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- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** Sponsored by the Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development regulations.
 2. The relationship between the Federal Register and Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

- WHEN:** May 19, 1998 at 9:00 am.
- WHERE:** Office of the Federal Register
Conference Room
800 North Capitol Street, NW.
Washington, DC
(3 blocks north of Union Station Metro)
- RESERVATIONS:** 202-523-4538



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Rules and Regulations

Federal Register

Vol. 63, No. 86

Tuesday, May 5, 1998

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

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

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

Business Loan Program

AGENCY: Small Business Administration (SBA).

ACTION: Interim final rule.

SUMMARY: This interim final rule implements Pub. L. 105-135, enacted on December 2, 1997, with respect to SBA financing in the pilot Premier Certified Lenders Program (PCLP). The interim final rule extends the pilot to October 1, 2000, and expands the authority of a Certified Development Company (CDC) participating in the PCLP (Premier CDC).

DATES: This rule is effective May 4, 1998. Comments must be submitted on or before July 6, 1998. SBA will publish a final rule after the end of the comment period.

ADDRESSES: Comments should be mailed to Jane Palsgrove Butler, Acting Associate Administrator for Financial Assistance, Small Business Administration, 409 Third Street, S.W., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: LeAnn M. Oliver, 202-205-6485.

SUPPLEMENTARY INFORMATION: Pub. L. 105-135, the "Small Business Reauthorization Act of 1997" (1997 legislation), enacted on December 2, 1997, amends Section 504 of the Small Business Investment Act of 1958 (15 U.S.C. 601 *et seq.*) and requires SBA to promulgate regulations to carry out the amendments. SBA is promulgating this regulation in interim final rule form to enable qualified CDCs to participate in the PCLP Program as soon as possible. Because this regulation merely implements provisions contained in the 1997 legislation, SBA is satisfied that the interim final rule poses no risk to SBA's PCLP program. SBA is seeking comments in regards to this interim

final regulation. After the 60 day comment period has expired, SBA will issue a final rule.

Changes to PCLP

- The current SBA PCLP is limited to 15 CDCs. The interim final rule will open the program to all qualified CDCs.

- The interim final rule expands and clarifies the authority of a Premier CDC to foreclose, litigate, and liquidate 504 loans made under PCLP.

- The interim final rule clarifies that SBA makes the eligibility determination regarding 504 loans and Borrowers. The Premier CDC makes all other determinations regarding loan approval.

- The interim final rule requires that if there is a default on a Debenture issued under PCLP, the Premier CDC must reimburse SBA for 10 percent of any loss incurred as a result of the default. The amount for which a CDC is liable is referred to as "Exposure." To cover its Exposure, a Premier CDC must maintain a loss reserve of segregated assets. This interim final rule codifies SBA's current interpretation of a loan loss reserve and, in addition, permits a Premier CDC to use irrevocable letters of credit to fund the loss reserve. The criterion for an eligible letter of credit is based on its terms and the strength of the institution making the commitment. The interim final rule defines an eligible letter of credit as one that: (1) is issued by a "well capitalized bank" as defined by the Federal Deposit Insurance Corporation (FDIC); (2) has a term equal to or greater than the term of the financings it secures; and (3) is otherwise acceptable to SBA. SBA plans to review the terms of each irrevocable letter of credit to ensure that SBA is protected adequately against loss.

- Currently a Premier CDC is required to maintain a loss reserve equal to the greater of its historic loss rate on its Debentures or 10 percent of its Exposure. The interim final rule limits the calculation of the loss reserve to 10 percent of the Premier CDC's Exposure or 1 percent of the Debentures it issues under PCLP. The Premier CDC must contribute 50 percent of required funds to the loss reserve when a 504 Debenture is closed, 25 percent within 1 year after the Debenture is closed, and 25 percent within 2 years after the Debenture is closed.

- Although a Premier CDC's Exposure is 10 percent of any loss incurred by SBA from a default on a 504 Debenture

processed through PCLP, the CDC must contribute only 10 percent of its Exposure (which is only 1 percent of SBA's loss from the default) on each Debenture to the loss reserve. The interim final rule amends the current regulations to clarify that SBA may use all assets in a Premier CDC's loss reserve to reimburse the Agency for the full 10 percent of its loss. If there is not enough in the loss reserve, the interim final rule requires that a Premier CDC pay SBA, within 45 days of demand for the payment, the difference between the Premier CDC's Exposure and the amount withdrawn by SBA from the loss reserve.

- The interim final rule specifies that a Premier CDC must replenish withdrawn loss reserve assets within 30 days with an equivalent amount of assets.

- The interim final rule requires SBA to allow a Premier CDC to withdraw loss reserve assets attributable to any paid off Debenture.

- The interim final rule extends the pilot PCLP to October 1, 2000.

- The interim final rule requires a CDC seeking to participate in PCLP to apply to the SBA field office in which it is most active.

Compliance With Executive Orders 12612, 12778, and 12866, the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*), and the Paperwork Reduction Act (44 U.S.C. Ch. 35)

SBA certifies that this interim final rule does not constitute a significant rule within the meaning of Executive Order 12866, since it is not likely to have an annual effect on the economy of \$100 million or more, result in a major increase in costs or prices, or have a significant adverse effect on competition or the U.S. economy.

SBA certifies that this interim final rule does not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* Last year, SBA made approximately four thousand 504 loans. Currently there are approximately 300 CDCs, less than 15 of which are Premier CDCs. While the 1997 legislation removes the limit on the number of CDCs that can become Premier CDCs, SBA anticipates that, at most, only half of the CDCs would be affected by this rule. Thus the changes to the PCLP implementing the 1997

legislation do not constitute a significant impact on a substantial number of small businesses.

SBA certifies that this interim final rule does not impose any additional reporting or recordkeeping requirements under the Paperwork Reduction Act, 44 U.S.C. chapter 35.

For purposes of Executive Order 12612, SBA certifies that this interim final rule has no federalism implications warranting preparation of a Federalism Assessment.

For purposes of Executive Order 12778, SBA certifies that this interim final rule is drafted, to the extent practicable, to accord with the standards set forth in section 2 of that Order.

List of Subjects in 13 CFR Part 120

Loan programs—business, Small businesses.

Accordingly, pursuant to authority contained in section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)), SBA amends part 120, chapter I, title 13, Code of Federal Regulations as follows:

PART 120—BUSINESS LOANS

1. The authority citation for Part 120 continues to read as follows:

Authority: 15 U.S.C. 634(b)(6) and 636 (a) and (h).

2. Revise § 120.845 to read as follows:

§ 120.845 Premier Certified Lenders Program (PCLP).

The SBA has established a pilot program to designate a number of CDCs as Premier Certified Lenders ("Premier CDCs"), and to authorize them to approve, close, service, foreclose, litigate, and liquidate 504 loans subject to SBA regulations, procedures, and policies. A Premier CDC's authority to approve loans under the Program is subject to SBA's determination that the loan and Borrower meet SBA's eligibility requirements.

(a) *PCLP loan approvals.* A Premier CDC notifies SBA of its approval of a PCLP loan by submitting appropriate documentation to SBA's loan processing center. SBA will notify the Premier CDC of the SBA loan number (if it does not identify a problem with eligibility, and funds are available).

(b) *Premier CDC Exposure.* A Premier CDC must reimburse SBA for 10 percent of any loss incurred by SBA as a result of a default by the Premier CDC on a Debenture issued under the PCLP ("Exposure").

(c) *Loss reserve.* A Premier CDC must establish a loss reserve to pay its Exposure to SBA.

(1) *Assets.* A Premier CDC's loss reserve must be composed of any

combination of: segregated funds on deposit in one or more federally insured depository institutions; or irrevocable letters of credit. All loss reserve deposits and letters of credit must be assigned by the Premier CDC to SBA in a manner acceptable to SBA. A Premier CDC's loss reserve deposits in an institution may exceed the institution's insured amount, but only if the institution is "well capitalized" as defined in regulations of the Federal Deposit Insurance Corporation, as amended (12 CFR 325.103) ("well capitalized bank"). A loss reserve irrevocable letter of credit must (i) be issued by a well capitalized bank, (ii) have a term equal to or longer than the term of the financings it secures, and (iii) be otherwise acceptable to the SBA.

(2) *Contributions.* A Premier CDC's loss reserve must total 1 percent of the Debentures it issues under the PCLP Program. A Premier CDC must contribute 50 percent of the required loss reserve attributable to each financing when the Debenture it issues to fund the financing is closed, 25 percent within 1 year after the Debenture is closed, and 25 percent within 2 years after the Debenture is closed.

(3) *Reimbursement.* SBA determines a Premier CDC's Exposure on a loan and withdraws the amount necessary to cover the Exposure. If, after full use of any assets in the loss reserve, there are not enough loss reserve assets to cover a Premier CDC's Exposure, the Premier CDC must pay SBA any difference between the Exposure and the loss reserve assets withdrawn by SBA to cover the Exposure within 45 days of a demand for payment by SBA.

(4) *Replenishment.* If SBA withdraws assets from the loss reserve to cover a Premier CDC's Exposure, the CDC must replace the withdrawn loss reserve assets within 30 days of the withdrawal with contributions equal to or greater than the amount of the assets withdrawn.

(5) *Withdrawal.* A Premier CDC may withdraw loss reserve assets attributable to any repaid Debenture upon written approval by SBA.

(d) *Review.* SBA will review a Premier CDC's financings annually.

(e) *Suspension and revocation.* The AA/FA may suspend or revoke a CDC's Premier designation upon written notice stating the reasons for the suspension or revocation at least 10 business days prior to the effective date of the suspension or revocation. Reasons for suspension or revocation may include loan performance unacceptable to SBA, failure to meet loss reserve or eligibility criteria, or violations of applicable

statutes, regulations, or published SBA policies and procedures. A Premier CDC may appeal the suspension or revocation made under this section pursuant to the procedures set forth in part 134 of this chapter. The action of the AA/FA shall remain in effect pending resolution of the appeal.

(f) *Applications.* A CDC may obtain information concerning this pilot program from the Office of Program Development in the Office of Financial Assistance at SBA's Headquarters. A CDC may submit its application to the SBA field office in which it is most active. The SBA field office will send the application with its recommendation to the AA/FA for a final decision.

(g) *Acceptance into program.* When determining a CDC's application, SBA will consider the CDC's ability to work with the local SBA office and the quality of past performance.

(h) *Program period.* The PCLP pilot program ends on October 1, 2000.

Dated: April 28, 1998.

Aida Alvarez,
Administrator.

[FR Doc. 98-11848 Filed 5-4-98; 8:45 am]
BILLING CODE 8025-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-NM-300-AD; Amendment 39-10511; AD 98-09-30]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A330-301 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A330-301 series airplanes. This action requires a one-time visual inspection to measure clearances between the engine forward feed pipe and shroud sleeve in the engine pylon; and repetitive operational tests for fuel leakage, and replacement of the shroud sleeve with a new improved part, if necessary. This amendment is prompted by the issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified in this AD are intended to prevent fuel from leaking into the pylon primary structure and into the engine

nacelle core zone, which could result in a fire in the engine.

DATES: Effective May 20, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 20, 1998.

Comments for inclusion in the Rules Docket must be received on or before June 4, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 97-NM-300-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

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 FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

SUPPLEMENTARY INFORMATION: The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A330-301 series airplanes. The DGAC advises that it has received reports of insufficient overlap between the fuel feed pipe and the shroud sleeve. The insufficient overlap has been attributed to an error during manufacturing of the shroud sleeve. Such insufficient overlap could cause an improper O-ring seal between the fuel feed pipe and the shroud sleeve. In the event of a leak in the fuel feed pipe, such insufficient overlap could permit fuel to leak into the pylon primary structure and into the engine nacelle core zone. This condition, if not corrected, could result in a fire in the engine.

Explanation of Relevant Service Information

Airbus has issued Service Bulletin A330-28-3046, Revision 01, dated November 12, 1996, which describes procedures for a one-time visual inspection to measure clearances of the overlap between the engine forward feed pipe and shroud sleeve in the engine pylon, and repetitive operational

tests for fuel leakage. The DGAC classified this service bulletin as mandatory, and issued French airworthiness directive 96-174-034(B)R1, dated January 2, 1997, in order to assure the continued airworthiness of these airplanes in France.

Airbus also has issued Service Bulletin A330-28-3045, dated August 9, 1996, which describes procedures for replacing the shroud sleeve with a newly designed shroud sleeve. The DGAC approved this service bulletin.

FAA's Conclusions

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

Explanation of Requirements of the Rule

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

Cost Impact

None of the Airbus Model A330-301 series airplanes affected by this action are on the U.S. Register. All airplanes included in the applicability of this rule currently are operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that any of these subject airplanes are imported and placed on the U.S. Register in the future.

Should an affected airplane be imported and placed on the U.S. Register in the future, it would require approximately 4 work hours to accomplish the required actions, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this AD would be \$240 per airplane.

Determination of Rule's Effective Date

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

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 97-NM-300-AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

98-09-30 Airbus: Amendment 39-10511. Docket 97-NM-300-AD.

Applicability: Airbus Model A330-301 series airplanes equipped with Pratt & Whitney or General Electric engines on which Airbus Modification 44649 has not been accomplished, 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 (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent fuel from leaking into the pylon primary structure and into the engine nacelle

core zone, which could result in a fire in the engine; accomplish the following:

(a) Within 500 flight hours after the effective date of this AD, perform a one-time visual inspection to measure the clearances between the engine forward feed pipe and the shroud sleeve of the left- and right-hand engine pylons, in accordance with Airbus Service Bulletin A330-28-3046, Revision 01, dated November 12, 1996. If the measured clearance is greater than 6 millimeters (mm), no further action is required by this AD.

