin, zircon, hafnium, vanadium, and rare earth mines; and coal and coal ash piles at all sites.

Eliminating needless reporting burdens on persons responsible for certain mine sites and coal and coal ash piles will also allow EPA to better focus its resources on the most serious releases, resulting in more effective protection of public health and welfare and the environment.

EFFECTIVE DATE: April 20, 1998.

ADDRESSES: *Release Notification:* The toll-free telephone number of the National Response Center is 800/424–8802; in the Washington, DC metropolitan area, the number is 202/267–2675. The facsimile number for the National Response Center is 202/267–2165 and the telex number is 892427.

Docket: Copies of materials relevant to this rulemaking are contained in the U.S. EPA CERCLA Docket Office, Crystal Gateway #1, 1st Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202 [Docket Number 102RQ–RN–2]. The docket is available for inspection, by appointment only, between the hours of 9 a.m. and 4 p.m., Monday through Friday, excluding Federal holidays. Appointments to review the docket can be made by calling 703/603–9232. The public may copy a maximum of 266 pages from any regulatory docket at no cost. If the number of pages copied exceeds 266, however, an administrative fee of $25 and a charge of $0.15 per page for each page after page 266 will be incurred. The Docket Office will mail copies of materials to requestors who are outside the Washington, DC metropolitan area. The docket for this rulemaking will be kept in paper form.

FOR FURTHER INFORMATION CONTACT: The RCRA/UST, Superfund, and EPCRA Hotline at 800/424–9346 (in the Washington, DC metropolitan area, contact 703/412–9810). The Telecommunications Device for the Deaf (TDD) Hotline number is 800/553–7672 (in the Washington, DC metropolitan area, contact 703/486–3323); or the Office of Emergency and Remedial Response (5202G), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 (contact Elizabeth Zeller 703/603–8744).

SUPPLEMENTARY INFORMATION: *Potentially Affected Entities:* Entities that may be affected by this final rule include: (1) Persons in charge of vessels or facilities that may have naturally occurring radionuclide releases into the environment that are among those granted an administrative reporting exemption; and (2) entities that plan for or respond to such releases.

The table below lists potentially affected entities. This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other entities not listed in the table could also be affected. To determine whether your organization is affected by this action, carefully examine the changes to 40 CFR parts 302 and 355. If you have questions regarding the applicability of this action to a particular entity, consult the contact names and phone numbers listed in the preceding **FOR FURTHER INFORMATION CONTACT** section of this preamble.

POTENTIALLY AFFECTED ENTITIES

Type of entity	Examples of affected entities
Industry	Mines, coal ash landfills, coal preparation plants, coke plants, other industrial sites with coal piles, and coal transportation storage yards.
State, Local, or Tribal Governments	State Emergency Response Commissions, Local Emergency Planning Committees.
Federal Government	National Response Center, and any Federal agency that may have radionuclide releases granted a reporting exemption.

Outline of Today's Preamble: The contents of today's preamble are listed in the following outline:

I. Introduction
A. Statutory Authority
B. Background of This Rulemaking
C. Final Reporting Exemptions
D. Summary of Changes From the Proposed Rule
II. Response to Comments
A. Support for and Opposition to Reporting Exemptions
1. Proposed Exemptions
2. Alternative 1 Proposed on August 4, 1995
3. Alternative 2 Proposed on August 4, 1995
B. Requests for Broader Exemptions for Extraction, Beneficiation, and Mineral Processing
1. Similarities to Other Exemptions
a. Extraction versus Farming and Construction
b. Extraction versus Beneficiation and Processing
2. Properties of Certain Ores and Materials
3. Radiation Risk
4. Radon Releases
5. Feasibility of Response
6. Controls Under Other Programs
7. Site-Specific Exemptions
C. Scope of Reporting Exemptions for Coal and Coal Ash
1. Types of Ash
2. Beneficial Uses of Ash
3. Coal Preparation and Transportation
D. Requests for Other Exemptions
E. Interpretation of CERCLA Provisions
1. Release Into the Environment
2. Substantial Danger
III. Regulatory Analyses
A. Executive Order 12866
B. Regulatory Flexibility Act
C. Paperwork Reduction Act
D. Unfunded Mandates
E. Small Business Regulatory Enforcement Fairness Act

I. Introduction

A. Statutory Authority

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601 *et seq.*, establishes broad Federal authority to respond to releases or substantial threats of releases of hazardous substances from vessels and facilities. Section 101(14) of CERCLA defines the term ''hazardous

substance'' primarily by reference to various Federal environmental statutes.

Under section 103(a) of CERCLA, the person in charge of a vessel or facility from which a CERCLA hazardous substance has been released in an amount equal to or greater than its reportable quantity (RQ) must immediately notify the National Response Center (see 40 CFR 302.6). In addition, the person in charge of a facility from which a CERCLA hazardous substance has been released in an amount equal to or greater than its RQ must immediately notify State and local response authorities, as required by section 304 of the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. 11001 *et seq.* (see 40 CFR 355.40). As established by EPA in an earlier rulemaking (50 FR 13463, April 4, 1985), a 24-hour period is used for measuring whether an RQ or more of a hazardous substance has been released (see 40 CFR 302.6(a)).

Section 102(b) of CERCLA establishes RQs at one pound for releases of hazardous substances, except for those substances for which RQs were established pursuant to section 311(b)(4) of the Clean Water Act (CWA). Section 102(a) of CERCLA authorizes EPA to adjust the RQs for all hazardous substances by regulation.

A major purpose of the section 103(a) notification requirements is to alert the appropriate government officials to releases of hazardous substances that may require a response to protect public health or welfare or the environment. EPA emphasizes that an RQ merely establishes a trigger for informing the government of a release so that the appropriate government personnel can evaluate the need for a response action and can undertake any necessary response action in a timely fashion. Federal personnel evaluate all reported releases, but in some cases will not initiate a response, because the release of an RQ does not pose a hazard or require a response in all circumstances. Government personnel assess each reported release on a case-by-case basis to determine the appropriate response action, if any.

CERCLA sections 102(a), 103, and 115 together provide EPA with authority to grant administrative reporting exemptions. Such exemptions may be granted for releases of hazardous substances that pose little or no risk or to which a Federal response is infeasible or inappropriate. Requiring reports of such releases would serve little or no useful purpose and could, instead, impose a significant burden on the Federal response system and on the persons responsible for notifying the Federal government of the release. Through such reporting exemptions, therefore, the Federal response system is able to more efficiently implement CERCLA and EPCRA and more effectively focus on reports of releases that are more likely to pose a significant hazard to human health and the environment.

B. Background of This Rulemaking

Radionuclides are CERCLA hazardous substances because they are listed as hazardous air pollutants under section 112 of the Clean Air Act. Radionuclides initially had a one-pound RQ as established by CERCLA section 102(b). EPA recognized that an RQ of one pound for radionuclides was not appropriate because radionuclides are not generally measured in units of pounds, and releases of much less than one pound of radionuclides may present a substantial threat to public health or welfare or the environment. On March 16, 1987, EPA published a Notice of Proposed Rulemaking (NPRM) to adjust RQs for radionuclides (52 FR 8172), with the comment period ending on May 15, 1987. Twenty-eight comment letters, totaling about 150 pages, were received. The comments, together with the Agency's responses, are presented in ''Responses to Comments on the Notice of Proposed Rulemaking on the Adjustment of Reportable Quantities for Radionuclides'' (Responses to Comments), which is available for inspection in Docket Number 102RQ–RN located at the U.S. EPA CERCLA Docket Office (Mail Code 5202G), Crystal Gateway #1, 1st Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202.

The Agency promulgated a final rule (54 FR 22524; May 24, 1989) to adjust the RQs for all (approximately 1,500) radionuclides. In preparing the final rule, EPA considered carefully all of the public comments submitted on the proposals made in the March 16, 1987, NPRM. The final rule granted four administrative exemptions from CERCLA section 103 and EPCRA section 304 reporting requirements based on those comments. In particular, the Agency exempted: (1) Releases of naturally occurring radionuclides from large generally undisturbed land holdings, such as golf courses and parks; (2) releases of radionuclides naturally occurring from the disturbance of large areas of land for purposes other than mining, such as farming or building construction; (3) releases of radionuclides from the dumping of coal and coal ash at utility and industrial facilities with coal-fired boilers; and (4) radionuclide releases from coal and coal ash piles at utility and industrial facilities with coal-fired boilers.

Following the final rulemaking, the American Mining Congress (AMC), The Fertilizer Institute (TFI), and others challenged the rule in the United States Court of Appeals for the District of Columbia Circuit in *TFI* v. *EPA* 935 F.2d 1303 (1991). In the litigation, AMC and TFI argued, in part, that EPA violated the Administrative Procedure Act by failing to provide adequate notice and opportunity to comment on the proposed exemptions. The petitioners also argued that it was arbitrary and capricious for EPA to discriminate against mining by excluding it from the land disturbance exemption.

The Court found that the administrative reporting exemptions were improperly promulgated because EPA failed to provide adequate notice of, and opportunity for public comment on, those exemptions. The Court, however, left the four exemptions in place while the Agency undertakes a new round of notice and comment rulemaking.

In a proposed rule published on November 30, 1992 (57 FR 56726), the Agency complied with the Court's decision by providing notice of, and requesting comment on, the same four exemptions from CERCLA section 103 and EPCRA section 304 notification requirements that were promulgated in the 1989 final radionuclide RQ adjustment regulation. EPA requested that public comments on the November 30, 1992, proposal be submitted by January 29, 1993. In response to several requests for extension of the comment period, and in the interest of allowing the public greater opportunity to evaluate the issues raised in the November 30, 1992, NPRM, EPA re-opened the public comment period for an additional 60 days beginning on March 5, 1993 (58 FR 12876).

Twenty-seven comment letters, totaling more than 750 pages, were received on the November 30, 1992, NPRM, including two after the initial deadline and one after the close of the second comment period. These comments raised a number of issues that the Agency could not resolve without additional information and analysis. Chief among these issues were:

—Do radionuclide releases from land disturbance incidental to extraction activities at mines pose a greater risk than such releases from farming and construction?

—Do coal and coal ash piles at sites without coal-fired boilers (e.g., coal piles at mines, railroad stockyards, and steel mills, and coal ash disposed

of in off-site landfills) pose a greater radiological threat than such piles at boiler sites?

—Is the government likely to respond to radionuclide releases from land disturbance incidental to extraction activities or from coal and coal ash piles at non-boiler sites, and if so, what response realistically can be taken?

After evaluating these issues, the Agency decided to issue a supplemental proposal requesting information and comment on expanded reporting exemptions for certain radionuclide releases. The supplemental proposal, published on August 4, 1995 (60 FR 40042), proposed to (1) broaden the land disturbance reporting exemption to include land disturbance incidental to extraction activities at all mines, with the exception of certain types of mines that are likely to handle materials with elevated levels of radionuclides, and (2) broaden the coal and coal ash pile exemptions to include radionuclide releases to and from such piles at all kinds of sites, not just sites with coal-fired boilers. EPA also requested comments on two alternatives to these proposed broader reporting exemptions in the August 4, 1995, supplemental proposal. The first alternative would grant reporting exemptions for land disturbance activities incidental to extraction at all mines, as well as coal and coal ash piles at all sites. The second alternative would grant exemptions to all land disturbance activities incidental to extraction as well as to all releases of radionuclides to and from all piles of diffuse naturally occurring radioactive material (NORM) below a concentration cutoff. EPA originally requested that public comments on the supplemental proposal be submitted on or before October 3, 1995, but in response to requests submitted by a number of commenters, extended the close of the public comment period until December 4, 1995 (60 FR 51765).