(b) If the measured clearance is less than or equal to 6 mm, prior to further flight, perform an operational test to check for fuel leaks in accordance with Airbus Service Bulletin A330-28-3046, Revision 01, dated November 12, 1996.

(1) If no leaking is found, repeat the operational test thereafter at intervals not to exceed 500 flight hours until the requirements of paragraph (c) of this AD are accomplished.

(2) If any leaking is found, prior to further flight, replace the shroud sleeve with a new improved part in accordance with Airbus Service Bulletin A330-28-3045, dated August 9, 1996. Accomplishment of this replacement constitutes terminating action for the repetitive operational testing requirements of this AD.

(c) For any airplane on which the measured clearance is less than or equal to 6 mm and no leaking is found during any operational test required by paragraph (b) of this AD: Within 1 year after the effective date of this AD, replace the shroud sleeve with a new improved part in accordance with Airbus Service Bulletin A330-28-3045, dated August 9, 1996. Accomplishment of this modification constitutes terminating action for the repetitive operational testing requirements of paragraph (b) of this AD.

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

Note 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.

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

(f) The replacement shall be done in accordance with Airbus Service Bulletin A330-28-3045, dated August 9, 1996. The inspection and operational test (if accomplished) shall be done in accordance with Airbus Service Bulletin A330-28-3046, Revision 01, dated November 12, 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 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 96-174-034(B)R1, dated January 2, 1997.

(g) This amendment becomes effective on May 20, 1998.

Issued in Renton, Washington, on April 24, 1998.

Gary L. Killion,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-11563 Filed 5-4-98; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-131-AD; Amendment 39-10512; AD 98-10-01]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD-11 series airplanes. This action requires a revision of the Airplane Flight Manual to alert the flightcrew that both flight management computers (FMC's) must be installed and operational. This AD also requires an inspection to determine the serial number of the FMCs, and follow-on corrective actions, if necessary. This amendment is prompted by a report indicating that, due to incorrect multiplexers that were installed in the flight management computer system (FMC'S) during production, certain data busses failed simultaneously during a ground test. The actions specified in this AD are intended to prevent loss of airspeed and altitude indications on both primary flight displays in the cockpit, and/or loss or degradation of the autopilot functionality due to installation of incorrect multiplexers, and consequent failure of the data busses.

DATES: Effective May 20, 1998.

The incorporation by reference of certain publications listed in the

regulations is approved by the Director of the Federal Register as of May 20, 1998.

Comments for inclusion in the Rules Docket must be received on or before July 6, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-131-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from The Boeing Company, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1-L51 (2-60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

SUPPLEMENTARY INFORMATION: The FAA received a report indicating that, during a routine ground test on an Airbus Model A310 series airplane, which included a power-down test of the Honeywell Flight Management Computer System (FMCS), multiple ARINC 429 data busses failed simultaneously. Investigation revealed that a batch of incorrect multiplexers were installed in the FMCS during production, which can cause loading of the ARINC 429 data busses when the flight management computer (FMC) is de-energized. This condition, if not corrected, could result in loss of airspeed and altitude indications on both primary flight displays in the cockpit and/or loss or degradation of the autopilot functionality.

Similar Airplanes

The FMCS of Airbus Model A310 series airplanes is similar in design to that of McDonnell Douglas Model MD-11 series airplanes. Therefore, the FAA has determined that Model MD-11 series airplanes may be subject to the

same unsafe condition. The FAA has been advised that the Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, may consider issuing a parallel French airworthiness directive to correct the identified unsafe condition on Airbus Model A310 series airplanes.

Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin MD11-34A083, dated April 6, 1998, which describes procedures for a visual inspection to determine the serial number of the FMC's, and follow-on corrective actions, if necessary. The follow-on corrective actions include, for any airplane on which an affected serial number is found, a visual inspection to determine the part number of the multiplexer, and modification of certain multiplexers. In addition, the alert service bulletin describes procedures for a functional test of the FMC in the flight compartment to determine if an incorrect multiplexer is installed, and corrective actions, if necessary.

McDonnell Douglas Alert Service Bulletin MD11-34A083, dated April 6, 1998, references Honeywell Service Bulletin 4059050-34-0011, dated March 12, 1998, as an additional source of service information.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, this AD is being issued to prevent loss of airspeed and altitude indications on both primary flight displays in the cockpit, and/or loss or degradation of the autopilot functionality as a result of incorrect multiplexers installed in the FMCS. This AD requires revising the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to alert the flightcrew that, prior to dispatch, both FMC's must be installed and operational.

This AD also requires accomplishment of the actions specified in the alert service bulletin described previously, except as discussed below.

Differences Between Rule and Alert Service Bulletin

Operators should note that, although the alert service bulletin describes procedures for a functional test, this AD does not require that functional test. The FAA has determined that the functional test does not positively indicate that an incorrect multiplexer is installed.

Interim Action

This is considered to be interim action. The FAA is considering further rulemaking action to supersede this AD to require modification of any FMC that does not have an affected serial number (i.e., Condition 2 of the Work Instructions in the referenced alert service bulletin). However, the planned compliance time for these actions is sufficiently long so that notice and opportunity for prior public comment will be practicable.

Determination of Rule's Effective Date

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

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 98-NM-131-AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

98-10-01 McDonnell Douglas: Amendment 39-10512. Docket 98-NM-131-AD.

Applicability: Model MD-11 series airplanes, manufacturer's fuselage numbers 0447 through 0552 inclusive, and 0554 through 0621 inclusive; certificated in any category.

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

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

Compliance: Required as indicated, unless accomplished previously.

To prevent loss of airspeed and altitude indications on both primary flight displays in the cockpit and/or loss or degradation of the autopilot functionality, due to installation of incorrect multiplexers in the flight management computer system (FMCS), accomplish the following:

(a) Within 5 days after the effective date of this AD, revise Section 1, page 5-1 of the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statement. This may be accomplished by inserting a copy of this AD into the AFM.

"Prior to dispatch of the airplane, both Flight Management Computer 1 (FMC-1) and FMC-2 must be installed and operational."

(b) Within 45 days after the effective date of this AD, perform a visual inspection to determine the serial number of the flight management computers (FMC), in accordance with McDonnell Douglas Alert Service Bulletin MD11-34A083, dated April 6, 1998. After this inspection is accomplished, the AFM revision required by paragraph (a) of this AD may be removed from the AFM.

(1) If no affected serial number is found, no further action is required by this paragraph.

(2) If any affected serial number is found, prior to further flight, perform a visual inspection to determine the part number (P/N) of the multiplexer, in accordance with the alert service bulletin. If any affected P/N is found, prior to further flight, modify the multiplexer in accordance with the alert service bulletin.

Note 2: McDonnell Douglas Alert Service Bulletin MD11-34A083, dated April 6, 1998, references Honeywell Service Bulletin 4059050-34-0011, dated March 12, 1998, as an additional source of service information.

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

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

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

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

(e) Except as provided for in paragraph (a) of this AD, the actions shall be done in accordance with McDonnell Douglas Alert Service Bulletin MD11-34A083, dated April 6, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from The Boeing Company, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1-L51 (2-60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on May 20, 1998.

Issued in Renton, Washington, on April 28, 1998.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 98-11808 Filed 5-4-98; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98-AWP-9]

Modification of Class D Airspace; Mountain View, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies the Class D surface area at Mountain View, CA by revising the vertical limit within its geographic boundary up to, but not including 2,500 feet MSL, excluding the San Jose (SJC) Class C surface area. A review of airspace classification made this action necessary in order to achieve compliance with criteria stated in FAA Order 7400.2D. This action will ensure that the Class D surface area at Mountain View, CA will be of sufficient size to allow for and contain the safe and efficient handling of operations at Moffett Federal Airfield (NUQ).

EFFECTIVE DATE: 0901 UTC August 13, 1998.

FOR FURTHER INFORMATION CONTACT: Jeri Carson, Airspace Specialist, Airspace Branch, AWP-520, Air Traffic Division, Western-Pacific Region,

Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725-6611.

SUPPLEMENTARY INFORMATION:

History

On March 12, 1998, the FAA proposed to amend 14 CFR part 71 by modifying the Class D surface area at Mountain View, CA (63 FR 12043). This action will revise the vertical limit within the current geographic boundary of the Mountain View Class D surface area up to, but not including 2,500 feet MSL, excluding the San Jose (SJC) Class C surface area. This action will achieve compliance with criteria stated in FAA Order 7400.2D by ensuring that the Mountain View Class D surface area is of sufficient size to allow for and contain the safe and efficient handling of operations at Moffett Federal Airfield (NUQ).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. Class D airspace designations for airspace areas designated as surface areas for airports are published in paragraph 5000 of FAA Order 7400.9E dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 modifies the Class D surface area at Mountain View, CA. A review of airspace classification made it necessary to revise the vertical limit of the Mountain View, CA Class D surface area within its current geographic boundary up to, but not including 2,500 feet MSL, excluding the San Jose (SJC) Class C surface area. The effect of this action will be provision of adequate airspace to allow for and contain the safe and efficient handling of operations at Moffett Federal Airfield (NUQ).

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

routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air)

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 5000—Subpart D—Class D Airspace

* * * * *

AWP CA D Mountain View, CA [Revised]

Moffett Federal Airfield, CA
(lat. 37°24'55"N, long. 122°02'54"W)
San Jose International Airport, CA
(lat. 37°21'42"N, long. 121°55'43"W)
Palo Alto of Santa Clara County Airport, CA
(lat. 37°27'40"N, long. 122°06'54"W)

That airspace extending upward from the surface to but not including 2,500 feet MSL within a 4.3-mile radius of Moffett Federal Airfield, excluding that airspace within the San Jose, CA, Class C airspace area, and excluding the portion within the Palo Alto of Santa Clara County Airport, CA, Class D airspace area during the specific dates and times it is effective. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Los Angeles, California, on April 22, 1998.

John G. Clancy,

*Acting Manager, Air Traffic Division,
Western-Pacific Region.*

[FR Doc. 98-11856 Filed 5-4-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 96-AWP-4]

**Establishment of Class E Airspace;
Borrego Springs, CA**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes a Class E airspace area at Borrego Springs, CA. The establishment of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 25 at Borrego Valley Airport has made this action necessary. Additional controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing the GPS RWY 25 SIAP at Borrego Valley Airport. The intended effect of this action is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations Borrego Valley Airport, Borrego Springs, CA.

EFFECTIVE DATES: 0901 UTC August 13, 1998.

FOR FURTHER INFORMATION CONTACT: Larry Tonish, Airspace Specialist, Airspace Branch, AWP-520, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725-6539.

SUPPLEMENTARY INFORMATION:

History

On March 9, 1998, the FAA proposed to amend 14 CFR part 71 by establishing a Class E airspace area at Berrego Springs, CA (63 FR 11382). The establishment of a GPS RWY 25 SIAP to Borrego Valley Airport has made this action necessary. Additional controlled airspace extending upward from 700 feet above the surface is needed to contain aircraft executing instrument operations at Borrego Valley Airport. This action will provide adequate controlled airspace for aircraft executing the GPS RWY 25 SIAP at Borrego Valley Airport, Borrego Springs, Ca.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. Class E airspace designations for airspace extending from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9E dated September 10,

1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 establishes a Class E airspace area at Borrego Springs, CA. Additional controlled airspace extending upward from 700 feet above the surface was required for aircraft executing instrument operations at Borrego Valley Airport. The effect of this action will provide adequate airspace for aircraft executing the GPS RWY 25 SIAP at Borrego Valley Airport, Borrego Springs, CA.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air)

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

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

* * * * *

AWP CA E5 Borrego Springs, CA [New]

Borrego Valley Airport, CA
(lat. 33°15'33" N, long. 116°19'16" W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Borrego Valley Airport.

* * * * *

Issued in Los Angeles, California, on April 22, 1998.

John G. Clancy,

*Acting Manager, Air Traffic Division,
Western-Pacific Region.*

[FR Doc. 98–11857 Filed 5–4–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

United States Customs Service

19 CFR Part 101

[T.D. 98–37]

Abolishment of Boca Grande as a Port of Entry

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations by abolishing the port of entry of Boca Grande, Florida, in order for Customs to obtain more efficient use of its personnel, facilities and resources and to provide better service to carriers, importers and the general public.

EFFECTIVE DATE: June 4, 1998.

FOR FURTHER INFORMATION CONTACT: Harry Denning, Office of Field Operations, 202-927-0196.

SUPPLEMENTARY INFORMATION

Background

As part of a continuing program to obtain more efficient use of its personnel, facilities and resources, and to provide better service to carriers, importers, and the general public, Customs proposed to amend § 101.3(b)(1), Customs Regulations (19 CFR 101.3(b)(1)), by abolishing the port of Boca Grande, Florida. A Notice of Proposed Rulemaking to this effect was published in the **Federal Register** (62 FR 37526) on July 14, 1997. The port was proposed to be abolished because there is not sufficient activity at the port to maintain the facility, and there are other nearby active ports such as Sarasota and Tampa which are available to handle any Customs transactions in that geographical area.

Determination

No comments either supporting or opposing the proposal were received. After further consideration of the proposal, Customs has determined to abolish the port of Boca Grande, Florida.

Authority

This change is made under the authority of 5 U.S.C. 301 and 19 U.S.C. 2, 66 and 1624.

Regulatory Flexibility Act

Customs establishes, expands and consolidates Customs ports of entry throughout the United States to accommodate the volume of Customs-related activity in various parts of the country. Although this document was issued with notice for public comment, it is not subject to the notice and public procedure requirements of 5 U.S.C. 553 because it relates to agency management and organization. Accordingly, this document is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Executive Order 12866

Because this document relates to agency organization and management, it is not subject to E.O. 12866.

Drafting Information

The principal author of this document was Janet L. Johnson, Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 101

Customs duties and inspection, Customs ports of entry, Exports, Imports, Organization and functions (Government agencies).