Twenty-nine comment letters were received on the August 4, 1995, supplemental proposal. Seven of these commenters had also submitted comment letters on the November 30, 1992, NPRM. This final rule was developed following careful consideration of all issues and concerns raised in public comments on both the November 30, 1992, NPRM and the August 4, 1995, supplemental proposal.

C. Final Reporting Exemptions

In today's final rule, the reporting exemption for releases of naturally occurring radionuclides from large generally undisturbed land holdings, such as golf courses and parks, is being retained as promulgated in the 1989 final radionuclide RQ adjustment regulation and as re-proposed in the November 30, 1992, NPRM (57 FR 56726). EPA wishes to clarify that this reporting exemption applies to releases of naturally occurring radionuclides from generally undisturbed land containing ore reserves, including ores containing elevated concentrations of radionuclides, because those ore reserves would be generally undisturbed. Reporting of naturally occurring radionuclide releases from undisturbed land holdings is unnecessary because CERCLA section 104(a)(3) generally precludes removal or remedial actions in response to a release ''of a naturally occurring substance in its unaltered form or altered solely through naturally occurring processes or phenomena, from a location where it is naturally found.''

EPA is broadening the present reporting exemption for land disturbance activities to include land disturbance incidental to extraction activities at all mines except certain categories of mines that are likely to handle raw materials with elevated radionuclide concentrations (greater than 7.6 picocuries per gram or pCi/g of U-238, 6.8 pCi/g of Th-232, or 8.4 pCi/g of Ra-226, which equal two times the upper end of the concentration range reported in the literature for typical surface soil). The types of mines that are not within the scope of the reporting exemption are uranium, phosphate, tin, zircon, hafnium, vanadium, monazite, and rare earth mines. For the purpose of this preamble, monazite is evaluated along with bastnasite as a rare earth ore, but it is listed separately in the rule as a non-exempt category of mines because monazite also may be extracted to recover other elements, such as thorium and titanium. Releases of naturally occurring radionuclides from land disturbance at all other types of mines are exempted from CERCLA section 103 and EPCRA section 304 reporting requirements. For the purpose of this rule, land disturbance incidental to extraction activities includes land clearing, overburden removal and stockpiling, and excavating, handling, transporting, and storing ores and other raw materials. Land disturbance incidental to extraction also includes replacing materials in mined-out areas as long as such materials have not been beneficiated or processed and do not contain elevated radionuclide concentrations, as defined above. Beneficiation and mineral processing activities, including the associated handling, transporting, and storing of bulk materials, are not included within the scope of the exemption.

EPA also is broadening the existing exemptions for coal and coal ash piles to include radionuclide releases to and from coal and coal ash piles at all sites, not just sites where there is a coal-fired boiler.

Each of the above exemptions apply only to CERCLA section 103 and EPCRA section 304 reporting requirements. The exemptions do not apply to the related response and liability provisions.

EPA is promulgating these broader exemptions for three principal reasons, which apply equally to both land disturbance at certain mines and to coal and coal ash piles at non-boiler sites. First, the concentrations of naturally occurring radionuclides in the materials subject to the exemption (e.g., overburden and ores in the subject mining sectors, coal, and coal ash) are generally within the range of ''typical'' background concentrations in surface rocks and soils in the U.S. Second, EPA believes that a CERCLA response to the release otherwise reportable, would be very unlikely and possibly infeasible or inappropriate, because (1) the concentrations of materials being handled are at or near background, and (2) the resulting radionuclide releases are expected to be continuously low, spread over large areas, and widely dispersed in the environment. Third, the submission of individual notifications of these releases does not appear necessary for the government to assess whether a response action is needed, since the releases should be similarly low across all sites subject to the broader exemptions. As a result, the broader reporting exemptions are intended to allow EPA to focus its resources on the most serious releases and to protect public health and welfare and the environment more effectively and efficiently. At the same time, the exemptions would eliminate unnecessary reporting burdens on persons responsible for land disturbance at certain mine sites and any sites where coal or coal ash is stored or disposed.

D. Summary of Changes From the Proposed Rule

EPA has made one change from the August 4, 1995, supplemental proposal. Land disturbance incidental to extraction of the titanium-bearing ores ilmenite and rutile, but not monazite, has been included within the scope of the reporting exemptions for land disturbance activities. As discussed in more detail in Section II.B.2 of today's preamble, additional data submitted by public commenters and assembled by

the Agency in response to comments are sufficient to support a finding that most unprocessed ilmenite and rutile from the U.S. contain radionuclides in concentrations that are generally within the range of typical background concentrations, like the raw materials handled at the other kinds of mines granted a reporting exemption. Monazite, which also may be extracted at mines recovering titanium, tends to have radionuclide concentrations well above typical background levels.

II. Response to Comments

EPA's full responses to public comments related to this rule are contained in ''Responses to Comments on the November 30, 1992, and August 4, 1995, Notices of Proposed Rulemaking on Administrative Reporting Exemptions for Certain Radionuclide Releases'' (Responses to Comments), which is available for inspection in Docket Number 102RQ–RN–2 located at the U.S. EPA CERCLA Docket Office (Mail Code 5202G), Crystal Gateway #1, 1st Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202. Additional background information supporting the Agency's position and response to many of these comments is provided in ''Technical Background Document Supporting Final Administrative Reporting Exemptions for Certain Releases of Radionuclides,'' also available for inspection in Docket Number 102RQ–RN–2. The following sections provide a summary of the major public comments and EPA's responses.

A. Support for and Opposition to Reporting Exemptions

1. Proposed Exemptions

Of the 56 public comment letters submitted on the November 30, 1992, NPRM and August 4, 1995, supplemental proposal, 32 expressed support for the proposed exemptions. As discussed in more detail in Section II.B below, these commenters' only objections were that the proposed reporting exemptions were not broad enough.

Only three of the 56 public comment letters opposed the proposed exemptions. The main arguments made by these commenters were that the exemptions (1) will limit the government's ability to control naturally occurring radionuclide exposures and risks, including the risk associated with natural background radiation, indoor radon, and coal ash disposal, and (2) will limit the availability of public information regarding the sources and doses of radiation exposure in local communities.

EPA does not believe either of these concerns is valid. With respect to the government's ability to control naturally occurring radionuclides, the Agency reiterates that CERCLA section 104(a)(3) already precludes actions in response to natural background radiation, unless certain conditions are met as specified in section 104(a)(4). This response limitation does not apply to the releases of naturally occurring radionuclides exempted by this rule, which are not natural background releases but rather releases from anthropogenic activities. The rule, however, only exempts the radionuclide releases from CERCLA section 103 and EPCRA section 304 reporting requirements, not from CERCLA response or liability provisions. Therefore, the government can still respond under CERCLA to the exempted releases, if a response is ever determined to be necessary.

Eliminating the requirement to report the selected releases of naturally occurring radionuclides will not jeopardize the government's ability to respond to these releases, but rather will improve its ability to respond promptly to other releases that may be more serious. Moreover, these reporting exemptions under CERCLA in no way interfere with other government initiatives to address naturally occurring radionuclide releases, including EPA's ongoing programs to address indoor radon under the Indoor Radon Abatement Act, airborne emissions of naturally occurring radionuclides under the Clean Air Act (CAA), naturally occurring radionuclides in ''special wastes'' from mining and mineral processing under the Resource Conservation and Recovery Act (RCRA), and radiation exposures under the Federal Radiation Protection Guidance.

With respect to the availability of public information regarding the sources and doses of radiation exposure in local communities, the purpose of the CERCLA section 103 and EPCRA section 304 reporting requirements is to notify government personnel of releases of hazardous substances so that a timely decision can be made regarding the need for a response action to protect public health or welfare or the environment. These reporting programs are not intended to serve as a source of public information on radiation sources and exposures. The community right-to-know reporting requirements, toxic release inventory requirements, and related provisions under EPCRA sections 311, 312, and 313 remain in effect. Therefore, the reporting exemptions will not significantly impact a community's ability and right to know about hazardous substances.

2. Alternative 1 Proposed on August 4, 1995

Eight commenters supported Alternative 1 proposed on August 4, 1995, which would exempt land disturbance incidental to extraction at *all* mines. Of these eight commenters, three expressed support for Alternative 1 as a means to ensure that radionuclide releases to and from coal and coal ash piles at all sites were granted a reporting exemption. EPA would like to clarify that the final reporting exemptions include exemptions for coal and coal ash identical to the ones proposed in Alternative 1 (the proposed exemptions and Alternative 1 differ only with respect to mining).

Six of the eight commenters expressed support for an exemption for all kinds of mines but, in EPA's judgment, did not provide enough information to support such a broad exemption. Five of these six commenters either simply stated their preference for this regulatory approach without any technical justification or provided information in support of broadening the proposed exemptions to include certain mining sectors (zircon, bastnasite, and phosphorus), rather than all mining sectors as envisioned in Alternative 1. The sixth commenter made a number of arguments in favor of a broad reporting exemption for all kinds of mines, including: mining cannot be distinguished from the other exempted land disturbance activities (farming and construction); the radiation risks posed by mining are low; a CERCLA response is infeasible; and any potential problems associated with radionuclide releases from mines have already been addressed under other programs. The specific points raised by these commenters are addressed below in Section II.B of today's preamble.

Only one commenter directly opposed Alternative 1. This commenter expressed concern about the radiation risk posed by phosphate mining and reclaimed phosphate land. Based on the elevated levels of radionuclides in phosphate mining materials, and considering the lack of information demonstrating that the radiation risks are low or that a CERCLA response is infeasible, EPA continues to believe that radionuclide releases from phosphate mining should not be exempted from the release reporting requirements of CERCLA section 103 and EPCRA section 304. Several of the commenters who supported exempting all mines objected that the scope of Alternative 1 was too narrow. These comments, which are addressed in Section II.B.1.b below, support the view that Alternative 1

should be broadened to include radionuclide releases from beneficiation and mineral processing in addition to releases from extraction.

3. Alternative 2 Proposed on August 4, 1995

Only one commenter expressed support for Alternative 2, which would base the reporting threshold on *concentration of radionuclides* in materials. This commenter, however, was in favor of a dose-based rather than a concentration-based limit as proposed. The commenter suggested that EPA utilize a broader version of Alternative 2, which would exempt all releases of diffuse NORM if the release resulted in a dose lower than 500 millirem (mrem), or 5 millisieverts (mSv), above background, excluding radon. While the Agency recognizes some of the basic advantages of a dose-based cutoff, EPA decided against such an approach because among other reasons: (1) Many individuals and organizations that handle naturally occurring radionuclides do not have the capability to accurately estimate radiation doses; (2) the time and analysis required to estimate doses may delay reporting and, hence, impede timely response if necessary; and (3) without standardization, different releasers would be likely to estimate doses in different ways, resulting in inconsistent reporting.

Five commenters opposed Alternative 2 altogether and seven others, though not entirely opposed to a concentration cut-off, provided information supporting their objections to the approach taken in the August 4, 1995, supplemental proposal. Many of these commenters highlighted the following potential difficulties with Alternative 2: (1) It would place a burden on the regulated community and government of planning and implementing such an approach; (2) the complex multiple-step task of determining radionuclide concentrations in a given material relative to background might jeopardize timely reporting; (3) uncertainties might lead to misinterpretations and abuse of the system; and (4) it would be difficult to establish a reasonable and scientifically sound cutoff level. For these reasons, EPA decided against Alternative 2 for the final rule.

B. Requests for Broader Exemptions for Extraction, Beneficiation, and Mineral Processing

Eighteen of the 56 public comment letters received requested broader exemptions for radionuclide releases from extraction, beneficiation, and mineral processing. This includes nine comment letters (out of 27) in response to the November 30, 1992, proposal to continue to exclude all mining from the reporting exemptions, and nine comment letters (out of 29) in response to the August 4, 1995, supplemental proposal to broaden the exemptions to include land disturbance incidental to extraction at most kinds of mines. These commenters offered the following points in support of their requests: (1) The exempted activities cannot be distinguished from the non-exempted activities; (2) the properties of certain ores and materials warrant a broader reporting exemption; (3) the radiation risk at non-exempted sites is low; (4) radon releases from non-exempted sites pose little threat; (5) CERCLA responses at non-exempted sites are infeasible; and (6) releases of potential concern are already controlled under other programs. A few commenters also requested that EPA establish a process for granting site-specific reporting exemptions if broader categorical exemptions are not granted in the final rule. Each of these points is addressed in turn below.

1. Similarities to Other Exemptions

a. *Extraction versus Farming and Construction.* Eight commenters, including seven addressing the November 30, 1992, proposal and one commenting on the August 4, 1995, supplemental proposal, asserted that EPA has not adequately distinguished land disturbance incidental to extraction during mining from that which occurs during farming and construction. Among other grounds for broadening the reporting exemptions to include extraction, these commenters pointed to similarities in the concentrations of radionuclides in the earthen materials being disturbed, and similarities in the level of radiation risk posed by the different activities.

In response to such comments on the November 30, 1992, proposal, EPA issued the supplemental proposal on August 4, 1995, to expand the exemptions for land disturbance activities to include radionuclide releases from all mines except certain categories of mines that are likely to handle raw materials with elevated radionuclide concentrations. These broader exemptions were based on a recognition that, if radionuclide levels in the earthen materials handled within a given mining (mineral commodity) sector are at or near background, as at most farms and construction sites, it would be reasonable to treat such mining the same as other land disturbances for the purpose of the CERCLA and EPCRA reporting exemption. If, however, the materials handled in a given mining sector are likely to have elevated levels of radionuclides, then there might be a reasonable basis for treating the disturbance of those materials differently from land disturbance at the vast majority of farms and construction sites. In EPA's judgment, elevated levels would indicate that further evaluation would be required before it could be concluded with a sufficient degree of confidence that risks were low and that a government response would be unwarranted or infeasible.

EPA followed a three-step approach to identify ''elevated'' radionuclide concentrations for the purpose of the supplemental proposal. First, based on a review of background concentrations reported in various publications for surface rocks and soils in different geographical areas, the Agency selected the ranges reported by Myrick et al.[1] as representative of ''typical'' background levels (0.12–3.8 pCi/g of U-238, 0.1–3.4 pCi/g of Th-232, and 0.23–4.2 pCi/g of Ra-226). EPA also considered reported concentrations in recognized hot spot regions of the country, such as the Reading Prong area, as an additional benchmark for the purpose of defining background. Second, EPA compiled available secondary data on the radionuclide concentrations in ores and raw materials handled in different mining sectors. EPA reviewed these data for the purpose of defining ''typical'' radionuclide concentrations in the various mining materials, rather than overall ranges that would encompass high-end values. Third, EPA compared the typical background range with the typical values assumed for the different mining materials. If based on this comparison a mining material was found to have concentrations greater than two times the upper end of the range defined by Myrick *et al.* (greater than 7.6 pCi/g of U-238, 6.8 pCi/g of Th-232, and/or 8.4 pCi/g of Ra-226), EPA concluded that concentrations in the material were elevated.[2] If

[1] Myrick, T.E., B.A. Berven, and F.F. Haywood, 1983, ''Determination of Concentrations of Selected Radionuclides in Surface Soil in the U.S.,'' *Health Physics*, Vol. 45, No. 3 (September), pp. 631–642.

[2] In choosing background radionuclide values to define the concentration threshold for granting some categories of mines exemption from reporting requirements, the Agency recognizes that the primary purpose of notification is to ensure that releasers notify the government so that the government can assess the need to respond to the release. The exemption threshold levels, like RQ levels, do not reflect a determination that a release of a substance will be hazardous at the level chosen and not hazardous below that level. As in the case of RQ values, EPA is not attempting to make such a determination. (For information about levels that are considered protective of human health and the

concentrations in a mining material also exceeded the values reported in hot spot regions, EPA considered this comparison as further evidence that the concentrations were elevated.

The Agency used the cutoff of two times the upper end of the range defined by Myrick *et al.*, rather than some other multiple such as one or three times, in an effort to balance the need to be protective with the need to account for site-specific variability. On the one hand, a case could be made for using the upper end of the Myrick *et al.* range, because those values are themselves higher than the background concentrations reported for soils and rocks in most places in the U.S. On the other hand, background concentrations of radionuclides are highly site-specific and there are ample data showing that concentrations above the Myrick *et al.* range do exist in relatively isolated circumstances. In the Agency's judgment, two times the upper end of the Myrick *et al.* range prudently accounts for the possibility of ''higher-than-normal'' concentrations but is not so high as to be an extreme value likely to occur only in very rare instances. To account for those instances where higher background concentrations may occur, EPA also compared the concentrations in mining materials to representative concentrations reported for known hot spot regions of the country, which amount to roughly three to five times the upper end of the Myrick *et al.* range.

The data and conclusions from this comparison are presented in detail in the Technical Background Document supporting this final rule (available in the docket). The following table summarizes these results for the non-exempt categories of mines. The table shows, for each type of material, the full range of reported concentrations and the Agency's best estimate of a typical concentration (either a geometric mean when many data points are available, or a commonly cited or other central value that best reflects available data in EPA's judgment). For the purpose of comparison, the table also shows the ratio of the typical concentration to (1) the upper end of the background range reported by Myrick *et al.* for surface soils (3.8 pCi/g of U-238, 3.4 pCi/g of Th-232, and 4.2 pCi/g of Ra-226), and (2) selected background values reported for recognized hot spot regions (20 pCi/g of U-238 reported for the Reading Prong region and 9 pCi/g of Th-232 reported for the Colorado Front Range).

SUMMARY OF RADIONUCLIDE CONCENTRATIONS IN MATERIALS IN NON-EXEMPT MINING SECTORS

Material	U-238 [a] (pCi/g)	Th-232 [a] (pCi/g)	Ra-226 [a] (pCi/g)	Ratio of typical value to upper end of Myrick *et al.* range	Ratio of typical value to selected hot spot value
Uranium Ore	280–640 (460)	10–11 (10.5)	[b] NA	U: 121 Th: 3.1	U: 23 Th: 1.2
Phosphate Rock	2.7–267 (45)	0.07–4 (1.05)	3–62 (45)	U: 11.8 Th: 0.3 Ra: 10.7	U: 2.3 Th: 0.1
Vanadium Ore	0.18–340 (30)	0.18–58	NA	U: 7.9	U: 1.5
Tin-Bearing Materials	17–43 (30)	2.9–8,830 (12)	1–480 (20)	U: 8 Th: 3.5 Ra: 4.8	U: 1.5 Th: 1.3
Zircon	5–<165 (93)	NA	13–100 (93)	U: 24.5 Ra: 22.1	U: 4.7
Monazite [c]	600–3,000 (1,800)	2,900–80,000 (3,900)	620	U: 474 Th: 1,147 Ra: 148	U: 90 Th: 433
Bastnasite [c]	7	25–2,330	NA	U: 1.8 Th: 7.4–685	U: 0.4 Th: 2.8–259

[a] Where applicable, ranges are presented along with an estimated ''typical'' value, shown in parentheses.
[b] NA = not available.
[c] Ores extracted principally for their rare-earth or thorium content.

As these data show, the materials handled and stockpiled at non-exempt categories of mines are not ''essentially the same as the soil at farming or construction sites,'' as asserted by some public commenters. In every material, one radionuclide is likely to be present at a level that is at least 7.9 times the upper end of the background range reported by Myrick *et al.* for typical surface soils. Typical radionuclide concentrations in each material also exceed elevated levels commonly reported in hot spot regions. Therefore, although there are hot spots across the country where farming and construction will disturb natural soils and rocks with concentrations more than two times the upper end of the typical range reported by Myrick *et al.*, EPA believes that the non-exempt materials are distinguished from the soils and rocks expected to be disturbed at the vast majority of farming and construction sites.

Finally, commenters asserted that the distinction between extraction at non-exempt mines and farming and construction sites is unfounded because EPA has not demonstrated that extraction activities at non-exempt mines pose a greater risk than the exempt activities. EPA does not believe that risk analysis provides the only reasonable basis for distinguishing between the two sets of activities. As outlined in the supplemental proposal, EPA is distinguishing between the different activities on the basis of the likely radionuclide concentrations in the materials being disturbed relative to background. In the case of the exempt activities, EPA concluded that a CERCLA removal or remedial response would very rarely, if ever, be necessary because the activities result in low-level, diffuse releases of radionuclides at concentrations that are at or near background. EPA also questioned

environment for response actions under CERCLA at radioactively contaminated sites see 40 CFR 300.430(e)2(i) and ''Establishment of Cleanup Levels for CERCLA Sites with Radioactive Contamination'' [OSWER No. 9200.4–18, August 22, 1997]).

whether it would be feasible or practical to mount a CERCLA response to such releases, since the materials in question already have radionuclide concentrations likely to be at or near background and CERCLA responses would not normally clean up to below background levels. In contrast, when the radionuclide concentrations are likely to be elevated as at non-exempt mines, EPA believes that further analysis is needed before concluding that a reporting exemption is warranted.

As discussed in more detail in response to comments asserting that the radiation risk is low at the non-exempt categories of mines (see section II.B.3 below), EPA believes that currently available risk information and assessments do not provide enough of a basis for broadening the exemptions to include those mines. Therefore, the supplemental proposal requested that commenters wishing to support exemptions for the non-exempt mines provide data demonstrating that radionuclide concentrations in the mining materials are in fact at or near background concentrations, or, in the absence of such data, information showing that radiation exposures and risks are low despite the elevated concentrations in the materials handled. In EPA's judgment, only those commenters addressing titanium mining provided sufficient information to support broadening the exemptions beyond those proposed in the supplemental notice.

b. *Extraction versus Beneficiation and Processing.* Five commenters on the August 4, 1995, supplemental proposal requested that the proposed broader reporting exemptions be broadened even further to include radionuclide releases from beneficiation and mineral processing. The primary argument made by these commenters was that EPA has not provided a valid basis for excluding beneficiation and processing from the scope of the exemptions.

The scope of the administrative reporting exemption that pertains to mining activities is limited to releases from land disturbance. As proposed in the August 4, 1995, supplemental proposal, and as promulgated in today's final rule, the exempted land disturbance activities include farming, construction, and extraction activities at all mines except certain categories of mines where raw materials are likely to have elevated radionuclide concentrations. Land disturbance activities incidental to extraction include land clearing, overburden removal and stockpiling, and excavating, handling, replacing, transporting, and storing ores and other raw materials. These are earth moving activities involving natural materials and using technologically unsophisticated operations and equipment generally consistent across sites. The ''enhanced'' radionuclide releases that may occur as a result of these activities are low-level, diffuse, and difficult to control.

Beneficiation and mineral processing activities are outside the scope of such land disturbance activities. As stated in the preamble to the supplemental proposal, the factors that distinguish beneficiation and processing from land disturbance incidental to extraction include the potential for beneficiation and processing to: (1) Concentrate radionuclides in waste streams or other materials well above natural background levels; and (2) cause substantially greater releases. These factors are discussed below.