Amendment to the Regulations

Accordingly, Part 101 of the Customs Regulations is amended as set forth below.

PART 101—GENERAL PROVISIONS

1. The general authority citation for Part 101 and the specific authority citation for § 101.3 continue to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 2, 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States), 1623, 1624.

Sections 101.3 and 101.4 also issued under 19 U.S.C. 1 and 58b;

* * * * *

2. Section 101.3(b)(1) is amended by removing, under the State of Florida, the

entry "Boca Grande" in the "Ports of entry" column.

Connie J. Fenchel,
Acting Commissioner of Customs.
Approved: April 20, 1998.

John P. Simpson,
Deputy Assistant Secretary of the Treasury.
[FR Doc. 98-11840 Filed 5-4-98; 8:45 am]
BILLING CODE 4820-02-P

corrected to read "most recent, complete" in § 203.74(c) beginning on the seventh line "most recently approved" is corrected to read "most recent, complete."

Dated: April 27, 1998.
E.P. Danenberger,
Chief, Engineering and Operations Division.
[FR Doc. 98-11885 Filed 5-4-98; 8:45 am]
BILLING CODE 4310-MR-M

Deputy Assistant Judge Advocate General (Admiralty) of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS DONALD COOK (DDG 75) 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.

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 203
RIN 1010-AC13

Royalty Relief for Producing Leases and Certain Existing Leases in Deep Water

AGENCY: Minerals Management Service (MMS), Interior.
ACTION: Final rule, correction.

SUMMARY: MMS published in the *Federal Register* of Friday, January 16, 1998 (63 FR 2605), a final rule establishing conditions for reducing royalties on producing leases; providing for suspensions of royalty payments on certain deep water leases issued as the result of lease sales held before November 28, 1995; and describing the information required for a complete application for royalty relief. This document makes corrections to the final rule.

DATES: This correction is effective February 17, 1998.

FOR FURTHER INFORMATION CONTACT: Dr. Marshall Rose, Chief, Economics Division, at (703) 787-1536.

SUPPLEMENTARY INFORMATION:

Correction

1. On Page 2616 in the first column the title *Subpart A—General Requirements* is corrected to read *Subpart A—General Provisions*.

2. On page 2622 in the second column, in § 203.74(b)(2) on the fifth line "most recently approved" is

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 DONALD COOK (DDG 75) 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.

EFFECTIVE DATE: April 17, 1998.

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

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

§ 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 DONALD COOK	DDG 75	1.90 meters.
* * * * *			

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

§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 DONALD COOK	DDG 75	102.00 thru 112.50.		

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

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

TABLE FIVE

Vessel	Number	Masthead lights not over all other lights and obstructions. annex I, sec. 2(f)	Forward mast-head light not in forward quarter of ship. annex I, sec. 3(a)	After masthead light less than 1/2 ship's length aft of forward mast-head light. annex I, sec. 3(a)	Percentage horizontal separation attained
USS DONALD COOK	DDG 75	X	X	X	14.0

Dated: April 17, 1998.

R. R. Pixa,
Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Admiralty).
 [FR Doc. 98-11884 Filed 5-4-98; 8:45 am]
 BILLING CODE 3810-FF-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[FRL-5980-8]

Technical Amendments To Approval and Promulgation of Implementation Plans; Wisconsin; 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 July 23, 1997 (62 FR 39446), the Environmental Protection Agency published in the **Federal Register** a final rule concerning the temporary delay of the ozone attainment date for Manitowoc Country from 1996 to 2007. This action suspended the automatic reclassification of Manitowoc Country from moderate to serious nonattainment, which established an effective date of August 22, 1997. This document corrects the effective date of the rule to May 5, 1998 to be consistent with section 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 rule is effective on May 5, 1998.

FOR FURTHER INFORMATION CONTACT:

Tom Eagles, Office of Air, at (202) 260-5595.

SUPPLEMENTARY INFORMATION:

I. Background

Section 801 of the CRA precludes a rule from taking effect until the agency promulgating the rule submits a rule report, which includes a copy of the rule, to each House of Congress and to the Comptroller General of the General Accounting Office (GAO). EPA recently discovered that it had inadvertently failed to submit the above rule as required; thus, although the rule was promulgated on the date stated in the July 23, 1997, **Federal Register** document, by operation of law, the rule did not take effect on August 22, 1997, as stated therein. Now that EPA has discovered its error, the rule has been submitted 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 of the Administrative Procedure Act, 5 U.S.C. 553(b)(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 matter. Thus, notice and public procedure are unnecessary. The Agency finds that this constitutes good cause under 5 U.S.C. 553(b)(B). Moreover, since today's action does not create any new regulatory requirements and affected parties have known of the underlying rule since July 23, 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).

II. 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 is discussed in the July 23, 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), this rule is effective on

May 5, 1998. 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.

Dated: April 22, 1998.

Carol Browner,
Administrator.

[FR Doc. 98-11541 Filed 5-4-98; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD-FRL-6007-5]

RIN 2060-A104

National Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; Notice of temporary stay.

SUMMARY: Today's action announces a 3-month stay of certain national emission standards for hazardous air pollutants (NESHAP) for certain sources. The effectiveness of the provisions for "National Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning," December 2, 1994) for continuous web cleaning machines using halogenated hazardous air pollutant (HAP) solvents is stayed for 3 months for good cause pursuant to section 553(b)(3)(B) of the Administrative Procedure Act. Since the compliance date for existing affected sources covered by this NESHAP was December 2, 1997, it is not practical to propose and take public comment on this 3-month stay.

This action also revises the definition of the term "part" and adds a definition for continuous web cleaning machine to § 63.461. A continuous web cleaning machine is one that cleans parts such as film, coils, wire, and metal strips at speeds in excess of 11 feet per minute. Parts are generally uncoiled, cleaned such that the same part is simultaneously entering and exiting the solvent cleaning machine, and then recoiled or cut.

Elsewhere in the Proposed Rules Section of today's **Federal Register**, the EPA proposes to extend the compliance date for sources affected by today's stay for 1 year in order to complete the rulemaking pertaining to control of

emissions from continuous web cleaning machines.

This stay affects only those sources which meet the criteria describing a continuous web cleaning machine using halogenated HAP solvents.

EFFECTIVE DATE: May 5, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Almodóvar at (919) 541-0283, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. For information regarding the applicability of this action to a particular entity, contact Mrs. Tracy Back, Manufacturing Branch, Office of Compliance (2223A), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; telephone (202) 564-7076.

SUPPLEMENTARY INFORMATION:

Regulated Entities

Entities potentially regulated by this action are owners or operators of continuous web cleaning machines using any solvent containing methylene chloride, perchloroethylene, trichloroethylene, 1,1,1 trichloroethane, carbon tetrachloride, or chloroform, or any combination of these halogenated HAP solvents, in a concentration greater than 5 percent by weight, as a cleaning or drying agent. Regulated categories include:

Category	Examples of regulated entities
Industry	Facilities engaging in cleaning operations using halogenated solvent cleaning machines.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities that the EPA is now aware of that potentially could be regulated by this action. Other types of entities not listed in the table also could be regulated. To determine whether your facility [company, business, organization, etc.] is regulated by this action, you should carefully examine the applicability criteria in § 63.460 of the NESHAP for halogenated solvent cleaning operations that was promulgated in the **Federal Register** on December 2, 1994 (59 FR 61801) and codified at 40 CFR part 63, subpart T. If you have questions regarding the applicability of this action to a particular entity, consult Mrs. Tracy Back at the address listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

I. Background

On December 2, 1994, the EPA promulgated NESHAP for halogenated solvent cleaning operations (59 FR

61801). These standards were codified as subpart T in 40 CFR part 63. These standards established equipment and work practice standards for individual batch vapor, in-line vapor, in-line cold, and batch cold solvent cleaning machines using any solvent containing methylene chloride, perchloroethylene, trichloroethylene, 1,1,1 trichloroethane, carbon tetrachloride, or chloroform, or any combination of these halogenated HAP solvents in a concentration greater than 5 percent by weight, as a cleaning or drying agent.

Since promulgation of the halogenated solvent cleaning NESHAP on December 2, 1994, the EPA has become aware of the existence of various sources cleaning parts such as film, coils, wire, and metal strips at speeds in excess of the 11 feet per minute limit in the NESHAP using halogenated cleaning solvents. Parts are generally uncoiled, cleaned such that the same part is simultaneously entering and exiting the solvent cleaning machine, and then recoiled or cut. These solvent cleaning machines are typically referred to as continuous web cleaning machines. The design and operation, and therefore, the emission characteristics of these machines are different from the solvent cleaning machines (e.g., batch cold cleaners, in-line cleaners) that the EPA analyzed during the NESHAP rule development process. Therefore, in order for the EPA to properly address emission characteristics and controls, and to better regulate HAP emissions from continuous web cleaning machines, the Agency is staying the effectiveness of the provisions of the NESHAP for continuous web cleaning machines using halogenated HAP solvents. The EPA will take this time to further evaluate these types of operations, their emission characteristics, and the effectiveness of various control measures in order to determine equivalent methods of control for them.

In addition, the EPA is also revising the definition of the term "part" and adding a definition for continuous web cleaning machine to § 63.461.

II. Issuance of Stay

The EPA hereby issues a 3-month stay of the effectiveness of the NESHAP for halogenated solvent cleaning machines applicable to continuous web cleaning machines using halogenated HAP. The EPA will also reconsider the compliance dates in the rule and, following the notice and comment procedures of section 307(d) of the Clean Air Act, will take appropriate action.

III. Authority for Stay

The stay announced by this notice is being issued pursuant to section 553(b)(3)(B) of the Administrative Procedure Act.

The grounds for staying the requirements of this rule for continuous web cleaning machines arose after the public comment period and close to the compliance date for this rule. The impracticality of requiring compliance by continuous web cleaning machines with the provisions of the NESHAP became apparent after the final rule had been promulgated. Therefore, the EPA is staying the effectiveness of the rule for 3 months in order to allow time to evaluate equivalent methods of control for continuous web cleaning machines using halogenated HAP solvents.

Because the need for a stay was only realized recently, and the compliance date for the rule was December 2, 1997, it is both impracticable and contrary to the public interest to provide an opportunity for comment before issuing the stay. The EPA, therefore, finds that there is good cause in accordance with section 553(b)(3)(B) of the Administrative Procedures Act to publish this temporary stay without prior opportunity for public comment.

IV. Proposed Compliance Extension

The EPA may not be able to complete the equivalent methods of control determination for continuous web cleaning machines within the 3-month period expressly provided for in this action. Therefore, EPA is proposing to temporarily extend the applicable compliance dates. In the Proposed Rule Section of today's **Federal Register**, the EPA proposes a temporary extension of the compliance dates beyond 3 months in order to complete the equivalent methods of control determinations and revisions of the rules in question.

V. Administrative Requirements

A. Paperwork Reduction Act

There are no additional information collection requirements associated with this temporary stay. Therefore, approval under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*, is not required. b. Executive Order 12866

B. Executive Order 12866

Under Executive Order 12866, the EPA is required to determine whether a regulation is "significant," and therefore, subject to Office of Management and Budget review and the requirements of this Executive Order to prepare a regulatory impact analysis. The Executive 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.

Pursuant to the terms of Executive Order 12866, it has been determined that this action is not a "significant regulatory action" within the meaning of the Executive Order because this action provides a temporary stay of the effectiveness of the rule to allow time to evaluate equivalent methods of control for continuous web cleaning machines using halogenated HAP solvents.

C. Submission to Congress and the General Accounting Office

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. However, section 808 provides that any rule for which the issuing agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the agency promulgating the rule determines. 5 U.S.C. 808(2). As stated previously, the EPA has made such a good cause finding, including the reasons therefore, and established an effective date of May 5, 1998. 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).

D. Regulatory Flexibility

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this action

will not have a significant economic impact on a substantial number of small business entities because the requirements of the rule are being stayed for continuous web cleaning machines.

E. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.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, the 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 by State, local, and tribal governments, in aggregate, or by 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 the 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 the 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 the 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.

The EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA. In addition, the EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small

governments because it contains no requirements that apply to such governments or impose obligations upon them. Therefore, today's rule is not subject to the requirements of section 203 of the UMRA.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Dated: April 27, 1998.

Carol M. Browner,
Administrator.

Title 40 chapter I of the Code of Federal Regulations is amended as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

1. The authority citation for part 63 continues to read as follows:

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

Subpart T—[Amended]

2. Section 63.461 is amended by adding in alphabetical order the definition for "continuous web cleaning machine" and by revising the definition for "part" to read as follows:

§ 63.461 Definitions.

* * * * *

Continuous web cleaning machine means a solvent cleaning machine in which parts such as film, coils, wire, and metal strips are cleaned at speeds in excess of 11 feet per minute. Parts are generally uncoiled, cleaned such that the same part is simultaneously entering and exiting the solvent cleaning machine, and then recoiled or cut.

* * * * *

Part means any object that is cleaned in a solvent cleaning machine. Parts include, but are not limited to, discrete parts, assemblies, sets of parts, and parts cleaned in a continuous web cleaning machine (i.e., continuous sheets of metal, film).

* * * * *

3. Section 63.470 is added to Subpart T to read as follows:

§ 63.470 Stay of effective date.

Notwithstanding any other provision of this subpart, the effectiveness of §§ 63.460 thru 63.469 of subpart T is stayed until August 3, 1998 as applied to continuous web cleaning machines using halogenated HAP solvents.