Radionuclides may become concentrated through beneficiation and processing activities relative to levels found in raw materials. Some ores and processing operations may yield a waste product, such as slag or tailings, with radionuclide concentrations higher than those in the ore. EPA's 1993 draft Diffuse NORM Waste report[3] summarizes the results of studies showing that some processes associated with the beneficiation and processing of certain minerals or metals appear to concentrate certain radionuclides and enhance their environmental mobility. Additional information showing how radionuclides can become concentrated in processing wastes was provided by comments on the supplemental proposal. For example, data referenced by one commenter show how the concentration of radium-226 can be increased in processing wastes relative to zircon sand.

The Agency acknowledges that other data show no increase in radionuclide concentration in certain products and wastes from the beneficiation and processing of certain minerals. However, there are numerous other wastes and by-products from these processing sectors that would have to be characterized before the Agency could conclude that concentrations are not being increased. For example, although available data from copper beneficiation and processing activities indicate no increase in radionuclide concentration in the tailings, copper concentrate, and leach materials, there are no data available on radionuclide concentrations for other wastes and by-products, including solvent extraction crude, spent bleed electrolyte, tankhouse slimes, acid plant blowdown, surface impoundment waste liquids, acid plant thickener sludge, and various process wastewaters, among others.

A separate issue is the potential for beneficiation and mineral processing activities to result in releases greater than those from land disturbance incidental to extraction. Larger releases could be the result of an increase in radionuclide concentration, an operation that results in point source releases, or an increase in environmental mobility due to physical and chemical changes. Many beneficiation and processing activities use heat and chemicals, such as acids, to change the physical or chemical structure of raw ore and intermediate products. For example, the use of solvents in the beneficiation process known as solvent extraction, or acids in leaching processes, tend to increase the mobility of certain constituents. Wastes such as sludges, muds, and slurries have a very different physical structure from that of the original ore, and more detailed study would be needed to determine the effect of the change in radionuclide releasibility and mobility. In any case, the resulting material no longer resembles the natural earthen material envisioned within the scope of the land disturbance exemption.

Additional evidence of the differences between land disturbance and beneficiation/processing is provided by 16 sites on the National Priorities List where radioactive contamination is an important health hazard, and where the primary source of contamination was a beneficiation or processing activity or waste.[4] Though many of these sites are old and environmental protection practices have changed, others were in operation more recently. Among the more recent sites are the United Nuclear Corporation uranium mill in Churchrock, NM, where ground water, surface water, and soils are all contaminated with radionuclides, and the Teledyne Wah Chang Albany zirconium and hafnium processing site in Oregon, where residual on-site sludges are contaminated with high levels of thorium, uranium, and radium. In contrast, there are no documented cases of CERCLA removal or remedial actions being taken in response to radionuclide releases at mine sites

[3] U.S. EPA, 1993, ''Diffuse NORM Wastes,'' DRAFT, RAE–9232/1–2, Volume I, Office of Radiation and Indoor Air.

[4] These sites are identified in a report included in the public docket for the November 30, 1992 rulemaking entitled ''Radionuclide Releases from Mining Activities: Background Information Related to CERCLA Reporting Requirements,'' Office of Emergency and Remedial Response, U.S. EPA, October 15, 1992.

within those categories proposed to receive a reporting exemption.

Another issue raised by commenters is the practical difficulty of drawing the line between extraction and beneficiation/processing. As guidance, for the purpose of implementing the reporting exemptions, EPA reiterates that land disturbance incidental to extraction includes land clearing, overburden removal and stockpiling, and excavating, handling, replacing, transporting, and storing ores and raw materials. All of these are earth moving operations, and the materials handled are natural and unprocessed. Beneficiation starts at the onset of the first occurrence of any of the following activities that are typically characterized as beneficiation: Crushing, grinding, washing, dissolution, crystallization, filtration, sorting, sizing, drying, sintering, pelletizing, briquetting, calcining to remove water or carbon dioxide, roasting in preparation for leaching, gravity concentration, magnetic separation, flotation, ion exchange, solvent extraction, electrowinning, precipitation, amalgamation, and heap, dump, vat, tank, and *in situ* leaching. Each of these beneficiation activities is briefly described in the Technical Background Document supporting this final rule.

EPA believes that it would be impossible to draw and effectively implement a line between (1) land disturbance that occurs during beneficiation and processing, and (2) other beneficiation and processing activities. For example, there is no precise demarkation between ''handling, transporting, and storing of materials,'' which is land disturbance, and certain operations characteristic of beneficiation, such as crushing, grinding, and leaching, which include more than just land disturbance. All extraction activities can be considered land disturbance as defined for this reporting exemption rule; however, because of the difficulty in segregating land disturbance from other activities at beneficiation/processing sites, the Agency has decided that it is not possible to broaden the exemption further to clearly include only land disturbance that occurs during beneficiation and processing.

2. Properties of Certain Ores and Materials

Four commenters on the August 4, 1995, supplemental proposal agreed with the proposed broader exemptions, but asserted that the exemptions should be broadened further to include additional mining sectors based on the properties of ores and raw materials handled in those sectors.

Two commenters said zircon extraction should be exempted because zircon contains low concentrations of radionuclides and has physical properties that inhibit radon emanation and radionuclide leaching. As shown in the above table of radionuclide concentrations, however, available data indicate that radionuclide levels in zircon sand can be quite elevated, including, on average, U-238 concentrations that are approximately 25 times the upper end of the range reported by Myrick *et al.* for surface soils and five times a higher background value (20 pCi/g) cited for the Reading Prong. It is true that, despite these elevated concentrations, zircon sands have a low radon emanation rate and may also leach radionuclides to only a limited degree. While these properties may mitigate the radiological consequences of zircon sand extraction, other possible exposure pathways must be considered before concluding that the radiation risk is low. Potential direct radiation exposures are a particular concern. A study by Boothe *et al.* (1980)[5] measured 170 μR/hr at the surface of zircon and 15 μR/hr at a distance of 3 feet above the ore. For reference, background measurements cited in the same study were generally 8–10 μR/hr. These measurements indicate that zircon sands could pose an incremental direct radiation hazard if people are in close proximity for an extended period of time. Without further characterization of this hazard, EPA believes that it cannot include zircon extraction within the scope of the reporting exemptions.

One commenter objected to EPA's characterization of radionuclide concentrations in rare earth ores in the supplemental proposal, pointing out that the Agency did not adequately distinguish between bastnasite and monazite ores. This commenter also submitted data indicating that radionuclides are present at much lower levels in bastnasite than in monazite. EPA has attempted to characterize these ores more precisely in the Technical Background Document supporting this final rule. Data specific to bastnasite, however, indicate that these ores also contain elevated concentrations (see the above table). Accordingly, a reporting exemption for bastnasite extraction cannot be granted, as there is no basis for a determination that radionuclide concentrations in the ore are at or near background.

One commenter submitted data indicating that the concentrations of radionuclides in titanium-bearing ores are lower than characterized by EPA for the supplemental proposal. In order to resolve this discrepancy, EPA obtained additional data on the radionuclide concentrations in titanium ores (principally rutile and ilmenite). All of the data collected are presented in the Technical Background Document supporting this final reporting exemption rule. In brief, these data indicate that radionuclide concentrations in foreign titanium ores can be slightly elevated over typical background concentrations; however, on average, concentrations are only 1.1 times the upper end of the background range reported by Myrick *et al.* for surface soils. Domestic rutile and ilmenite contain lower concentrations than foreign ores, with typical concentrations within the background range reported by Myrick *et al.* Based on these additional data, which show overall lower levels than available previously, EPA now concludes that most unprocessed rutile and ilmenite from the U.S. are likely to contain radionuclides at concentrations that are at or near background. Therefore, contrary to the position taken in the supplemental proposal, radionuclide releases from land disturbance incidental to rutile and ilmenite extraction are granted a reporting exemption in today's final rule. However, monazite extraction, including that which may occur at some mines recovering titanium, is not granted a reporting exemption because of the elevated concentrations of radionuclides found in monazite.

One commenter said phosphate ore mining should be exempted because most radionuclide concentration data cited in the Technical Background Document for phosphate ore are at or under approximately five times background levels. As discussed above, EPA selected two times the upper end of the Myrick *et al.* range as a cutoff for this rule because, in the Agency's judgment, this value prudently accounts for the possibility of ''higher-than-normal'' concentrations but is not so high as to be an extreme value likely to occur only in very rare instances. EPA believes that five times background cannot reasonably be labeled ''at or near background'' or ''generally within the range of typical background concentrations in surface rocks and soils in the U.S.,'' as EPA judges to be the case for the categories of mines included within the proposed reporting

[5] Boothe, G.F., Stewart-Smith, D., Wagstaff, D., and M. Diblee, 1980, ''The Radiological Aspects of Zircon Sand Use,'' *Health Physics*, Vol. 38, P. 393–398.

exemptions. Five times the upper-end values determined by Myrick *et al.* equates to 19 pCi/g of U-238, 17 pCi/g of Th-232, and 21 pCi/g of Ra-226. These values are approximately 20 times the mean background level of 1 pCi/g expected in most places in the U.S., and even above most of the elevated background levels reported for hot-spot regions of the country. Even if five times background were accepted as a threshold for defining elevated, 19 (76 percent) of the 25 U-238 concentrations in phosphate rock reported in the Technical Background Document exceed five times the upper limit reported by Myrick *et al.* These data adequately demonstrate that phosphate ore contains elevated levels of naturally occurring radionuclides and prevent the Agency from broadening the reporting exemptions to include phosphate ore mining.

3. Radiation Risk

Ten commenters stated that the reporting exemptions should be broadened to include additional categories of mines as well as beneficiation and processing because available information and analyses show that the radiation risk associated with these activities is low. As noted above, beneficiation and processing are beyond the scope of the final exemptions; nevertheless, the Agency examined public comments regarding the radiation risks posed by these activities as they pertain to extraction.

Several commenters asserted that previous EPA assessments under the CAA show that radionuclide releases from mining pose a low risk and do not warrant control under the National Emission Standard for Hazardous Air Pollutants (NESHAPs) program. These previous assessments include a 1984 study [6] of various mining and smelting operations as well as a 1989 assessment [7] of surface uranium mines, which are theoretically worst-case mining activities according to commenters. EPA believes it is inappropriate to rely on the risk assessments conducted for the 1983 and 1984 NESHAP rulemakings, in which the Agency determined not to regulate ''other extraction facilities,'' as the basis for an administrative reporting exemption under CERCLA. The risk assessments supporting EPA's determination not to promulgate radionuclide NESHAPs for this source category are based on outdated information, exposure assessment methods, and risk characterization techniques. The Agency has not re-examined this source category under the NESHAPs program. The present lack of NESHAPs for certain mining sectors, therefore, does not necessarily indicate that EPA considers the current risk from radionuclide emissions from these sites to be insignificant.

EPA believes the scope of the 1989 NESHAP assessment is too narrow to support a CERCLA reporting exemption. In addition to covering only uranium mines, the assessment considers only the risks posed by airborne releases, not risks associated with other exposure pathways such as direct radiation, drinking water (both ground and surface water), and food consumption, all of which are of interest under CERCLA. Also, the 1989 assessment considers the risks to nearby residents but not workers, which are a concern under CERCLA.

Other commenters stated that mining waste proceedings under RCRA confirm that radiation risks at mines are low. EPA disagrees. EPA's decision not to regulate some mining wastes as hazardous under Subtitle C of RCRA was not based on a finding that the risks (including the radiation risks) are low, but rather on a finding that Subtitle C may not provide sufficient flexibility to address mining-related risks in light of the unique conditions at mining sites (51 FR 24496, July 3, 1986). Since issuing the mining waste regulatory determination, radioactivity has continued to be an important issue in EPA's development of the mining waste program under Subtitle D of RCRA.

Several commenters stated that, like exempted land disturbance activities, radon releases from non-exempt mines disperse rapidly and quickly dissipate into background levels. The Agency agrees that radon disperses rapidly in the ambient air; but this by itself does not mean that radon risks to nearby receptors are necessarily low. Even the low radon risk estimates developed by the Agency in support of the 1989 radionuclide NESHAP ruling for surface uranium mines (54 FR 51654, December 15, 1989), which are worst-case mine sites according to commenters, do not provide adequate basis for a CERCLA reporting exemption, because the 1989 assessment did not evaluate radon risks to workers or those associated with homes built on or around uranium-mining materials with elevated radionuclide concentrations. Such scenarios could warrant response under CERCLA if an abandoned site in the non-exempt mining categories is not fully reclaimed and is then used for other purposes, or if materials from non-exempt mines are taken off-site and used as fill around homes.

Commenters also stated that risks are low because mining occurs in remote locations. While the Agency acknowledges that many mines are located farther away from population centers than many construction and farming activities, this by itself does not provide sufficient basis for concluding that human exposures and risks around non-exempt mining sites are low. The distance to and exposures of maximally exposed individuals, including on-site workers and closest residents, are unrelated to population density around mining sites. Even if mining sites are located in less populated areas, it is still possible that such individuals may spend considerable time in close proximity to materials with substantially elevated concentrations of radionuclides, and thus experience significant risks.

A few commenters referenced other reports as evidence that radiation risks associated with mining are low. After reviewing each of these references, EPA believes they do not support a reporting exemption for the non-exempt categories of mines. For example, some commenters pointed to a National Research Council report [8] that states that ''the health risks posed by exposures to radon from uranium mill tailings piles are trivial for the average U.S. citizen,'' and that by ''virtually any measure, the risk for people living at distances beyond several kilometers from a pile is trivial.'' Without disputing these statements in the report, EPA notes that overall population risks or the potential to pose significant risks at great distances are not the most important factors in deciding whether a CERCLA response action may be needed at any individual site. An important determination of the need for response is the risk to reasonably maximally exposed individuals. Nothing in the Council's report enables EPA to conclude that risks to workers or nearby individuals from radon emissions are insignificant.

Commenters also pointed out that the total amount of radon released due to mining is but a small fraction of that released due to the exempted activities of farming and construction. The total amount of radon released across all sites in the country, however, is not relevant

[6] U.S. EPA, 1984, ''Radionuclides—Background Information Document for Final Rules, Volume II,'' Office of Radiation Programs, EPA 520/1–84–022–2, October.

[7] U.S. EPA, 1989, ''Risk Assessments, Environmental Impact Statement, NESHAP for Radionuclides, Background Information Document—Volume 2,'' Office of Radiation Programs, EPA/520/1–89–006–1, September.

[8] ''Scientific Basis for Risk Assessment and Management of Uranium Mill Tailings,'' 1986.

for the purpose of determining whether a reporting exemption is appropriate for a given site or category of sites. Reports of releases are intended to alert government authorities to releases at individual sites so they may determine whether they pose risks warranting a response. A more meaningful measure, with a greater bearing on the potential for radon emissions to pose risks that may warrant a response, is the expected radon emission per site. When commenters' estimates of total annual radon releases from different categories of sources are divided by the number of sites in those categories, it appears that more radon is released from an average uranium or phosphate mine than from an average farm. The Agency recognizes that certain large farms emit more radon than certain mining sites, but this is due more to the relative sizes of the sites than to the rate of radon emission from the earthen materials being disturbed. Large farms emit radon at a low rate but over a large area, whereas certain uranium and phosphate mines emit radon at a higher rate but over a smaller area. The radon flux from uranium and phosphate mining materials is higher than that from most natural soils. This supports the Agency's decision to treat these materials differently from exempted materials in today's final rule.

Some commenters contended that the recent scientific information casts doubt on EPA's underlying Linear Non-Threshold Hypothesis that all ionizing radiation is harmful, and that epidemiological studies of populations exposed to even high ambient radiation levels, such as 50 to 100 times background, do not indicate significant adverse health effects. As EPA stated in the proposed Federal Radiation Protection Guidance for Exposure of the General Public (59 FR 66417, December 23, 1994), the risks to health from exposure to low levels of ionizing radiation have been reviewed by the National Academy of Sciences in a series of reports over the past two decades, as well as by the International Commission on Radiological Protection, the United Nations Scientific Committee on the Effects of Atomic Radiation, and the National Radiological Protection Board of the United Kingdom. Based on these studies as well as extensive reevaluations completed over the last decade of atom bomb survivors, the Agency continues to believe that it is appropriate, for radiation protection purposes, to assume that at and just above the level of natural background the risk of cancer and most serious hereditary effects increases linearly with increasing radiation dose, without a threshold (59 FR 66417, December 23, 1994). The Agency published its risk estimates for doses at or near background levels of exposure in a 1994 report,[9] which was reviewed by EPA's Science Advisory Board. These risk estimates are based on the linear non-threshold model.

Finally, one commenter stated that analyses of site-specific exposures at a facility in California shows that there is no significant radiation risk associated with bastnasite extraction and beneficiation, and that the State of California has accordingly declined to license the site for the purpose of radiation control. EPA discussed the matter with the California Department of Health Services (Radiologic Health Branch), which does not concur with the commenter's conclusions. The State is continuing to examine activities at the facility and is still evaluating the need to issue a nuclear materials license. A final decision will be based, in part, on a comprehensive Environmental Impact Report being prepared by San Bernardino County. Consequently, EPA cannot conclude that radiation risks at the subject facility are low and that a government response to radionuclide releases from the facility would be unwarranted. Also, the fact that one facility were well controlled would not support an exemption for an entire category of facilities.

4. Radon Releases

Three commenters argued that radon exposure is responsible for most of the public health risk associated with naturally occurring radionuclides. These commenters also concluded that the risk of radon from mines is low, based on past risk assessments of uranium mill tailings sites and surface uranium mines, which would tend to have higher risks than other kinds of mines. The commenters reasoned that these points taken together show that risks from the worst-case exposure pathway from worst-case mining activities are not significant, and that therefore a broad reporting exemption for all radionuclide releases from all mines is justified.

EPA does not agree with this reasoning. EPA recognizes that its Environmental Impact Statement (EIS) for Remedial Action Standards for Inactive Uranium Processing Sites, cited by commenters, shows that the risk at such sites from radon emissions dwarfs the risks associated with releases of other radionuclides and other pathways. Similarly, EPA acknowledges that the Nuclear Regulatory Commission's Generic EIS on Uranium Milling, also cited by commenters, concludes that ''* * * radon is the greatest single contributor to risk.'' However, EPA does not believe either of these references provides a basis for concluding that only radon is of concern. Both reports show other radionuclides and other exposure pathways also can pose considerable risk. Both reports show that direct gamma radiation is a big contributor to risk at uranium mill tailings piles, especially to on-site workers and residents who may live or spend considerable time close to the piles.

This conclusion is supported by other documents placed in the public docket for this rule. For example, EPA's original risk assessment for coal and coal ash piles at boiler sites, which resemble piles of diffuse NORM at mine sites, found that the critical exposure pathway for workers was direct radiation.[10] The estimated risk to nearby residents from exposure to direct radiation was of the same order of magnitude as that from exposure to radon emissions. Similarly, a report submitted in public comments on this rule estimates that direct radiation is the critical exposure pathway for workers exposed to either uranium overburden or metal mine wastes.[11] The report also estimates that direct radiation is the critical exposure pathway for nearby residents exposed to metal mining waste. Finally, EPA analyses at the Bluewater Uranium Mine Sites in Prewitt, New Mexico, estimates that exposure to external gamma radiation and radionuclides by the soil ingestion pathway results in a greater than 10^{-4} lifetime cancer risk, which is a substantial risk.[12]

EPA does not believe, as commenters suggest, that previous risk assessment results for uranium mill tailings piles and surface uranium mines provide a basis for concluding that radon risks at all mines are low. Indeed, in enacting the Uranium Mill Tailings Radiation Control Act (UMTRCA), Congress found that uranium mill tailings may pose significant radiation health hazards to

[9] U.S. EPA, 1994, ''Estimating Radiogenic Cancer Risks,'' EPA 402–R–93–076, Office of Radiation and Indoor Air, Washington, D.C.

[10] U.S. EPA, 1989, ''Technical Background Supplement in Support of Rulemaking Adjustment Activities for Reportable Quantities (RQ) of Radionuclides,'' Office of Radiation Programs, March.

[11] SENES Consultants Limited, 1993, ''Review of Selected Issues Concerning EPA's Regulations: Reportable Quantities Adjustment—Radionuclides,'' Prepared for American Mining Congress and The Fertilizer Institute, January.

[12] U.S. EPA, 1992, ''Removal Fact Sheet 1, Bluewater Uranium Mine Sites,'' Prewitt, New Mexico, Navajo Nation, November.

the public, and that every reasonable effort should be made to provide for their stabilization, disposal, and control in a safe and environmentally sound manner to prevent or minimize radon diffusion into the environment. Regulatory initiatives to control radon releases from uranium mill tailings piles have since included UMTRCA standards under 40 CFR part 192 as well as CAA NESHAPs under 40 CFR part 61. For example, in the radon risk assessment supporting the NESHAP for operating uranium mill tailings piles, EPA estimated that the lifetime fatal cancer risk to the most exposed individual is 3×10^{-5}, so long as the piles are mostly wet or covered with clay. However, the risks from mill tailings piles can increase dramatically, to as high as 3×10^{-3}, if the piles are allowed to be dry and uncovered. Based on this conclusion, EPA promulgated a standard limiting radon emissions to an average of 20 pCi/m^2-sec (54 FR 51680, December 15, 1989). The risk assessments supporting other regulations on radon emissions from uranium mill tailings piles yield similar conclusions. These conclusions do not support a determination that radon releases from the non-exempt categories of mines are insignificant and warrant a reporting exemption.

EPA recognizes that its risk assessment for the 1989 NESHAP on surface uranium mines concluded that the maximum individual risk due to radon exposure is 5×10^{-5}, which was below the benchmark of 1×10^{-4} used to trigger the imposition of an emission limit. However, a risk of 5×10^{-5} is significant and might warrant response under CERCLA. Moreover, there is no technical basis for concluding that this risk estimate bounds the radon risk at other mine sites. Finally, as mentioned previously, the 1989 assessment did not consider radon risks to workers or radon risks associated with homes built on or around uranium-mining materials with elevated radionuclide concentrations. Therefore, even if the Agency were to accept the proposition that radon risks at other mines are lower than estimated for surface uranium mines, available risk results for surface uranium mines do not address all the potential exposure pathways and receptors that would have to be considered for a broader reporting exemption.

5. Feasibility of Response

Two commenters stated that it is highly unlikely the government could or would respond to reported radionuclide releases from the non-exempt mines. According to these commenters, there is little that could be done beyond covering radon-emitting ores and other materials with soil or water, which would defeat the purpose of mining.