[FR Doc. 98-11753 Filed 5-4-98; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 980225048-8099-03; I.D. 021898B]

RIN 0648-AK58

Pacific Halibut Fisheries; Retention of Undersized Halibut in Regulatory Area 4E

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule that would allow the retention of halibut less than 32 inches (81.3 cm) with the head on, or less than 24 inches (61 cm) with the head off (undersized halibut) caught with setline gear in International Pacific Halibut Commission (IPHC) Regulatory Area 4E for personal use. Commercial sale of undersized halibut would remain prohibited. This action is necessary to implement the recommendation of the North Pacific Fishery Management Council (Council) to allow the legal harvest of undersized halibut by persons using Community Development Quota (CDQ) in Regulatory Area 4E. This action is intended to provide for the continued existence of the customary and traditional food practices of indigenous inhabitants by allowing them to retain all halibut caught with setline gear in Regulatory Area 4E.

DATES: This final rule is effective June 4, 1998.

ADDRESSES: The final Environmental Assessment/Regulatory Impact Review (EA/RIR) prepared for this action may be obtained from the Sustainable Fisheries Division, Alaska Region, NMFS, 709 West 9th Street, Room 453, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802, Attention: Lori J. Gravel.

FOR FURTHER INFORMATION CONTACT: John Lepore, 907-586-7228

SUPPLEMENTARY INFORMATION: The Northern Pacific Halibut Act (Halibut Act, 16 U.S.C. 773-773k), in section 5, provides that the Regional Fishery Management Council having authority for the geographical area concerned may recommend management measures governing Pacific halibut catch in U.S. Convention waters that are in addition to, but not in conflict with, regulations of the IPHC. The IPHC is the body authorized by the Convention between the United States and Canada for the

Preservation of the Halibut Fishery of the North Pacific Ocean and the Bering Sea (Convention) to promulgate regulations for the conservation and management of the Pacific halibut fishery. Section 5 of the Halibut Act also provides that the Secretary of Commerce (Secretary) shall have the general responsibility for carrying out the Convention, and that the Secretary shall adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and the Halibut Act. The Secretary's authority has been delegated to the Assistant Administrator for Fisheries, NOAA (AA).

In 1996, the Council was requested by Alaska Native tribal organizations to review the prohibition on retaining undersized halibut caught with authorized commercial gear. This request was made on behalf of Alaska Native fishermen of Yupik descent who were retaining undersized halibut harvested along with CDQ halibut of commercial length in Regulatory Area 4E. Traditionally, fishermen of Yupik descent have kept all fish caught and have endeavored to utilize that fish to the fullest extent possible. This practice is in keeping with traditional Yupik belief that a fish, as well as the stock of fish to which a captured fish is returned, is irreparably harmed by its capture and release.

In June 1997, the Council recommended that regulations be developed that would allow the retention of undersized halibut caught with authorized commercial gear in Regulatory Area 4E for personal use. The IPHC, at its annual meeting during the week of January 26, 1998, relaxed its existing regulation on the minimum size retention limit to allow CDQ fishermen in Regulatory Area 4E to land undersized halibut caught with authorized commercial gear for personal use. NMFS published a proposed rule consistent with the IPHC regulation on

March 9, 1998 (63 FR 11401), that would revise its current fishing regulations to allow the retention of undersized halibut caught with authorized commercial gear in Regulatory Area 4E for personal use. The public comment period for this proposed rule ended on March 24, 1998. No public comments were received concerning this action.

This final rule revises regulations that were in conflict with the customary and traditional fishing practices of the fishermen of Yupik descent. Three changes are made to the final rule to make it consistent with the IPHC annual management measures, published on March 17, 1998 (63 FR 13000). These changes are not considered substantive in nature. First, the term "setline" is added to the final rule. This term is added to confirm that undersized halibut could be retained while commercial fishing with setline gear, the only gear that is authorized for commercial fishing. Second, the final rule is made effective only through December 31, 1999, because the IPHC anticipates that a comprehensive solution to the subsistence issue for the halibut fishery will be developed by that date. Finally, minor editorial changes are made to the final rule to make it conform more closely to the text of the IPHC annual management measures.

Classification

The Council prepared an EA/RIR for this action that describes the management background, the purpose and need for action, the management action alternatives, and the environmental and the socio-economic impacts of the alternatives. The AA has concluded that this action is not likely to significantly affect the quality of the human environment, or expected to have significant impacts on endangered or threatened species, or marine mammals. A copy of the EA/RIR can be obtained from NMFS (see ADDRESSES).

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule would not have a significant economic impact on a substantial number of small entities. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not prepared.

This final rule has been determined to be not significant for purposes of E.O. 12866.

List of Subjects in 50 CFR Part 300

Fisheries, Fishing, Reporting and recordkeeping requirements, Treaties.

Dated: April 29, 1998.

Rolland A. Schmitt,

Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For reasons set out in the preamble, 50 CFR part 300 is amended to read as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

1. The authority citation for 50 CFR part 300, subpart E continues to read as follows:

Authority: 16 U.S.C. 773–773k.

2. In § 300.63, paragraph (c) is added to read as follows:

§ 300.63 Catch sharing plans and domestic management measures.

* * * * *

(c) (Applicable through December 31, 1999). A person may retain halibut taken with setline gear in Area 4E that are smaller than the size limit specified in the annual management measures published pursuant to § 300.62, provided that no person may sell or barter such halibut.

[FR Doc. 98–11894 Filed 5–4–98; 8:45 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register

Vol. 63, No. 86

Tuesday, May 5, 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.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

Business Loan Program

AGENCY: Small Business Administration (SBA).

ACTION: Proposed rule.

SUMMARY: This proposed rule would implement Pub. L. 104-208, enacted on September 30, 1996, and Pub. L. 105-135, enacted on December 2, 1997, with respect to SBA financing in the 504 Program, and would clarify existing regulations. In the 504 program, the proposed regulations would authorize multiple businesses to obtain SBA financing for a specific 504 Project, allow a 504 Borrower to lease long term no more than 20 percent of the 504 Project, describe how much a Borrower must contribute to a 504 Project, and modify allowable fees paid by a Borrower, Third Party Lender, and CDC. In addition, the proposed rule would allow certain fees incurred by a CDC in the closing of a 504 loan, up to \$2,500 per closing, to be eligible administrative costs.

DATE: Comments must be submitted on or before July 6, 1998.

ADDRESS: Comments should be mailed to Jane Palsgrove Butler, Acting Associate Administrator for Financial Assistance, Small Business Administration, 409 Third Street, S.W., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Michael J. Dowd, 202-205-6660.

SUPPLEMENTARY INFORMATION: Public Law 105-135, the "Small Business Reauthorization Act of 1997" (1997 legislation), enacted on December 2, 1997, and Public Law 104-208 (1996 legislation), enacted on September 30, 1996, amended the Small Business Investment Act of 1958 (15 U.S.C. 601 *et seq.*). These proposed regulations would implement the amendments required by the 1996 legislation and some of the amendments required under

the 1997 legislation, and make other changes.

Changes to the 504 Program

The 1997 legislation and the 1996 legislation require SBA to amend its regulations to implement the statutes. SBA is also proposing some other program changes.

- Section 502 of the Act authorizes SBA to provide financial assistance through a CDC to assist a small business concern to acquire, construct, convert, or expand its plant facility as a 504 Project pursuant to section 504 of the Act. SBA interpreted the statute to permit the Agency to assist only one identifiable business for any particular project. The 1997 legislation authorizes SBA to provide such financial assistance to more than one identifiable small business. SBA proposes to amend Section 120.801 of its regulations to allow SBA to work with a CDC to assist multiple small businesses for any specific 504 Project, allowing two or more unrelated small businesses to seek SBA financial assistance for a qualified 504 Project.

- SBA is also proposing to amend its regulations with respect to Eligible Passive Companies in order to make that rule consistent with the 1997 legislation. Current 13 CFR 120.111 allows SBA to assist an Eligible Passive Company to use loan proceeds to acquire property to lease to an Operating Company. SBA is proposing to amend 13 CFR 120.111 to authorize SBA to provide financing to an Eligible Passive Company which could use the proceeds to lease property to multiple unrelated Operating Companies. This proposed change would make the Eligible Passive Company provision consistent with the proposed change to 13 CFR 120.801.

- The 1996 legislation amended the Act with respect to the amount of a Borrower's contribution to the financing of a 504 Project. SBA is proposing to amend 13 CFR 120.910 of its regulations to require the Borrower to contribute at least 15 percent of the total cost of the 504 Project if the Borrower (or Operating Company if the Borrower is an Eligible Passive Company) has been in business for 2 years or less, or if the Project is the acquisition, construction, conversion, or expansion of a limited or single purpose building. The Borrower must contribute at least 20 percent of

the total cost of the Project if both these conditions exist.

- The 1996 legislation requires that not less than 50 percent of a Project's cost must be financed by a Third Party Lender if the Borrower's contribution is made under the conditions described above for proposed 13 CFR 120.910. This proposed revision of 13 CFR 120.920 implements that change.

- The 1997 legislation amended the Act to permit a 504 Borrower to lease long term no more than 20 percent of a new 504 Project if the Borrower would immediately occupy no less than 60 percent of the property. To comply with the 1997 legislation, SBA is proposing to amend 13 CFR parts 120.131 and 120.870 to authorize a Borrower to lease long term up to 20 percent of the rentable space in a 504 Project to third parties when the Borrower will occupy at least 60 percent of the rentable space with plans to occupy another 20 percent of the rentable space within 3 years. The present law allows a Borrower in a 504 Project to lease up to 33 percent of a new facility if the Borrower can show that it will need additional space within 3 years and that it will fully use the facility within 10 years. Under the proposed rule, the Borrower will have the option of showing that it will ultimately use 80 percent of the rentable space within 3 years, and that it plans to lease long term 20 percent of the space to others. The effect of this change will be to allow a business to construct a building in a good location without being compelled to show that it will use all of the space. Thus, the proposed rule will alleviate the present strict restrictions on the use of property.

- 13 CFR 120.862(b) sets forth specific public policy goals a CDC may use to qualify a 504 Project or support an increased amount of 504 financing. 13 CFR 120.862(b)(3) lists expanding Minority Enterprise Development as one of the public policy goals. SBA is proposing to amend 13 CFR 120.862(b)(3) to direct the reader to the correct section in SBA's regulation designating the specific minority groups to which the subsection applies. 13 CFR 120.862(b)(7) lists as one of the public policy goals the assistance of businesses affected by Federal budget reductions. SBA is proposing to amend 13 CFR 120.862(b)(7) by clarifying that the public policy goal is to assist any eligible small business in an area

affected by such reductions, not only those businesses which can show that they were affected adversely by the budget reduction. Therefore, if a geographic area has been adversely affected by Federal budget reductions, SBA can assist a business located in that area or moving to that area without showing that the particular business was affected.

- The 1996 legislation requires SBA to charge the Borrower a fee of not more than 0.9375 percent on the unpaid principal balance of the loan as determined at 5-year anniversary intervals. SBA is amending 13 CFR 120.971 of its regulations to implement this change. In addition, 13 CFR 120.971(a)(3) raises the minimum servicing fee from .5 percent to .625 percent.

- SBA is proposing to insert a new Section 120.972 in 13 CFR to implement the 1996 legislation which requires SBA to collect a one-time fee equal to 50 basis points on the total participation in a Project by a Third Party Lender when that Third Party Lender occupies a senior credit position to that of SBA. In addition, under the proposed regulation, SBA will collect an annual fee from each CDC equal to 0.125 percent of the outstanding principal balance of any Debenture guaranteed by SBA after September 30, 1996. The CDC must pay the fee from the servicing fees collected by the CDC and not from additional fees imposed on the Borrower.

- Currently, under 13 CFR 120.921(d), any future advance by a Third Party Lender in excess of the outstanding balance and accrued interest must be subordinated to the CDC/SBA lien unless the future advance is to collect payments, maintain collateral, or protect the Third Party Lender's lien position on the Third Party Loan. SBA has been unable at times to realize the full benefit of its lien position, despite its regulations requiring future advances to be subordinate to the CDC/SBA lien.

Moreover, if a Third Party Lender wants to make additional capital available to a 504 Borrower, it easily can do so through another loan. SBA is proposing to revise 13 CFR 120.921(d) to state that the Third Party Loan cannot be open-ended as to amount, and after completion of the 504 Project, a Third Party Lender may only make a future advance under the Third Party Loan to collect amounts due on the Third Party Loan note, maintain collateral or protect its lien.

- SBA also has been unable to realize the full benefit of its lien position because of prepayment penalties, late fees, and escalated interest after default

due under the Third Party Loan. Accordingly, SBA also proposes to add a new paragraph (e) to 13 CFR 120.921 that would state that the Third Party Lender's lien is subordinate to the CDC/SBA lien with respect to prepayment penalties, late fees, and escalated interest after default due under the Third Party lien.

- When a small business defaults on a Third Party Loan, SBA may choose to assume the obligations of the Borrower. The 1996 legislation amended the Act to ensure that when SBA assumes such obligation for Projects approved after September 30, 1996, it only will pay the interest rate on the note in effect immediately prior to the date of the Borrower's default. SBA is proposing to redesignate and revise present paragraph (e) of Section 120.921 of 13 CFR to become new paragraph (f) stating that SBA only will pay the interest rate in effect immediately prior to the date of the Borrower's default with respect to a Project approved after September 30, 1996.

- SBA is proposing to amend 13 CFR 120.802 to clarify the definition for Third Party Loan and 13 CFR 120.801(c)(3) to reflect that definition.

- Currently, Section 120.870(c)(1) of 13 CFR requires the term of a lease of the Project premises to be at least equal to the terms of the Debenture. However, this may not be necessary if the Project is only machinery and equipment. Therefore, SBA proposes to delete machinery and equipment from the definition to clarify that the length of a lease for machinery and equipment is a credit issue.

Changes to CDC Closing Fees

Section 120.883 of 13 CFR sets forth administrative costs which may be paid with the proceeds of a loan funded by a 504 Debenture rather than out of the Borrower's own resources. Section 120.971 of 13 CFR sets forth the fees that a CDC may charge a Borrower.

Throughout the history of the 504 Program, most of the services required to prepare 504 loan documents and close a 504 loan have been performed for CDCs, at CDC cost, by legal counsel, paralegals, and CDC staff. The CDC has then charged its Borrower a fee at closing to reimburse the CDC for these expenses ("CDC Closing Fee"). Although this CDC Closing Fee reimburses the CDC for expenses the CDC pays to its own lawyers, the Borrower is not considered to be paying a legal fee, since the Borrower is not represented by CDC counsel. The Borrower pays separately the legal fees of its legal counsel.

Under the 504 Program, loan proceeds may be used to pay eligible Project costs and eligible administrative costs. Eligible Project costs are costs directly attributable to the Project including professional fees essential to the Project for services such as architecture, engineering, and environmental studies. The Borrower's legal fees for Project-related matters such as zoning, title searches, and recording fees, as well as interest and points on the interim construction loan, are eligible Project costs. The Borrower's legal fees associated with the closing are not eligible Project costs.

Eligible administrative costs are amounts the Borrower pays for services connected with closing, but not directly attributable to the Project itself. These include SBA's guarantee fee, the CDC's processing fee, and 504 closing agent fees. The Borrower's legal fees associated with the closing are not eligible administrative costs. Until March 1, 1996, the CDC Closing Fee was an eligible administrative cost. By regulation, the Borrower could pay the CDC Closing Fee out of the proceeds of a 504 loan up to a maximum of \$2,500. Since then, SBA has not recognized the CDC Closing Fee as an eligible administrative cost, and Borrowers must reimburse the CDC out of their own resources.

CDCs, Borrowers, and SBA share a common interest in minimizing legal fees to reduce costs to the Borrower. During the period before March 1, 1996, some in the 504 industry felt that SBA's regulation influenced the market rate for legal fees and other miscellaneous expenses associated with 504 Closings. They argued that attorney fees charged CDCs by CDC counsel were maintained at an artificially high level because the CDC Closing Fee was an eligible administrative cost financed out of the loan proceeds. They further argued that the reference in the regulation to a \$2,500 limitation established a minimum base for the attorney fees.

SBA received 15 comments concerning these issues during the comment period following publication of its proposed rule changes in 60 FR 64356 on December 15, 1995. Most of them supported retaining the CDC Closing Fee as an eligible administrative cost. SBA believed, however, that legal expenses associated with the 504 Closing should be determined by the competitive marketplace and that there was some merit in the contention that the eligibility of the CDC Closing Fee as an administrative cost resulted in higher attorney fees. Despite the opposition expressed in most of the comments received, SBA decided to exclude the

CDC Closing Fee from eligible administrative costs and eliminated the \$2,500 reference in its final rule published in 61 FR 3226, dated January 31, 1996.

SBA expected that these regulatory changes would reduce attorney fees. It also anticipated downward competitive pressure on such fees as more attorneys became designated to perform expedited 504 loan closings.

CDCs have been closing loans under the new rules for nearly 2 years. Approximately 140 attorneys are now enrolled as designated closing attorneys, and more than 50 percent of all 504 loans close under the expedited process. Yet fees associated with 504 closings charged CDCs by CDC counsel do not appear to have decreased.

Legislation enacted since the rule became effective has imposed additional fees upon Borrowers. Industry representatives indicate that the combination of increased fees and the inability to pay the CDC Closing Fee out of the Debenture proceeds has reduced access by small businesses to the 504 Program. Because the fees now are not eligible administrative costs, they must be paid by the Borrowers from other resources. Not all Borrowers can afford to pay these costs without use of the Debenture proceeds.

In an effort to assist its small business customers, SBA is proposing to make CDC Closing Fees eligible administrative costs up to a maximum of \$2,500 per Closing.

Compliance With Executive Orders 12612, 12778, and 12866, the Regulatory Flexibility Act (5 U.S.C. 601, et seq.), and the Paperwork Reduction Act (44 U.S.C. Ch. 35)

SBA certifies that this proposed rule does not constitute a significant rule within the meaning of Executive Order 12866, since it is not likely to have an annual effect on the economy of \$100 million or more, result in a major increase in costs or prices, or have a significant adverse effect on competition or the U.S. economy.

SBA certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. Last year, SBA made approximately four thousand 504 loans. Currently there are approximately 300 CDCs, less than 15 of which are Premier CDCs. While the 1997 legislation removes the limit on the number of CDCs that can become Premier CDCs, SBA anticipates that, at most, only half of the CDCs would be affected by this rule. Thus the changes to the Program

in the proposed rule, including the changes to the Closing Fee provisions and the changes implementing P.L. 104-208 and P.L. 105-135 will not constitute a significant impact on a substantial number of small businesses.

SBA certifies that this proposed rule does not impose any additional reporting or recordkeeping requirements under the Paperwork Reduction Act, 44 U.S.C. chapter 35.

For purposes of Executive Order 12612, SBA certifies that this proposed rule has no federalism implications warranting preparation of a Federalism Assessment.

For purposes of Executive Order 12778, SBA certifies that this proposed rule is drafted, to the extent practicable, to accord with the standards set forth in section 2 of that Order.

List of Subjects in 13 CFR Part 120

Loan programs—business, Small businesses.

Accordingly, pursuant to authority contained in section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)), SBA proposes to amend part 120, chapter I, title 13, Code of Federal Regulations as follows:

PART 120—BUSINESS LOANS

1. The authority citation for Part 120 would continue to read as follows:

Authority: 15 U.S.C. 634 (b)(6) and 636(a) and (h).

2. Amend § 120.111 by revising the first sentence to read as follows:

§ 120.111 What conditions must an Eligible Passive Company satisfy?

An Eligible Passive Company must use loan proceeds to acquire or lease, and/or improve or renovate real or personal property (including eligible refinancing) that it leases to one or more Operating Companies for the conduct of the Operating Company's business (references to one Operating Company include multiple Operating Companies, as applicable). * * *

3. Amend § 120.131(a) by adding a new sentence at the end to read as follows:

§ 120.131 Leasing part of new construction or existing building to another business.

(a) * * * (See § 120.870(c) for an exception with respect to 504 Projects.) * * *

4. Amend § 120.801 by revising the first sentence of paragraph (a) and paragraph (c)(3) to read as follows:

§ 120.801 How is a 504 Project financed?

(a) One or more small businesses may apply for 504 financing through a CDC serving the area in which the 504 Project is located. * * *

* * * * *

(c) * * *

(3) *Third Party Loan* comprising the balance of the financing, collateralized by a first lien on the Project property (see section 120.920).

* * * * *

5. Amend § 120.802 by revising the definition of Third Party Loan to read as follows:

§ 120.802 Definitions.

* * * * *

Third Party Loan is a loan from a commercial or private lender, investor, or Federal (non-SBA), State or local government source that is part of the Project financing.

* * * * *

6. Amend § 120.862 by revising the parenthetical clause in paragraph (b)(3) and by revising paragraph (b)(7) to read as follows:

§ 120.862 Other economic development objectives.

* * * * *

(b) Public Policy goals: * * *

(3) * * * (See § 124.105(b) for minority groups who qualify for this description.);

* * * * *

(7) Assisting businesses in or moving to areas affected by Federal budget reductions, including base closings, either because of the loss of Federal contracts in the area or the reduction in revenues in the area due to a decreased Federal presence.

7. Amend § 120.870 by revising paragraph (a)(1) and adding a new paragraph (c) to read as follows:

§ 120.870 Leasing Project Property.

(a) * * *

(1) The remaining term of the lease, including options to renew, exercisable solely by the lessee, equals or exceeds the term of the Debenture;

* * * * *

(c) If the Project is for new construction, a Borrower may lease long term no more than 20 percent of the rentable property in the Project to one or more tenants if the Borrower immediately occupies not less than 60 percent of the rentable property with plans to occupy the remaining 20 percent within 3 years.

8. Revise § 120.883 to read as follows:

§ 120.883 Eligible administrative costs for 504 loans.

The following administrative costs are not part of Project costs, but may be paid with the proceeds of the 504 loan and the Debenture (see § 120.971):

- (a) SBA guarantee fee;
- (b) Funding fee (to cover the cost of a public issuance of securities and the Trustee);
- (c) CDC processing fee;
- (d) Borrower's out-of-pocket costs associated with the closing of the 504 loan (other than legal fees);
- (e) CDC Closing Fee (see § 120.971(a)(2)) up to a maximum of \$2,500; and
- (f) Underwriters' fee.

9. Revise § 120.910 to read as follows:

§ 120.910 How much must the Borrower contribute?

(a) The Borrower must contribute to the Project cash (or property acceptable to SBA obtained with the cash) or land (that is part of the Project Property), in an amount equal to the following percentage of the Project cost, exclusive of administrative cost:

- (1) At least 15 percent, if the Borrower (or Operating Company if the Borrower is an Eligible Passive Company) has been in operation for 2 years or less;
- (2) At least 15 percent, if the Project involves the acquisition, construction, conversion, or expansion of a limited or single purpose building or structure;
- (3) At least 20 percent, if the Project involves both of the conditions described in paragraphs (a) (1) and (2) of this section; or
- (4) At least 10 percent, in all other circumstances.

(b) The source of the contribution may be a CDC or any other source except an SBA business loan program (see § 120.913 for SBIC exception).

10. Revise § 120.920 to read as follows:

§ 120.920 Required participation by the Third Party Lender.

(a) *Amount of Third Party Loans.* A Project financing must include one or more Third Party Loans totaling at least as much as the 504 loan. However, the Third Party Loans must total at least 50 percent of the total cost of the Project if:

- (1) The Borrower (or Operating Company, if the Borrower is an Eligible Passive Company) has been in operation for 2 years or less, or
- (2) The Project is for the acquisition, construction, conversion, or expansion of a limited or single purpose asset.

(b) *Third Party Loan collateral.* Third Party Loans usually are collateralized by a first lien on the Project property. They cannot be guaranteed by SBA.

11. In § 120.921 revise and redesignate paragraphs (d) and (e) as paragraphs (e) and (f) and add a new paragraph (d) to read as follows:

§ 120.921 Terms of Third Party Loans.

(d) *Future advances.* The Third Party Loan must not be open-ended. After completion of the Project, the Third Party Lender may not make future advances under the Third Party Loan except expenditures to collect amounts due the Third Party Loan notes, maintain collateral, and protect the Third Party Lender's lien position on the Third Party Loan.

(e) *Subordination.* The Third Party Lender's lien will be subordinate to the CDC/SBA lien as to any prepayment penalties, late fees, and increased default interest due under the Third Party Loan.

(f) *Escalation upon default.* A Third-Party Lender may not escalate the rate of interest upon default to a rate greater than the maximum rate set forth in paragraph (b) of this section. With respect to any Project approved after September 30, 1996, SBA will only pay the interest rate on the note in effect prior to the date of the Borrower's default.

12. Amend § 120.971 by revising the first sentence of paragraph (a)(2) and paragraphs (a)(3), and (d)(2) to read as follows:

§ 120.971 Allowable fees paid by Borrower.

(a) * * *

(2) *Closing fee.* The CDC may charge a reasonable closing fee in an amount sufficient to reimburse it for the expenses of its in-house or outside legal counsel, and other miscellaneous closing costs (CDC Closing Fee). * * *

(3) *Servicing fee.* The CDC will charge a monthly servicing fee of not less than 0.625 percent per annum nor more than 2 percent per annum on the unpaid balance of the loan as determined at 5-year anniversary intervals. A servicing fee in excess of 1.5 percent in a Rural Area and 1 percent everywhere else requires SBA's prior written approval, based on evidence of substantial need. The servicing fee may be paid only from loan payments received. The fees may be accrued without interest and collected from the CSA when the payments are made.

(d) * * *

(2) For loans approved by SBA after September 30, 1996, SBA charges a fee of not more than 0.9375 percent per annum on the unpaid principal balance

of the loan as determined at 5-year anniversary intervals.

* * * * *

13. In part 120 redesignate § 120.972 as § 120.973, and add a new § 120.972 to read as follows:

§ 120.972 Third Party Lender participation fee and Development company fee.

(a) *Participation fee.* For loans approved by SBA after September 30, 1996, SBA must collect a one-time fee from the Third Party Lender equal to 50 basis points on its total participation in a Project when the Third Party Lender occupies a senior credit position to SBA in the project.

(b) *Development company fee.* For loans approved by SBA after September 30, 1996, SBA must collect an annual fee from the CDC equal to 0.125 percent of the outstanding principal balance of the debenture. The fee must be paid from the servicing fees collected by the CDC and cannot be paid from any additional fees imposed on the Borrowers.

Dated: April 28, 1998.

Aida Alvarez,

Administrator.

[FR Doc. 98-11910 Filed 5-4-98; 8:45 am]

BILLING CODE 8025-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-CE-148-AD]

RIN 2120-AA64

Airworthiness Directives; Raytheon Aircraft Company Models A200CT, B200, B200C, B200CT, 200T/B200T, 300, B300, and B300C 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 Raytheon Aircraft Company (Raytheon) Models A200CT, B200, B200C, B200CT, 200T/B200T, 300, B300, and B300C airplanes. The proposed action would require replacing the main landing gear left and right actuator clevis assembly. Reports of main landing gear failure on two of the affected airplanes prompted the proposed action. The actions specified by the proposed AD are intended to prevent failure of the actuator clevis assembly in the main landing gear, which could result in loss

of control of the airplane during landing operations.

DATES: Comments must be received on or before July 10, 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-148-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 Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201-0085; telephone: (800) 625-7043 or (316) 676-4556. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Steven E. Potter, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone (316) 946-4146; facsimile (316) 946-4407.

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-148-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-148-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The FAA has received two reports of failed main landing gear (MLG) on Raytheon Models B200 and B200C airplanes. Further investigation shows the MLG actuator clevis in these airplanes failed from fatigue cracking in the threaded shank portion of the clevis. The MLG actuator clevis assembly that is currently installed in these Raytheon airplanes could also fracture causing collapse of the MLG while landing.