The Agency believes that CERCLA responses are possible and feasible for non-exempt mines where materials have elevated concentrations of radionuclides. For example, responses could include covering overburden or waste piles, fencing to prevent access, monitoring nearby areas for potential radiation exposure, and establishing administrative controls governing the disposal and use of materials and future land uses of the site after closure.

In addition, it may be feasible or appropriate to take response action after mining operations cease. These could include actions to reclaim the land and prevent elevated radiation exposures in surrounding and encroaching communities. Examples of CERCLA responses targeted specifically to radiation exposures at abandoned mine sites include removal actions taken at the Bluewater Uranium Mine Sites in Prewitt, New Mexico.

6. Controls Under Other Programs

Nine commenters asserted that EPA has previously evaluated radiation risks at non-exempt extraction, beneficiation, and processing sites under other regulatory initiatives and has chosen to regulate those risks identified as potentially significant. Therefore, according to the commenters, CERCLA and EPCRA reporting should not be required for releases at these sites either because they are federally permitted or because they have been shown to pose low risk that does not warrant regulation.

As discussed in Section II.B.3 above, the two regulatory initiatives cited by the commenters as controlling radiation risks at mines—the radionuclide NESHAP under the CAA and the mining waste proceedings under RCRA—do not support a conclusion that the risks are necessarily low. Radiation risk at mines is still being evaluated as part of EPA's current study of diffuse NORM wastes, as well as under various state initiatives. In addition, at the request of Congress, the National Academy of Sciences is currently conducting a study for EPA on the scientific and technical basis of its radiation protection guidance for NORM; when that study is completed, EPA is to report to Congress its views on the need to revise guidelines for NORM in light of the Academy's report. Until these or other comparable studies are completed, and a regulatory change is warranted based on the results of such studies, the Agency will maintain the existing reporting requirements for non-exempt mines. Also, decisions whether to regulate releases under other programs do not always take adequate account of factors that are important in the CERCLA and EPCRA programs. For example, in making its decision not to regulate radionuclide emissions from mines under the CAA NESHAPs program in 1984, EPA considered a variety of factors, including cost and technological feasibility. These factors would be evaluated differently by government personnel deciding whether to take a response action under CERCLA.

One commenter believed applicable operations and materials produced at a rare earth separations facility in California are adequately considered and controlled within existing regulations, and that the facility should therefore be exempted. Existing controls include a license issued by the California Radiologic Health Branch that requires a radiological monitoring and safety plan to include the treatment, storage and transport of a lead/iron filter cake generated from site operations.

The fact that a facility is regulated by a State does not show that it or other facilities might not cause a release warranting a response. Also, EPA discussed this comment with the California Department of Health Services (Radiologic Health Branch), which clarified that the scope of the current nuclear materials license for this facility is limited to treatment and disposal of radioactively contaminated filter cake. The license currently does not address the separations process in general. The State is continuing to examine activities at the facility and is evaluating the need to issue a broad license to control other radioactive materials and wastes at the site. Therefore, EPA does not believe that this facility shows that the reporting exemptions should be broadened.

More broadly, beneficiation and processing are beyond the scope of the reporting exemptions, as mentioned in section II.B.1.b above. Therefore, controls under other programs for beneficiation and processing activities are irrelevant for the purpose of this rule.

7. Site-Specific Exemptions

Two commenters requested that EPA provide a means for facilities to seek a site-specific exemption based on radionuclide releases at the site, if land disturbance activities incidental to extraction activities at mines with elevated concentrations and beneficiation and processing operations are not included within the final reporting exemptions. In the interest of limiting burdens to both the regulated

community and the government, EPA decided to grant exemptions to categories of mines rather than site-specific exemptions. All of the facilities that would most likely seek a site-specific exemption would be eligible for the reduced reporting requirements under CERCLA for continuous releases. EPA believes that it would be much more burdensome for these facilities to prepare and submit information for a site-specific exemption than to comply with existing reporting requirements for continuous releases. The economic analysis supporting today's final rule (''Estimated Economic Effects of Final Administrative Reporting Exemptions for Certain Releases of Radionuclides,'' available for inspection in the docket) estimates that each facility spends eight hours per year complying with the continuous release reporting requirements. It would take many more hours for each facility to prepare a scientifically sound, site-specific risk assessment to support a reporting exemption.

C. Scope of Reporting Exemptions for Coal and Coal Ash

Four public commenters raised questions regarding the scope of the proposed reporting exemptions for coal and coal ash piles.

1. Types of Ash

One commenter asked if the exemption for coal ash applies to coal fly ash. EPA interprets the term ''coal ash'' in the final reporting exemptions to apply to fly ash, bottom ash, and boiler slags, as clarified in the final regulatory language. The radionuclide concentration data presented and examined in the Technical Background Document supporting the exemptions are for all three of these materials. Based on these data, EPA concluded that these materials typically contain radionuclide levels very close to the upper end of the range reported by Myrick *et al.* for surface soils (3.8 pCi/g of uranium-238 and 3.4 pCi/g of thorium-232). Accordingly, these materials were judged to have radionuclide concentrations that are at or near background and they are included within the scope of the reporting exemptions.

2. Beneficial Uses of Ash

Two commenters asked if the coal ash exemption applies to beneficial uses of the ash. Releases of radionuclides ''from the dumping of coal ash'' and ''from piles of coal ash'' at all sites—including sites that beneficially use the ash—are included within the scope of the reporting exemptions. The rationale and regulatory language for the coal ash dumping exemption logically extends to such coal ash uses that involve the land application of coal ash that has not been otherwise processed or altered, typically as a substitute for natural materials.

Other coal ash uses, however, are beyond the scope of the exemptions as proposed. They involve coal ash that has been placed into manufacturing operations and discrete product uses that are unlike the releases from diffuse sources contemplated for the exemptions. These include uses of coal ash as an ingredient in cement, concrete, asphalt, wallboard, blasting grits, roof granules, grouts, fire extinguishing slurries, and fillers in paints, undercoatings, and plastics. Because such uses were not originally part of the exemptions as proposed, but arose through commenters' suggestions, the Agency would need further study to determine whether the exemptions could properly be applied to manufactured product uses.

3. Coal Preparation and Transportation

One commenter asked if the reporting exemption for coal piles applies to coal preparation activities and the transportation of coal in open top railcars and other vehicles. The Agency has determined that the exemptions do not apply to coal preparation activities but do apply to coal transportation.

Today's rule exempts radionuclide releases to and from coal piles at all sites, including piles of raw and prepared coal at coal preparation plants. However, releases from coal preparation activities are outside the scope of the reporting exemptions for the same reasons advanced for beneficiation activities in the mining industry. Specifically, coal preparation involves processing operations and releases that are unlike diffuse releases to and from coal piles, as contemplated in the proposal. Coal preparation activities include, but are not limited to, size reduction, screening, cleaning, and dewatering.[13]

In addition, EPA notes that the concentration of radionuclides in materials handled during coal preparation would have to be generally within the range of typical background, in order to meet the first criterion for exemption outlined in the proposed rule. The Agency, however, has no data on the concentration of radionuclides in wastes and by-products generated during the coal preparation process (e.g., slimes, sludges, air emissions, and discarded piping and processing equipment). The commenter asserts that it is unlikely that radionuclide concentrations would be increased as a result of preparation activities, but provides no data showing that the levels in various wastes and by-products are indeed at or near background, as they are in coal.

The amount of waste generated during coal preparation has been estimated as roughly 30 tons for every 100 tons of raw coal.[14] Although limited information is available on the composition of this waste, washability studies do provide some information regarding the fate of radionuclides in the preparation process. These studies identify the phase (i.e., mineral matter or coal) in which an element remains after cleaning, indicating whether an element can be ''washed out'' of a given sample of coal. Thorium appears to be associated with the mineral material, and uranium with the coal, although ''significant amounts of uranium may occur in accessory minerals and as secondary mineralization'' in some coals.[15] Consequently, coal preparation waste might be lower in uranium, but higher in thorium than the raw coal. No quantitative data, however, are available to demonstrate the frequency and extent of these or any other differences, if they actually exist.

Preparation techniques and, therefore, the wastes generated during preparation may undergo significant changes in the near future. More stringent air pollution regulations are inducing industry to develop improved coal cleaning technologies which reduce impurities emitted when coal is burned. Based on the extremely limited data for the wastes, and the likelihood that their nature may change, EPA cannot prudently assume that they have, or will in the future have, radionuclide concentrations similar to typical background.

Further, to satisfy the Agency's second criterion for exemption, a CERCLA response to releases of radionuclides from coal preparation activities would have to be highly unlikely, and possibly infeasible, because the materials being handled have radionuclide concentrations similar to background and the releases are expected to be continuously low,

[13] The Technical Background Document supporting the final reporting exemption rule provides background information on the nature of coal preparation activities.

[14] U.S. Department of Energy, 1991, ''Coal Data: A Reference,'' Energy Information Administration, DOE/EIA–0064(90).

[15] U.S. EPA, 1995, ''Estimates of Health Risks Associated with Radionuclide Emissions from Fossil-Fueled Steam-Electric Generating Plants,'' Office of Radiation and Indoor Air, EPA 402/R–95–16.

spread over large areas, and widely dispersed in the environment. Coal preparation activities generally will not result in releases from a diffuse source like those exempted by today's final rule. On the contrary, a coal preparation plant is similar to an industrial facility which may have point source releases, as from an air vent. Responses to such releases would appear to be quite feasible. These responses could include the placement of emission controls, such as fabric filters, to capture particulates before they are released to the atmosphere.

Finally, releases from coal preparation and treatment activities would have to satisfy the last exemption criterion identified in the Agency's supplemental proposal, that is, individual release notifications would not be necessary for the government to assess whether a response action is needed, since the releases should be similarly low across all sites. However, preparation plants appear to differ in design according to the properties and composition of the coal used and other factors. Therefore, processes and releases cannot be generally characterized, and individual release reports may be required for the government to assess the necessity of a response action for a particular facility.

In summary, radionuclide releases from coal preparation and treatment are not analogous to those from coal piles. Like beneficiation in the mining industry, coal preparation activities are outside the scope of the reporting exemptions.

EPA interprets releases from coal transportation as falling within the scope of today's broader exemptions, which apply to releases of radionuclides ''from the dumping of coal'' and ''from piles of coal'' at all sites. This includes releases to and from coal piles at transportation storage yards as well as coal held in transportation vehicles. Therefore, fugitive emissions of radionuclides from coal in a moving open top railcar would be exempt. This interpretation is consistent with the scope of the exemption for land disturbance incidental to extraction, which includes transporting ores and other raw materials from certain kinds of mines. Such radionuclide releases during coal transport meet all of the exemption criteria in that the concentrations of radionuclides in the coal are at or near background, the releases are diffuse, and the releases should be similarly low in every case.

D. Requests for Other Exemptions

Two commenters requested that EPA consider other kinds of reporting exemptions. One asked EPA to consider an exemption for non-episodic releases of hazardous substances from waste sites already identified for remedial/corrective actions. The other asked EPA to consider an exemption for liquid or gaseous radionuclide releases from a nuclear power plant exceeding federally permitted release limits specified in the Nuclear Regulatory Commission's regulations in 10 CFR Part 50.

EPA is not, as part of this final rule, including either of these reporting exemptions because they are beyond the scope of the proposed exemptions. The scope of the exemptions is limited to naturally occurring radionuclide releases from undisturbed land holdings, from certain land disturbance activities (construction, farming, and most types of mining), and to or from coal and coal ash piles.