Relevant Service Information

Raytheon Aircraft has issued Mandatory Service Bulletin No. 2728, Issued: June 1997, Revision No. 1, dated February 1998, which specifies replacing the left and right MLG actuator clevis assembly with a new MLG actuator clevis assembly of improved design.

The FAA's Determination

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that AD action should be taken to prevent failure of the actuator clevis assembly in the main landing gear, which, if not corrected, could result in loss of control of the airplane during landing operations.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Raytheon Models A200CT, B200, B200C, B200CT, 200T/B200T, 300, B300, and B300C of the same type design, the proposed AD would require replacing the left and right MLG actuator clevis assembly with a new actuator clevis assembly of improved design.

Cost Impact

The FAA estimates that 897 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 5 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$581 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$790,257, or \$881 per airplane. The manufacturer has

informed the FAA that 105 owners/operators of these airplanes have already accomplished the proposed action; therefore, the total cost impact of the proposed AD on U.S. operators would be reduced by \$92,505 from \$790,257 to \$697,752.

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:

Raytheon Aircraft Company: Docket No. 97-CE-148-AD.

Applicability: Airplane models listed below, certificated in any category.

Model	Serial No.
B200	BB-1158, BB-1167, BB-1193 through BB-1263, BB-1265 through BB-1286, BB-1287, BB-1288, BB-1290 through BB-1300, BB-1302 through BB-1425, BB-1427 through BB-1447, BB-1449, BB-1450, BB-1453, BB-1455, BB-1456, and BB-1458 through BB-1559.
B200C	BL-124 through BL-140.
B200CT (FW-II)	FG-1 and FG-2.
200T/B200T	BT-31 through BT-38.
300	FA-1 through FA-230 and FF-1 through FF-19.
B300	FL-1 through FL-159.
B300C	FM-1 through FM-9 and FN-1.
A200CT (C-12D)	BP-46 through BP-51.
A200CT (C-12F)	BP-52 through BP-63.
A200CT (RC-12K)	FE-1 through FE-9.
A200CT (RC-12N)	FE-10 through FE-24.
A200CT (RC-12P)	FE-25 through FE-31, FE-33, FE-35.
A200CT (RC-12Q)	FE-32, FE-34, FE-36.
B200C (C-12F)	BP-64 through BP-71, BL-73 through BL-112, and BL-118 through BL-123.
B200C (UC-12F)	BU-1 through BU-10.
B200CT (RC-12F)	BU-11 and BU-12.
B200C (UC-12M)	BV-1 through BV-10.
B200C (RC-12M)	BV-11 and BV-12.
B200C (C-12R)	BW-1 through BW-29.

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

To prevent failure of the actuator clevis rod in the main landing gear, which could result in loss of control of the airplane during landing operations, accomplish the following:

(a) Replace the left and right main landing gear actuator clevis assembly with a new MLG actuator clevis assembly of improved design in accordance with the Accomplishment Instructions section in Raytheon Aircraft Mandatory Service Bulletin No. 2728, Issued: June, 1997, Revision No. 1, February, 1998.

(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, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita 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 Wichita Aircraft Certification Office.

(d) All persons affected by this directive may obtain copies of the document referred to herein upon request to the Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201-0085; 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 April 29, 1998.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-11887 Filed 5-4-98; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-103-AD]

RIN 2120-AA64

Airworthiness Directives; Dornier Model 328-100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Dornier Model 328-100 series airplanes. This proposal would require modification of the ground cooling fan. This proposal is prompted by issuance of mandatory continuing airworthiness

information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent failure of the ground cooling fan, which could result in smoke in the flight deck and cabin and consequent inability of the flight crew to perform duties or possible passenger injury due to smoke inhalation.

DATES: Comments must be received by June 4, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-103-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from FAIRCHILD DORNIER, DORNIER Luftfahrt GmbH, P.O. Box 1103, D-82230 Wessling, Germany. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 98-NM-103-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-103-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, notified the FAA that an unsafe condition may exist on certain Dornier Model 328-100 series airplanes. The LBA advises that it has received reports of smoke in the flight deck and cabin. The cause of the smoke has been attributed to an overheating condition caused by oil contamination of the heat exchangers and the failure of the ground cooling fans to dispel the smoke from the flight deck and cabin. This condition, if not corrected, could result in inability of the flight crew to perform duties or possible passenger injury due to smoke inhalation.

Explanation of Relevant Service Information

Dornier has issued Service Bulletin SB-328-21-227, dated July 16, 1997, which describes procedures for modification of the ground cooling fan. The modification involves incorporation of a modified check valve and rotation of the valve 90 degrees from its present

position. (The service bulletin references EG&G Rotron Service Bulletin 011389500-21-1, dated April 30, 1997, as an additional source of service information to accomplish the modification.) Accomplishment of the actions specified in the Dornier service bulletin is intended to adequately address the identified unsafe condition. The LBA classified this service bulletin as mandatory and issued German airworthiness directive 97-243, dated August 28, 1997, in order to assure the continued airworthiness of these airplanes in Germany.

FAA's Conclusions

This airplane 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, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

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

Cost Impact

The FAA estimates that 50 airplanes of U.S. registry would be affected by this proposed AD. It would take approximately 1 work hour per airplane to accomplish the proposed modification, at an average labor rate of \$60 per work hour. Required parts would be supplied by the manufacturer at no cost to operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$3,000, or \$60 per airplane.

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

Regulatory Impact

The regulations proposed herein would not have substantial direct effects

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Dornier Luftfahrt GmbH: Docket 98-NM-103-AD.

Applicability: Model 328-100 series airplanes, serial numbers 3005 through 3095 inclusive, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or

repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the ground cooling fan, which could result in smoke in the flight deck and cabin and consequent inability of the flight crew to perform duties or possible passenger injury due to smoke inhalation, accomplish the following:

(a) Within 3 months after the effective date of this AD, modify the ground cooling fan and rotate the modified check valve, in accordance with Dornier Service Bulletin SB-328-21-227, dated July 16, 1997.

Note 2: The service bulletin references EG&G Rotron Service Bulletin 011389500-21-1, dated April 30, 1997, as an additional source of service information to accomplish the actions required by this AD.

(b) As of the effective date of this AD, no person shall install on any airplane a ground cooling fan, part number 011389500, unless it has been modified in accordance with Dornier Service Bulletin SB-328-21-227, dated July 16, 1997.

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

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

(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.

Note 4: The subject of this AD is addressed in German airworthiness directive 97-243, dated August 28, 1997.

Issued in Renton, Washington, on April 29, 1998.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 98-11888 Filed 5-4-98; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-18-AD]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A320 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Airbus Model A320 series airplanes. This proposal would require repetitive inspections to detect fatigue cracking of the front spar vertical stringers on the wings; and repair, if necessary. This proposal also provides for an optional terminating action for the repetitive inspections. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to detect and correct fatigue cracking of the front spar vertical stringers on the wings, which could result in reduced structural integrity of the airframe.

DATES: Comments must be received by June 4, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-18-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 98-NM-18-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-18-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A320 series airplanes. The DGAC advises that, during full-scale fatigue testing on a Model A320 test article, fatigue cracking occurred at 116,151 simulated flights on the front vertical stringer on the wing at frame 36. Such fatigue cracking, if not detected and corrected in a timely manner, could result in reduced structural integrity of the airframe.

Explanation of Relevant Service Information

Airbus has issued Service Bulletin A320-57-1016, Revision 1, dated December 6, 1995, which describes procedures for repetitive eddy current

inspections to detect fatigue cracking of the front spar vertical stringers on the wings.

In addition, Airbus has issued Service Bulletin A320-57-1017, Revision 01, dated March 17, 1997, which describes procedures for modification of the front spar vertical stringers on the wings. The modification includes the installation of new shims and new fasteners on the front spar vertical stringers on the wings. Accomplishment of this modification would eliminate the need for the repetitive inspections described in Airbus Service Bulletin A320-57-1016, Revision 1.

Accomplishment of the actions specified in these service bulletins is intended to adequately address the identified unsafe condition. The DGAC classified Airbus Service Bulletin A320-57-1016, Revision 1, dated December 6, 1995, as mandatory and issued French airworthiness directive 97-311-105(B), dated October 22, 1997, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the inspections specified in Airbus Service Bulletin A320-57-1016, Revision 1, dated December 6, 1995, except as discussed below. This proposed AD also would provide for optional terminating action for the repetitive inspections.

Operators should note that, in consonance with the findings of the DGAC, the FAA has determined that the repetitive inspections proposed by this AD can be allowed to continue in lieu of accomplishment of a terminating action. In making this determination, the FAA considers that, in this case, long-term continued operational safety

will be adequately assured by accomplishing the repetitive inspections to detect fatigue cracking before it represents a hazard to the airplane.

Differences Between Proposed Rule and Service Bulletin

Operators should note that, although Airbus Service Bulletin A320-57-1016, Revision 1, dated December 6, 1995, specifies that the manufacturer may be contacted for disposition of certain repair conditions, this proposal would require the repair of those conditions to be accomplished in accordance with a method approved by either the FAA or the DGAC (or its delegated agent). In light of the type of repair that would be required to address the identified unsafe condition, and in consonance with existing bilateral airworthiness agreements, the FAA has determined that, for this proposed AD, a repair approved by either the FAA or the DGAC would be acceptable for compliance with this proposed AD.

Differences Between Proposed Rule and Foreign AD

Operators should note that, unlike the procedures described in French airworthiness directive 97-311-105(B), dated October 22, 1997, this proposed AD would not permit further flight if fatigue cracks are detected on the front spar vertical stringers of the wings. The FAA has determined that, because of the safety implications and consequences associated with such fatigue cracking, any subject front spar vertical stringer that is found to be cracked must be repaired prior to further flight in accordance with a method approved by the FAA or the DGAC (or its delegated agent).

Cost Impact

The FAA estimates that 16 airplanes of U.S. registry would be affected by this proposed AD. It would take approximately 2 work hours per airplane to accomplish the proposed inspection, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the inspection proposed by this AD on U.S. operators is estimated to be \$1,920, or \$120 per airplane, per inspection cycle.

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

Should an operator elect to accomplish the optional terminating modification, rather than continue the repetitive inspections, it would require

approximately 6 work hours to accomplish it, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$700 per airplane. Based on these figures, the cost impact of the optional terminating modification proposed by this AD on U.S. operators is estimated to be \$1,060 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 proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Industrie: Docket 98-NM-18-AD.

Applicability: Model A320 series airplanes on which Airbus Modification 21290 (reference Airbus Service Bulletin A320-57-

1017, Revision 01, dated March 17, 1997) has not been installed, 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 (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 and correct fatigue cracking of the front spar vertical stringers on the wings, which could result in reduced structural integrity of the airframe, accomplish the following:

(a) Prior to the accumulation of 24,000 total flight cycles, or within 60 days after the effective date of this AD, whichever occurs later: Perform an eddy current inspection to detect fatigue cracking of the front spar vertical stringers on the wings, in accordance with Airbus Service Bulletin A320-57-1016, Revision 1, dated December 6, 1995.

(1) If no crack is detected, repeat the eddy current inspection thereafter at intervals not to exceed 14,000 flight cycles.

(2) If any crack is detected, prior to further flight, repair in accordance with a method approved by the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate; or the Direction Générale de l'Aviation Civile (or its delegated agent). Thereafter, repeat the eddy current inspection at intervals not to exceed 14,000 flight cycles.

(b) Modification of the front spar vertical stringers on the wings, in accordance with Airbus Service Bulletin A320-57-1017, Revision 01, dated March 17, 1997, constitutes terminating action for the repetitive inspection requirements of this AD.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM-116. 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.

(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.

Note 3: The subject of this AD is addressed in French airworthiness directive 97-311-105(B), dated October 22, 1997.

Issued in Renton, Washington, on April 29, 1998.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-11889 Filed 5-4-98; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-10-AD]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model DC-9-80 Series Airplanes and Model MD-90-30 and MD-88 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all McDonnell Douglas Model DC-9-80 series airplanes and Model MD-90-30 and MD-88 airplanes. This proposal would require a one-time inspection of the harness assembly of the tailcone emergency evacuation slide to determine the diameter of the swaged balls; reidentification of the harness assembly; and reinstallation or replacement of the assembly with a new assembly, if necessary. This proposal is prompted by a failed deployment of the tailcone emergency evacuation slide during a system test conducted by the manufacturer. The actions specified by the proposed AD are intended to prevent failure of the tailcone emergency evacuation slide to deploy automatically due to incorrect diameter of the swaged balls on the wire rope of the harness assembly.

DATES: Comments must be received by June 19, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-10-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from

The Boeing Company, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1-L51 (2-60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT:

Alan Sinclair, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5338; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 98-NM-10-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-10-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

During an FAA-required system test of the tailcone emergency evacuation slide conducted by the manufacturer, the slide failed to deploy automatically. Reports indicate that the swaged ball on the deployment harness of the slide pulled off the wire rope, thus preventing the automatic deployment of the slide. An analysis of this incident revealed that the swaged ball on the harness assembly had pulled off the wire rope due to incorrect diameter of the swaged ball. This condition, if not corrected, could result in failure of the tailcone emergency evacuation slide to deploy automatically.

Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas Alert Service Bulletins MD80-25A364 [for Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), and DC-9-87 (MD-87) series airplanes, and Model MD-88 airplanes]; and MD90-25A030 (for Model MD-90-30 airplanes); both dated October 30, 1997; which describe procedures for a one-time inspection of the harness assembly (container deployment harness) of the tailcone emergency evacuation slide to determine the diameter of the swaged balls; reidentification of the harness assembly; and reinstallation or replacement of the assembly with a new assembly, if necessary. For airplanes on which the diameter of the swaged ball is within specified limits, the alert service bulletins describe procedures for reinstallation of the reidentified harness assembly. However, for airplanes on which the diameter of the swaged ball is outside specified limits, the alert service bulletins describe procedures for replacement of the harness assembly with a new harness assembly. Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the alert service bulletins described previously.

Cost Impact

There are approximately 943 airplanes of the affected design in the worldwide fleet. The FAA estimates that 570 airplanes of U.S. registry would be affected by this proposed AD, that it

would take approximately 2 work hours per airplane to accomplish the proposed action and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$68,400, or \$120 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

McDonnell Douglas: Docket 98-NM-10-AD.

Applicability: All Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), and DC-9-87 (MD-87) series airplanes; and Model MD-88 and MD-90-30 airplanes; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the tailcone emergency evacuation slide to deploy automatically due to incorrect diameter of the swaged balls on the wire rope of the harness assembly, accomplish the following:

(a) Within 180 days after the effective date of this AD, perform a one-time inspection of the harness assembly of the tailcone emergency evacuation slide to determine the diameter of the swaged balls; in accordance with McDonnell Douglas Alert Service Bulletin MD80-25A364 [for Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), and DC-9-87 (MD-87) series airplanes, and Model MD-88 airplanes]; or MD90-25A030 (for Model MD-90-30 airplanes); both dated October 30, 1997.

(1) If the swaged balls are within the limits specified in the applicable alert service bulletin, prior to further flight, reidentify and reinstall the harness assembly in accordance with the applicable alert service bulletin.

(2) If the swaged balls are outside the limits specified in the applicable alert service bulletin, prior to further flight, replace the harness assembly having part number (P/N) 8370024-3 with a new harness assembly having P/N 8370024-9 or 8370024-3H, as applicable, in accordance with the applicable alert service bulletin.

(b) As of the effective date of this AD, no person shall install a harness assembly (P/N) 8370024-3, on any airplane.

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

Note 2: Information concerning the existence of approved alternative methods of

compliance with this AD, if any, may be obtained from the Los Angeles ACO.

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

Issued in Renton, Washington, on April 29, 1998.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-11890 Filed 5-4-98; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97-ANM-23]

RIN 2120-AA66

Proposed Alteration of VOR Federal Airway; Washington

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA is proposing an amendment to its airspace regulations to modify two Federal airways, V-165 and V-287, located in the State of Washington (WA), due to the newly commissioned Penn Cove Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME) navigational aid. Federal Airway V-165 would be modified to provide a route from the Olympia Very High Frequency Omnidirectional Range/Tactical Air Navigation System (VORTAC), to Penn Cove VOR to Bellingham, WA. Federal Airway V-287 would be modified to provide a route from the Paine VORTAC to Penn Cove VOR. The FAA is proposing this action to improve the management of air traffic operations in the State of Washington.

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

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ANM-500, Docket No. 97-ANM-23, Federal Aviation Administration, 1601 Lind Avenue, Renton, WA 98055-4056.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. An informal docket may also be examined during normal business hours at the

office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace and Rules Division, ATA-400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made:

"Comments to Airspace Docket No. 97-ANM-23." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

An electronic copy of this document may be downloaded, using a modem and suitable software, from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703-321-3339) or the Government Printing Office's electronic bulletin board service (telephone: 202-512-1661). Internet users may reach the Government Printing Office's web page at http://www.access.gpo.gov/su_docs for access to recently published rulemaking documents in the **Federal Register**.

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

the Federal Aviation Administration, Office of Air Traffic Airspace Management, ATA-400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-8783. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should call the FAA's Office of Rulemaking, (202) 267-9677, for a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is proposing an amendment to part 71 to modify two Federal airways, V-287 and V-165, due to the commissioning of the Penn Cove, WA, VOR/DME. Federal Airway V-165 would be modified to provide a route between Olympia and Bellingham, WA. Federal Airway V-287 would be modified to provide a route from the Paine VORTAC to Penn Cove VOR. This proposal would enhance air traffic procedures by providing air traffic controllers with added flexibility for routing air traffic in the State of Washington.

Domestic VOR Federal airways are published in paragraph 6010(a) of FAA Order 7400.9E dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Domestic VOR Federal airways listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration

proposes to amend 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V-165 [Revised]

From Mission Bay, CA; INT Mission Bay 270° and Oceanside, CA, 177° radials; Oceanside; 24 miles, 6 miles wide, Seal Beach, CA; 6 miles wide, INT Seal Beach 287° and Los Angeles, CA, 138° radials; Los Angeles; INT Los Angeles 357° and Lake Hughes, CA, 154° radials; Lake Hughes; INT Lake Hughes 344° and Shafter, CA, 137° radials; Shafter; Porterville, CA; INT Porterville 339° and Clovis, CA, 139° radials; Clovis; 68 miles, 50 miles, 131 MSL, Mustang, NV; 40 miles, 12 AGL, 7 miles, 115 MSL, 54 miles, 135 MSL, 81 miles, 12 AGL, Lakeview, OR; 5 miles, 72 miles, 90 MSL, Deschutes, OR; 16 miles, 19 miles, 95 MSL, 24 miles, 75 MSL, 12 miles, 65 MSL, Newberg, OR; 32 miles, 45 MSL, INT Newberg 355° and Olympia, WA, 195° radials; Olympia; Penn Cove, WA; to Bellingham, WA.

* * * * *

V-287 [Revised]

From Fort Jones, CA, via INT Fort Jones 041° and Rouge Valley, OR, 157° radials; Rouge Valley; North Bend, OR; Newberg, OR; Battle Ground, WA; 20 miles, 51 miles, 45 MSL, Olympia, WA; INT Olympia 005°T (346.32°M) and Paine, WA, 256°T (236°M) radials; Paine; to Penn Cove, WA.

* * * * *

Issued in Washington, DC, on April 27, 1998.

John S. Walker,

Program Director for Air Traffic Airspace Management.

[FR Doc. 98–11855 Filed 5–4–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–121755–97]

RIN 1545–AV86

Reorganizations; Nonqualified Preferred Stock; Hearing Cancellation

AGENCY: Internal Revenue Service, Treasury.

ACTION: Cancellation of notice of public hearing on notice of proposed regulations.

SUMMARY: This document provides notice of cancellation of a public hearing on proposed regulations relating to the receipt of nonqualified preferred stock in certain exchanges.

DATES: The public hearing originally scheduled for Tuesday, May 5, 1998, beginning at 10 a.m. is cancelled.

FOR FURTHER INFORMATION CONTACT: LaNita Van Dyke 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 under section 356(e) of the Internal Revenue Code. A notice of proposed rulemaking by cross-reference to temporary regulations and notice of public hearing appearing in the **Federal Register** on Tuesday, January 6, 1998 (63 FR 453), announced that the public hearing on the proposed rulemaking would be held on Tuesday, May 5, 1998, beginning at 10:00 a.m., in Room 2615, Internal Revenue Building, 1111 Constitution Avenue NW, Washington DC.

The public hearing scheduled for Tuesday, May 5, 1998, is cancelled.

Cynthia E. Grigsby,

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

[FR Doc. 98–11804 Filed 5–4–98; 8:45 am]

BILLING CODE 4830–01–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–6007–4]

National Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; proposed compliance extension.

SUMMARY: On December 2, 1994, the EPA issued the “National Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning”. Elsewhere in today’s **Federal Register**, the EPA is announcing an immediate 3-month stay of the effectiveness of that standard for continuous web cleaning machines using halogenated hazardous air pollutant (HAP) solvents for good cause pursuant to section 553(b)(3)(B) of the Administrative Procedures Act.

This action proposes a temporary extension of the applicable compliance date beyond the 3 months of the stay for up to 1 year to complete analysis of equivalent methods of control for continuous web cleaning machines using halogenated HAP solvents.

DATES: *Comments.* Comments must be received on or before June 4, 1998, unless a hearing is requested by May 15, 1998. If a hearing is requested, written comments must be received by June 19, 1998.

Public Hearing. Anyone requesting a public hearing must contact the EPA no later than May 15, 1998. If a hearing is held, it will take place on May 20, 1998, beginning at 10:00 a.m.

ADDRESSES: *Comments.* Interested parties may submit written comments (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102), Attention, Docket No. A–92–39, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Comments on the proposed changes to the national emission standards for hazardous air pollutants (NESHAP) also may be submitted electronically by sending electronic mail (e-mail) to: a-and-r-docket@epamail.epa.gov.

Public Hearing. If a public hearing is held, it will be held at the EPA’s Office of Administration Auditorium, Research Triangle Park, North Carolina. Persons interested in attending the hearing or wishing to present oral testimony should notify Mrs. Kim Teal, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone (919) 541–5580.

FOR FURTHER INFORMATION CONTACT: For information concerning the standards and the proposed changes, contact Mr. Paul Almódovar, Coatings and Consumer Products Group, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone (919) 541–0283. For information regarding the applicability of this action to a particular entity, contact Mrs. Tracy Back, Manufacturing Branch, Office of Compliance (2223A), U.S. EPA, 401 M Street, SW,

Washington, DC 20460; telephone (202) 564-7076.

SUPPLEMENTARY INFORMATION:

Electronic Comment Submission

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments also will be accepted on diskette in WordPerfect 5.1 or ASCII file format. All comments in electronic form must be identified by the docket number A-92-39. No confidential business information should be submitted through e-mail. Electronic comments may be filed on-line at many Federal Depository Libraries.

Regulated Entities

Entities potentially regulated by this action are owners or operators of individual continuous web cleaning machines using any solvent containing methylene chloride, perchloroethylene, trichloroethylene, 1,1,1 trichloroethane, carbon tetrachloride, or chloroform, or any combination of these halogenated HAP solvents in a concentration greater than 5 percent by weight, as a cleaning or drying agent. Regulated categories include:

Category	Examples of regulated entities
Industry	Facilities engaging in cleaning operations using halogenated solvent cleaning machines.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities that the EPA is now aware potentially could be regulated by this action. Other types of entities not listed in the table also could be regulated. To determine whether your facility [company, business, organization, etc.] is regulated by this action, you should carefully examine the applicability criteria in § 63.460 of the NESHAP for halogenated solvent cleaning operations that was promulgated in the **Federal Register** on December 2, 1994 (59 FR 61801) and codified at 40 CFR part 63, subpart T. If you have questions regarding the applicability of this action to a particular entity, consult Mrs. Tracy Back at the address listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

The information presented below is organized as follows:

- I. Background
- II. Summary of and Rationale for Proposed Compliance Extension
- III. Proposed Compliance Extension
- IV. Solicitation of Comments
- V. Administrative Requirements

- a. Docket
- b. Paperwork Reduction Act
- c. Executive Order 12866
- d. Regulatory Flexibility
- e. Regulatory Review
- f. Unfunded Mandates Act

I. Background

On December 2, 1994 (59 FR 61801), the EPA promulgated the NESHAP for halogenated solvent cleaning operations. These standards were codified as subpart T in 40 CFR part 63. These standards established equipment and work practice standards for individual batch vapor, in-line vapor, in-line cold, and batch cold solvent cleaning machines using any solvent containing methylene chloride, perchloroethylene, trichloroethylene, 1,1,1 trichloroethane, carbon tetrachloride, or chloroform, or any combination of these halogenated HAP solvents in a concentration greater than 5 percent by weight, as a cleaning or drying agent.

Under § 63.469 of the halogenated solvent cleaning NESHAP, the Administrator may approve the use of equipment or procedures that have been demonstrated to be equivalent in terms of reducing emissions of methylene chloride, perchloroethylene, trichloroethylene, 1,1,1 trichloroethane, carbon tetrachloride, or chloroform to the atmosphere, to those prescribed for compliance within a specified paragraph of the NESHAP. Since the rule was promulgated, two owners and operators of affected halogenated solvent cleaning machines have requested approval for equivalent methods of control determinations for their continuous web cleaning machines because the rule does not presently address their situation. In addition, the EPA has become aware of several other continuous web cleaning machines experiencing difficulties in determining how to comply with the NESHAP. In each case, the emission control requirements specified by the NESHAP would be difficult or impossible to implement due to the operating and emission characteristics of these machines. Case-by-case equivalency determinations would be required to ensure that each machine is applying alternative control measures that achieve the same or better emission reductions as the NESHAP-required controls. Such a case-by-case approach would be unduly burdensome for both the affected sources and the EPA. Therefore, the EPA is conducting an evaluation of methods of control for all continuous web cleaning machines to determine which emission control

measures would be equivalent to the NESHAP.

II. Summary of and Rationale for Proposed Extension

As indicated above, since promulgation of the halogenated solvent cleaning NESHAP on December 2, 1994, the EPA has become aware of the existence of various sources cleaning parts such as film, coils, wire, and metal strips at speeds in excess of the 11 feet per minute limit in the NESHAP using halogenated cleaning machines. Parts are generally uncoiled, cleaned such that the same part is simultaneously entering and exiting the solvent cleaning machine, and then recoiled or cut. These solvent cleaning machines are typically referred to as continuous web cleaning machines. The design and operation, and therefore, the emission characteristics of these machines are different from the solvent cleaning machines (e.g., batch cold cleaners, in-line cleaners) that the EPA analyzed during the NESHAP rule development process.

In-line cleaning machines have automated parts handling systems, such as conveyors, to move parts through the cleaning machine. Continuous web cleaning machines do not have a "true" automated parts handling system; instead the whole part (the coil, wire, film, etc.) is pulled through the solvent cleaning machine. The halogenated solvent cleaning NESHAP requires that the automated parts handling system on an in-line cleaning machine be capable of moving the parts at 11 feet per minute or less as a basic design requirement. However, process speeds for the continuous web cleaning processes that the EPA has information on range between 40 feet per minute and 1,200 feet per minute.