E. Interpretation of CERCLA Provisions

Nine commenters raised issues regarding the interpretation of two provisions of CERCLA as they pertain to the reporting exemptions: (1) The definition of ''release into the environment,'' and (2) the focus on ''substantial danger.''

1. Release Into the Environment

All nine of these commenters addressed the ruling of the U.S. Court of Appeals for the District of Columbia in *TFI* v. *EPA*, 935 F.2d 1303 (D.C. Cir. 1991) that the placement of hazardous substances into an ''unenclosed containment structure'' does not necessarily constitute a release into the environment for the purpose of CERCLA reporting requirements. According to the commenters, placing radionuclides in stockpiles at mine sites, coal piles, or coal ash storage or disposal units qualifies as placement into an unenclosed containment structure under the court's ruling. As a consequence, they contend, such placement does not qualify as release into the environment and the reporting exemptions are not required.

In making its decision, the court in the *TFI* case considered CERCLA's reporting requirement in the context of an ''unenclosed containment structure,'' defined by EPA as ''any surface impoundment, lagoon, tank, or other holding device that has an open side with the contained materials directly exposed to the ambient environment.'' *TFI* at p. 1309. With such a structure in mind, the court reasoned that ''a company could place a non-volatile substance into an open-air storage container and the consequences of the open-air storage would be no different from those that would occur if the company had placed the substance to a closed container.'' *TFI* at p. 1310. Therefore, according to the court, the company should not have to report the transfer of the substance to the container because the substance would merely be exposed to the environment, not released into the environment. *Id*.

There may be significant differences, however, between an ''unenclosed containment structure'' considered by the court in *TFI*, and the open-air stockpiles envisioned by the commenters. The court considered a container with an open side which nonetheless holds a substance. This may be different from a typical bulk-material storage or disposal pile. Placing a substance (e.g., radionuclides in coal) in a pile directly on the land surface clearly constitutes a release to the environment, as those terms are defined under CERCLA. EPA understands, however, that some units for storing or disposing of bulk materials, such as coal and coal ash, may qualify as unenclosed containment structures within the meaning of the court's ruling in the *TFI* case. Such a determination would have to be made on a case-by-case basis considering the actual level of containment provided by the storage or disposal unit.

2. Substantial Danger

Two commenters asserted that CERCLA section 102(a) limits reporting requirements to releases that ''may present substantial danger to the public health or welfare or the environment. * * *'' The commenters added that the ''substantial danger'' standard is consistently applied across the remainder of the CERCLA response scheme triggered by a release exceeding an RQ (including CERCLA sections 103, 104, and 105(a)). Considered as a whole, according to the commenters, these CERCLA provisions indicate that no relevant purpose is served by requiring reporting of releases not likely to pose the substantial danger at which CERCLA response action is aimed. This applies not only to the radionuclide releases EPA proposed to exempt but also to other radionuclide releases from mining and processing facilities.

RQs are reporting triggers intended to give government officials an opportunity to mount a timely response, if necessary, based on a determination of possible or potential harm. They do not signal a determination that a release presents substantial danger; nor are they a determination that releases of a particular amount of a hazardous substance necessarily will harm the public health or welfare or the environment. The quantity released is just one factor considered by the

government when assessing the need to respond to such a release. Other factors include, but are not limited to, the location of the release, its proximity to drinking water supplies or other valuable resources, and the likelihood of exposure or injury to nearby populations.

Contrary to the commenters' assertion, CERCLA section 102(a) does not limit reporting requirements to releases that ''may present substantial danger.'' Instead, section 102(a) authorizes EPA to designate as hazardous substances, in addition to those referred to in section 101(14), other substances that ''may present substantial danger'' when released.

Today's administrative reporting exemption rulemaking is related to the release notification provisions of CERCLA section 103, not to the designation provisions of section 102, the response provisions of section 104, or the National Contingency Plan (NCP) provisions of section 105. EPA notes, however, that the commenters have incorrectly stated the role of ''substantial danger'' in the requirements of sections 104 and 105. Section 104(a)(1) authorizes a federal response to any release of a hazardous substance. In addition, the CERCLA section 105(a)(8)(A) requirement that the NCP consider risk at Superfund sites does not bear on the adjustment of RQs under section 102 or on release notification under section 103.

III. Regulatory Analyses

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether a regulatory action is ''significant'' and, therefore, subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review. It does not have an annual effect on the economy of $100 million or more; nor does it fall within the other definitional criteria for a significant regulatory action described above.

This rule is deregulatory and the exemptions to reporting requirements will result in an estimated net cost savings to the regulated community of $489,000 annually, as demonstrated by an economic analysis (''Estimated Economic Effects of Final Administrative Reporting Exemptions for Certain Releases of Radionuclides'') performed by the Agency, available for inspection in the U.S. EPA CERCLA Docket Office, Crystal Gateway #1, 1st Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202 [Docket Number 102RQ–RN–2].

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), generally requires an agency to prepare, and make available for public comment, a regulatory flexibility analysis that describes the impact of a proposed or final rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant adverse impact on a substantial number of small entities.

SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities. The following discussion explains EPA's determination.

This rule does not impose any new burdens on small entities. Since it provides relief from reporting requirements to certain sources of radionuclide releases, the impact is solely a cost savings. Therefore, the Agency certifies that the rule will not have a significant economic impact on a substantial number of small entities and, therefore, that a Regulatory Flexibility Analysis is not necessary.

C. Paperwork Reduction Act

Because this rule provides an exemption from CERCLA section 103 and EPCRA section 304 reporting requirements for certain radionuclide releases, there are no reporting or recordkeeping provisions that require approval from OMB. The Office of Management and Budget (OMB) has previously approved the information collection requirements contained in 40 CFR 302 and 40 CFR 355 under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2050–0046.

This rule reduces the existing regulatory burden. The exemptions to reporting requirements will result in an estimated net cost savings to the regulated community of $489,000 annually. The Agency estimates that 1,785 facilities will benefit from the reporting exemptions included in this rule. This number includes mining sites engaged solely in extraction activities, as well as coal and coal ash sites and landfills that do not include industrial or utility coal-fired boilers, that might continuously release an RQ of nuclide. The Agency excluded those mining sites with reportable releases from adjoining beneficiation or processing facilities which must still meet CERCLA section 103 reporting requirements, and those still subject to reporting due to adjoining activities releasing an RQ or more of radionuclides. Applying Department of Labor hourly compensation rates for the appropriate labor categories, the cost saving per facility is $274. This results in total savings of $489,000. This economic analysis is explained more fully in EPA's ''Estimated Economic Effects of Final Administrative Reporting Exemptions for Certain Releases of Radionuclides.''

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed

in 40 CFR Part 9 and 48 CFR Chapter 15.

D. Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub .L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

EPA has determined that this rule does not include a Federal mandate that would result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector because the rule imposes no enforceable duty on any State, local or tribal governments or the private sector.

E. Small Business Regulatory Enforcement Fairness Act

Under 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects

40 CFR Part 302

Environmental protection, Air pollution control, Chemicals, Emergency Planning and Community Right-to-Know Act, Extremely hazardous substances, Hazardous chemicals, Hazardous materials, Hazardous materials transportation, Hazardous substances, Hazardous wastes, Intergovernmental relations, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

40 CFR Part 355

Air pollution control, Chemicals, Disaster assistance, Hazardous substances, Hazardous waste, Intergovernmental relations, Natural resources, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: February 19, 1998.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 302—DESIGNATION, REPORTABLE QUANTITIES, AND NOTIFICATION

1. The authority citation for part 302 continues to read as follows:

Authority: 42 U.S.C. 9602, 9603, and 9604; 33 U.S.C. 1321 and 1361.

2. Section 302.6 is amended by revising paragraph (c) to read as follows:

§ 302.6 Notification requirements.

* * * * *

(c) The following categories of releases are exempt from the notification requirements of this section:

(1) Releases of those radionuclides that occur naturally in the soil from land holdings such as parks, golf courses, or other large tracts of land.

(2) Releases of naturally occurring radionuclides from land disturbance activities, including farming, construction, and land disturbance incidental to extraction during mining activities, except that which occurs at uranium, phosphate, tin, zircon, hafnium, vanadium, monazite, and rare earth mines. Land disturbance incidental to extraction includes: land clearing; overburden removal and stockpiling; excavating, handling, transporting, and storing ores and other raw materials; and replacing materials in mined-out areas as long as such materials have not been beneficiated or processed and do not contain elevated radionuclide concentrations (greater than 7.6 picocuries per gram or pCi/g of Uranium-238, 6.8 pCi/g of Thorium-232, or 8.4 pCi/g of Radium-226).

(3) Releases of radionuclides from the dumping and transportation of coal and coal ash (including fly ash, bottom ash, and boiler slags), including the dumping and land spreading operations that occur during coal ash uses.

(4) Releases of radionuclides from piles of coal and coal ash, including fly ash, bottom ash, and boiler slags.

* * * * *

PART 355—EMERGENCY PLANNING AND NOTIFICATION

3. The authority citation for part 355 continues to read as follows:

Authority: 42 U.S.C. 11002, 11004, and 11048.

4. Section 355.40 is amended by revising paragraph (a)(2)(vi) to read as follows:

§ 355.40 Emergency release notification.

(a) * * *

(2) * * *

(vi) Any radionuclide release which occurs:

(A) Naturally in soil from land holdings such as parks, golf courses, or other large tracts of land.

(B) Naturally from land disturbance activities, including farming, construction, and land disturbance incidental to extraction during mining activities, except that which occurs at uranium, phosphate, tin, zircon, hafnium, vanadium, monazite, and rare earth mines. Land disturbance incidental to extraction includes: land clearing; overburden removal and stockpiling; excavating, handling, transporting, and storing ores and other raw materials; and replacing materials in mined-out areas as long as such materials have not been beneficiated or processed and do not contain elevated radionuclide concentrations (greater than 7.6 picocuries per gram or pCi/g of Uranium-238, 6.8 pCi/g of Thorium-232, or 8.4 pCi/g of Radium-226).

(C) From the dumping and transportation of coal and coal ash (including fly ash, bottom ash, and boiler slags), including the dumping and land spreading operations that occur during coal ash uses.

(D) From piles of coal and coal ash, including fly ash, bottom ash, and boiler slags.

* * * * *

[FR Doc. 98–4822 Filed 3–18–98; 8:45 am]

BILLING CODE 6560–50–P

federal register

Thursday
March 19, 1998

Part III

Department of Commerce

National Telecommunications and Information Administration

Public Telecommunications Facilities Program: Closing Date; Notice of Availability of Funds

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

[Docket No. 960205021–8062–07]

RIN 0660–ZA01

Public Telecommunications Facilities Program; Closing Date

AGENCY: National Telecommunications and Information Administration (NTIA), Commerce.

ACTION: Notice of availability of funds.

SUMMARY: The National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce, announces the solicitation of applications for a grant for the Pan-Pacific Education and Communications Experiments by Satellite (PEACESAT) Program. Applications for the PEACESAT Program grant will compete for funds from the Public Broadcasting, Facilities, Planning and Construction Funds account. An announcement regarding the submission of applications for the Public Telecommunications Facilities Program (PTFP) which is also funded from this account, was published in the **Federal Register** on January 5, 1998.

Applicants for grants for the PEACESAT Program must file their applications on or before (30 days from publication). NTIA anticipates making the grant award by September 30, 1998. NTIA shall not be liable for any proposal preparation costs.

DATES: Applciations for the PEACESAT Program grant must be received on or before close of business on April 20, 1998.

ADDRESSES: To submit completed applications, or send any other correspondence, write to: NTIA/PTFP, Room H–4625, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Dennis R. Connors, Director, Public Broadcasting Division, telephone: (202) 482–5802; fax: (202) 482–2156.

SUPPLEMENTARY INFORMATION;

I. Application Forms and Requirements

Funding for the PEACESAT Program is provided pursuant to Pub. L. 105–119, ''The Departments of Commerce, Justice, and State, and Related Agencies Appropriations Act, 1998.'' Pub. L. 105–119 provides that ''notwithstanding any other provision of law, the Pan-Pacific Education and Communications Experiments by Satellite (PEACESAT) program is eligible to compete for Public Broadcasting Facilities, Planning and Construction funds.'' The PEACESAT Program was authorized under Pub. L. 100–584 (102 Stat. 2970) and also Pub. L. 101–555 (104 Stat. 2758) to acquire satellite communications services to provide educational, medical, and cultural needs of Pacific Basin communities. The PEACESAT Program has been operational since 1971 and has received funding from NTIA for support of the project since 1988.

Pub. L. 105–119 appropriated $21 million for this account to be awarded for Public Telecommunications Facilities Program (PTFP) grants and for PEACESAT Program grants. The solicitation notice for the PTFP Program was published in the **Federal Register** on January 5, 1998 (63 Fed. Reg. 368.) Applications submitted in response to this solicitation for PEACESAT applications are not subject to the requirements of the January 5, 1998 Notice and are exempt from the PTFP regulations at 15 CFR Part 2301. NTIA anticipates making a single award for no more than $450,000 for the PEACESAT Program in FY 1998.

NTIA requests that each applicant for a PEACESAT Program grant supply one (1) original signed application and five (5) copies, unless doing so would present a financial hardship, in which case the applicant may submit one (1) original and two (2) copies of the application. The application form consists of the Standard Form 424 Application for Federal Assistance; Standard Form 424A Budget Information—Non-Construction Programs; Standard Form 424 B, Assurances; Standard Form CD–511 Certification; and Standard Form LLL, Disclosure of Lobbying Activities (if applicable). These requirements are subject to the Paperwork Reduction Act and have been approved by the Office of Management and Budget under control numbers 0348–0043, 0348–0044, 0348–0040 and 0348–0046.

Applicants are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice.

Eligible applicants will include any for-profit or non-profit organization, public or private entity, other than an agency or division of the Federal government. Individuals are not eligible to apply for the PEACESAT Program funds.

Grant recipients under this program will not be required to provide matching funds toward the total project cost.

Applicants are hereby notified that any equipment or products authorized to be purchased with funding provided under this program must be American-made to the maximum extent feasible.

The Fly America Act requires that Federal travelers and others performing U.S. Government-financed foreign air travel must use U.S. flag air carriers, to the extent that service by such carriers is available. Foreign air carriers may be used only when a U.S. flag air carrier is unavailable, or use of U.S. flag air carrier service will not accomplish the agency's mission.

Applicants should note that they must comply with the provisions of Executive Order 12372, ''Intergovernmental Review of Federal Programs.'' The Executive Order requires applicants for financial assistance under this program to file a copy of their application with the Single Points of Contact (SPOC) of all states relevant to the project. Applicants are required to provide a copy of their completed application to the appropriate SPOC on or before April 20, 1998.

Applicants may be required to submit Name Check forms (Form CD–346) which may be used to ascertain background information on key individuals associated with potential grantees as part of the application, per Department Pre-Award Administrative Requirements and Policies.

All primary applicants must submit a completed From CD–511, ''Certifications Regarding Debarment, Suspension, and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying,'' and the following explanations are hereby provided:

(1) *Nonprocurement Debarment and Suspension.* Prospective participants (as defined at 15 CFR Part 26, Section 105) are subject to 15 CFR Part 26, ''Nonprocurement Debarment and Suspension'' and the related section of the certification form prescribed above applies;

(2) *Drug Free Workplace.* Grantees (as defined at 15 CFR Part 26, Section 605) are subject to 15 CFR Part 26, Subpart F, ''Government-Wide Requirements for Drug-Free Workplace (Grants)'' and the related section of the certification form prescribed above applies;

(3) *Anti-lobbying.* Persons (as defined at 15 CFR Part 28, Section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, ''Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions,'' and the lobbying section of the certification form prescribed above applies to applicants/bidders for grants, cooperative agreements, and

contracts for more than $100,000, and loans and loan guarantees for more than $150,000, or the single family maximum mortgage limit for affected programs, whichever is greater; and

(4) *Anti-lobbying Disclosures.* Any applicant that has paid or will pay for lobbying using any funds must submit an SF–LLL, ''Disclosure of Lobbying Activities,'' (OMB Control Number 0348–0046) as required under 15 CFR Part 28, Appendix B.

Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the grant award to submit, if applicable, a completed Form CD–512, ''Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying'' and disclosure form, SF–LLL, ''Disclosure of Lobbying Activities.'' Form CD–512 is intended for the use of recipients and should not be transmitted to the Department. SF–LLL submitted by any tier recipient or subrecipient should be submitted to the Department in accordance with the instructions contained in the award document.

If an application is selected for funding, the Department of Commerce has no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of the Department.

Recipients and subrecipients are subject to all Federal laws and Federal and Department policies, regulations, and procedures applicable to Federal assistance awards. In addition, unsatisfactory performance by the applicant under prior Federal awards may result in the application not being considered for funding.

If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that they have received, there is no obligation on the part of the Department to cover preaward costs.

No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either: (1) The delinquent account is paid in full; (2) a negotiated repayment schedule is established and at least one payment is received, or (3) other arrangements satisfactory to the Department are made.

Applicants are reminded that a false statement on the application may be grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

II. Scope of Project and Eligible Costs

Projects funded pursuant to this Notice are intended to support the PEACESAT Program's acquisition of satellite communications to service Pacific Basin communities and to manage the operations of this network.

Allowable costs incurred under approved projects shall be determined in accordance with applicable federal cost principles, i.e. OMB Circular A–21, A–87, A–122, or 48 CFR Part 31, as applicable. If included in the approved project budget, NTIA will allow costs for personnel, fringe benefits, travel, consultants and other contractual services, supplies, and other costs which are reasonable and necessary to manage the operation of a satellite communications network. Communications and computer equipment costs are eligible as necessary in order to provide communications services to meet the education, medical, and cultural needs of the Pacific Basin communities. The costs allowable under this Notice are not subject to the limitation on costs contained in the January 5, 1998 Notice regarding the PTFP Program.

The total dollar amount of indirect costs proposed in an application must not exceed the indirect costs rate negotiated and approved by a cognizant federal agency or 100 percent of the total proposed direct cost dollar amount in the application, whichever is less.

III. Notice of Applications Received

NTIA will publish a notice in the Federal Register listing all applications received in response to this notice. Listing an application in such a notice merely acknowledges receipt of an application to compete for funding with other applications. Publication does not preclude subsequent return or disapproval of the application, nor does it assure that the application will be funded. The notice will also include a request for comments on the applications from any interested party.

IV. Evaluation Process

Each eligible application will be reviewed by a panel of outside reviewers who have demonstrated expertise in the programmatic and technological aspects of the application. The review panel will evaluate applications according to the following evaluation criteria and will provide written ratings of each application. The first three criteria, (1) Meeting the Purposes of the PEACESAT Program, (2) Extent of Need for the Project, and (3) Plan of Operation for the Project, are each worth 25 points. Criterion (4) Budget and Cost Effectiveness is worth 20 points and Criterion (5) Quality of Key Personnel is worth 5 points.

Criteria 1. Meeting the Purposes of the PEACESAT Program

(i) How well the proposal meets the objectives of the PEACESAT Program and (ii) How the objectives of the proposal further the purposes of the PEACESAT Program.

Criteria 2. Extent of Need for the Project

Determine the extent to which the project meets the needs of the PEACESAT Program, including consideration of: (i) The needs addressed by the project; (ii) How the applicant identified those needs; (iii) How those needs will be met by the project; and (iv) The benefits to be gained by meeting those needs.

Criteria 3. Plan of Operation for the Project, Including

(i) The quality of the design of the project; (ii) The extent to which the plan of management is effective and ensures proper and efficient administration of the project; (iii) How well the objects of the project relate to the purpose of the program; (iv) The quality of the applicant's plan to use its resources and personnel to achieve each objective; and (v) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or handicapping condition.

Criteria 4. Budget and Cost Effectiveness

To determine the extent to which: (i) The budget is adequate to support the project; and (ii) Costs are reasonable in relation to the objectives of the project.

Criteria 5. Quality of Key Personnel

Applicant plans to use on the project, including: (I) The qualifications of the project director (if one is to be used); (ii) the qualifications of each of the other key personnel to be used in the project; (iii) The time that each person will commit to the project; and (iv) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or handicapping condition. In this section, qualifications refer to the experience and training in fields related to the objects of the project; and any other qualifications that pertain to the quality of the project.

V. Selection Process

The program staff prepares summary recommendations for the Director of the Public Broadcasting Division. These recommendations include outside reviewers' ratings and will incorporate analysis based on the degree to which a proposed project meets the program purpose and cost eligibility as described in Section II of this Notice. Staff recommendations also consider (1) project impact, (2) the cost/benefit of a project and (3) whether review panels have consistently applied the evaluation criteria. The analysis of program staff will be provided to the Director of the Public Broadcasting Division in writing.

The Director will recommend the funding order of the applications for the PTFP and PEACESAT Programs taking into consideration the outside reviewers' ratings, the summary recommendations prepared by program staff, and the relative rating of the PEACESAT and PTFP applications. The Director will present recommendations to the Office of Telecommunications and Information Applications (OTIA) Associate Administrator for review and approval. The Director recommends the funding order for applications in three categories: ''Recommended for Funding,'' ''Recommended for Funding if Funds Available,'' and ''Not Recommended for Funding.'' The selection factors retained by the Director, OTIA Associate Administrator, and the Assistant Secretary for Telecommunications and Information for the PTFP Program are described in 15 CFR 2301.18. These sections factors will also be used, as applicable, for selection of applications for funding for the PEACESAT Program.

Upon review and approval by the OTIA Associate Administrator, the Director's recommendations will then be presented to the Selection Official, the NTIA Administrator. The NTIA Administrator selects the applications to be negotiated for possible grant award taking into consideration the outside reviewers rating, the Director's recommendations and the degree to which the slate of applications, taken as a whole, satisfies the PTFP and PEACESAT Program's stated purposes. These applications are negotiated between NTIA staff and the applicant. The negotiations are intended to resolve whatever differences might exist between the applicant's original request and what NTIA proposes to fund. During negotiations, some applications may be dropped from the proposed slate, due to lack of Federal Communications Commission licensing authority, an applicant's inability to make adequate assurances or certifications, or other reasons. Negotiation of an application does not ensure that a final award will be made. When the negotiations are completed, the Director recommends final selections to the NTIA Administrator applying the same factors as listed above. The Administrator then makes the final award selections from the negotiated applications taking into consideration the Director's recommendations and the degree to which the slate of applications, taken as a whole, satisfies the stated purposes for the PTFP Program in 15 CFR 2301.1(a) and (c) and for the PEACESAT Program.

VI. Project Period

Any project awarded pursuant to this notice will be for a one-year period.

Authority: P.L. 105–119, ''The Departments of Commerce, Justice, and State, and Related Agencies Appropriations Act, 1998.''

Dr. Bernadette McGuire-Rivera,

Associate Administrator, Office of Telecommunications and Information Applications.

[FR Doc. 98–7163 Filed 3–18–98; 8:45 am]

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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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