Air emissions from continuous web cleaning machines are primarily due to solvent drag-out or solvent carry-out on the cleaned parts. The controls required by the halogenated solvent cleaning NESHAP to reduce drag-out emissions require that parts be held inside the solvent cleaning machine for a specified period of time, depending on the part being cleaned, until solvent dripping stops. This technique is called dwell time. Dwelling parts when using a continuous web cleaning machine is not technically feasible due to the high rates of speed at which the parts are being cleaned. Continuous web cleaning machines generally use squeegees, rubber stoppers, or fabric pads to remove pooled solvent from the surface of the parts being cleaned before they exit the machine.

In order for the EPA to evaluate methods of emission control for continuous web cleaning machines using halogenated HAP solvents, and therefore, better regulate HAP emissions from these machines, the Agency is proposing a temporary extension of the applicable compliance dates.

III. Proposed Compliance Extension

Elsewhere in today's **Federal Register**, the EPA is announcing a 3-month stay from the requirements of the halogenated solvent cleaning machine NESHAP for continuous web cleaning machines using halogenated HAP solvents for good cause pursuant to section 553(b)(3)(B) of the Administrative Procedures Act. However, the EPA may not be able to complete evaluation of equivalent methods of control for continuous web cleaning machines and any appropriate curative regulatory action to the rule within 3 months. If the EPA does not complete the equivalency determination and rulemaking in this timeframe, then it will be necessary to temporarily extend the applicable compliance dates until the EPA completes final rulemaking action. By this action the EPA proposes, pursuant to section 301(a)(1) of the Clean Air Act (CAA), 42 U.S.C. 7601(a)(1), a temporary extension of the compliance dates for continuous web cleaning machines using halogenated HAP solvents. The EPA is proposing to extend the compliance dates to August 3, 1999, 1 year after the 3-month stay.

IV. Solicitation of Comments

The EPA specifically requests comment on the following issues:

1. Applications in which continuous web cleaning machines are used. Information supplied should include industries that use these machines, types of products cleaned (e.g., material out of which parts are made, size of parts), types of solvents used for cleaning, and a general description of the cleaning process.

2. Design and operational parameters of continuous web solvent cleaning machines. Information supplied should include machine dimensions, solvent capacity, rate of speed at which parts are cleaned, estimate of solvent usage on a yearly basis, solvent application method (e.g., spraying, flooding), and any other information relevant to the design and operation of the solvent cleaning machine.

3. Emission reduction techniques/controls used on continuous web cleaning machines. Information supplied should include control efficiencies, monitoring parameters and

procedures, and costs of the controls (e.g., capital costs, operating costs).

V. Administrative Requirements and Docket

A. Docket

A-92-39 is an organized and complete file of all of the information submitted to, or otherwise considered by, the EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development. The docketing system is intended to allow members of the public to readily identify and locate documents to enable them to participate effectively in the rulemaking process. The contents of the docket serves as the record in case of judicial review (except for interagency review materials) (§ 307(d)(7)(A) of the CAA, 42 U.S.C. 7607(d)(7)(A)).

B. Paperwork Reduction Act

There are no additional information collection requirements contained in this proposal. Therefore, approval under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*, is not required.

C. Executive Order 12866

Under Executive Order 12866, the EPA is required to determine whether a regulation is "significant," and therefore, subject to Office of Management and Budget review and the requirements of this Executive Order to prepare a regulatory impact analysis. The Executive 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.

Pursuant to the terms of Executive Order 12866, it has been determined that this action is not a "significant regulatory action" within the meaning of the Executive Order because it proposes a temporary extension of the applicable compliance dates beyond the 3 months of the stay for up to 1 year to

complete evaluation of equivalent methods of control for continuous web cleaning machines using halogenated HAP solvents.

D. Regulatory Flexibility

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), I certify that this rule will not have a significant economic impact on a substantial number of small entities. This notice proposes a temporary extension of the applicable compliance dates beyond the 3 months of the stay for up to 1 year to complete equivalent methods of control determinations for continuous web cleaning machines using halogenated HAP solvents. This proposal will not place any additional requirements on any entity affected by this rule, including small entities. Therefore, these amendments will not have a significant impact on a substantial number of small entities.

Under the Regulatory Flexibility Act, an agency is not required to prepare a regulatory flexibility analysis for a rule that the agency head certifies will not have a significant economic impact on a substantial number of small entities. Consequently, a regulatory flexibility analysis is not required and has not been prepared.

E. Regulatory Review

In accordance with sections 112(d)(6) and 112(f)(2) of the CAA, 42 U.S.C. 7412(d)(6) and 7412(f)(2), this regulation will be reviewed within 8 years of the date of promulgation. This review may include an assessment of such factors as evaluation of the residual health risk, any overlap with other programs, the existence of alternative methods of control, enforceability, improvements in emission control technology and health data, and recordkeeping and reporting requirements.

F. Unfunded Mandates Act

The economic impact analysis performed for the original rule showed that the economic impacts from implementation of the promulgated standards would not be "significant" as defined in Executive Order 12866. No changes are being made in these amendments that would increase the economic impacts. The EPA prepared the following statement of the impact of the original rule in response to the requirements of the Unfunded Mandates Reform Act.

There are no Federal funds available to assist State, local, and Tribal governments in meeting these costs. There are important benefits from volatile organic compounds and HAP emission reductions because these

compounds have significant adverse impacts on human health and welfare, and on the environment. The rule does not have any disproportionate budgetary effects on any particular region of the nation, State, local, or Tribal government, or urban, rural, or other type of community. Moreover, the rule will not have a material effect on the national economy.

Throughout the regulatory development process prior to issuing the final rule on December 2, 1994, the EPA provided numerous opportunities for consultations with interested parties (e.g., public comment period; opportunity for a public hearing [none was requested]; meetings with industry, trade associations, State and local air pollution control agency representatives, environmental groups, State, local, and Tribal governments, and concerned citizens). Although small governments are not significantly or uniquely affected by this rule, these procedures, as well as additional public conferences and meetings, gave small governments an opportunity to give meaningful and timely input and obtain

information, education, and advice on compliance.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Halogenated solvent cleaning machines, Hazardous substances, Reporting and recordkeeping requirements.

Dated: April 27, 1998.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is proposed to be amended as follows:

PART 63—[AMENDED]

1. The authority citation for part 63 continues to read as follows:

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

Subpart T—National Emission Standards for Halogenated Solvent Cleaning

2. Section 63.460 is amended by revising paragraphs (c) and (d), and adding paragraph (g) to read as follows:

§ 63.460 Applicability and designation of source.

* * * * *

(c) Except as provided in paragraph (g) of this section, each solvent cleaning machine subject to this subpart that commences construction or reconstruction after November 29, 1993 shall achieve compliance with the provisions of this subpart immediately upon start-up or by December 2, 1994, whichever is later.

(d) Except as provided in paragraph (g) of this section, each solvent cleaning machine subject to this subpart that commenced construction or reconstruction on or before November 29, 1993 shall achieve compliance with the provisions of this subpart no later than December 2, 1997.

* * * * *

(g) Each continuous web cleaning machine subject to this subpart shall achieve compliance with the provisions of this subpart no later than August 3, 1999.

[FR Doc. 98-11752 Filed 5-4-98; 8:45 am]
BILLING CODE 6560-50-P

Notices

Federal Register

Vol. 63, No. 86

Tuesday, May 5, 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

Farm Service Agency

Notice of Request for Extension of Currently Approved Information Collection

AGENCY: Farm Service Agency, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intent of the Farm Service Agency (FSA) to request an extension of currently approved information collections for a regulation used in support of the FSA Farm Loan Program (FLP) (formerly Farmer Programs of the Farmers Home Administration (FmHA)). This renewal does not involve any revisions to the program rules.

DATES: Comments on this notice must be received on or before July 6, 1998, to be assured consideration.

FOR FURTHER INFORMATION CONTACT: For additional information contact Phillip Elder, Senior Loan Officer, USDA, Farm Service Agency, Loan Servicing Division, 1400 Independence Avenue, SW, STOP 0523, Washington, D.C. 20013-0523; Telephone (202) 690-4012; Electronic mail: pelder@wdc.fsa.usda.gov.

SUPPLEMENTARY INFORMATION:

Title: 7 CFR part 1951, subpart T, Disaster Set-Aside Program.

OMB Control Number: 0560-0164.

Expiration Date of Approval: August 31, 1998.

Type of Request: Extension of Currently Approved Information Collection.

Abstract: The Disaster Set-Aside program (DSA) is made available through the authority granted the Secretary of Agriculture under the Consolidated Farm and Rural Development Act (7 U.S.C.1981a) (The Act). The set-aside program is designed

to assist borrowers in financial distress who operated a farm or ranch in an area that was declared or designated a disaster area. As provided in Section 331A of the Act, the Secretary has the authority to defer principal and interest at the request of the borrower on a loan made by USDA under the Act. Under this program, FSA farm loan program borrowers can receive immediate financial relief by moving one annual installment for each loan to the end of the loan term. DSA allows eligible borrowers who are unable to make the payments to quickly eliminate their immediate financial stress.

The public reporting burden imposed by this subpart requires borrowers who request DSA to document that their income will be reduced to an amount that will prevent payment of living and operating expenses, and amounts due FSA and other creditors. The information is required of FSA farm borrowers and collected by loan servicing officials to support approval of a set-aside request. The information to be collected will primarily be financial data not already on file, such as borrower asset values, expenses and income. This information will be analyzed expediently to determine that disaster victims need payment relief.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 18 minutes per response.

Respondents: Individuals or households, businesses or other for profit and farms.

Estimated Number of Respondents: 10,700.

Estimated Number of Responses per Respondent: 1.75.

Estimated Total Annual Burden on Respondents: 5,646 hours.

The Agency is soliciting comments on the burden of all of the above subparts regarding: (a) 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; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (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 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. These comments should be sent to Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503 and to Phillip Elder, Senior Loan Officer, USDA, FSA, Farm Loan Programs, Loan Servicing Division, 1400 Independence Avenue, SW, STOP 0523, Washington, D.C. 20250-0523. Copies of the information collections may be obtained from Mr. Elder at the above address. Comments regarding paperwork burden will be summarized and included in the request for OMB approval of the information collection. All comments will also become a matter of public record.

Signed in Washington, D.C., on April 28, 1998.

Keith Kelly,

Administrator, Farm Service Agency.

[FR Doc. 98-11886 Filed 5-4-98; 8:45 am]

BILLING CODE 3410-05-P

DEPARTMENT OF AGRICULTURE

Forest Service

Goose Creek Watershed Projects, Payette National Forest, Adams County, Idaho

AGENCY: Forest Service, USDA.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement.

SUMMARY: The USDA Forest Service is proposing to harvest and regenerate timber, improve watershed conditions, restore flammulated owl habitat, and expand the Grouse Campground in the Goose Creek watershed. The projects will be administered jointly by the New Meadows and McCall Ranger Districts of the Payette National Forest. The Goose Creek watershed is located on both the New Meadows and McCall Ranger Districts, roughly halfway between New Meadows and McCall, Idaho.

The Payette Forest completed scoping on the Goose Creek Watershed Projects in April 1997, with the intent of analyzing effects on issues and resources in an environmental assessment. However, the Forest has since decided to complete the analysis in an environmental impact statement due to the high intensity of public use

and interest in this watershed, and the potential for the proposed action to produce significant effects.

DATES: The Forest Service expects to release a Draft Environmental Impact Statement for the Goose Creek Watershed Projects in July 1998. A Final EIS and Record of Decision are expected in October 1998.

ADDRESSES: Written comments or requests for the above documents can be sent to David Alexander, Forest Supervisor, Payette National Forest, P.O. Box 1026, McCall, Idaho 83638.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed projects should be directed to Sue Dixon, Team Leader, phone no. (208) 347-0331; or Kimberly Brandel, New Meadows District Ranger, phone no. (208) 347-0300.

SUPPLEMENTARY INFORMATION: The Proposed Action (Alternative B) would manage forest vegetation to improve growth, health, and species composition on an estimated 3,940 acres using tractor, skyline, and helicopter logging systems. Silvicultural prescriptions would include 1,910 acres of commercial thinning, 730 acres of free selection thinning, 620 acres of sanitation salvage, 580 acres of clearcuts with reserve trees, 50 acres of seed tree cuts, and 50 acres of overstory removal.

Thinning treatments in lower-elevation stands would be designed to mimic historic stand conditions and restore habitat for flammulated owl, a Region 4 sensitive species that is known to occur in the watershed.

Treatment of harvest-generated fuels would include 560 acres of broadcast burning, 400 acres of tractor piling and burning, and 261 acres of excavator piling and burning. Reforestation of ponderosa pine, Douglas-fir, western larch, Engelmann spruce, and lodgepole pine seedlings would occur on 580 acres. An additional 50 acres would be monitored for natural regeneration.

An estimated 6.6 miles of new road would be constructed to support vegetation management. Another 45 miles of existing roads would be improved. Improvements include graveling 14.3 miles of native-surfaced roads with gravel from two existing developed sources. All roads would have surfaces graded and shaped, and drainage structures improved or installed as needed. Road stream crossings would be designed to meet PACFISH standards and to minimize potential effects to stream channels and water quality.

An estimated 7.9 miles of existing road would be obliterated to improve soil productivity and hydrologic

function. Obliteration would include combinations of the following: partial recontouring, pulling of culverts, reshaping drainages at culvert sites, ripping and revegetating road surfaces, placing slash and coarse wood on disturbed areas, and restricting motorized access. Post-sale road management would include closing an additional 68.7 miles of existing road to public motorized access to improve elk habitat and water quality within the watershed.

The Grouse Campground near Goose Lake would be relocated to reduce impacts to riparian areas, and expanded to accommodate increasing recreation use in the area.

The Proposed Action would require three non-significant amendments to the Forest Plan; one for exceeding the forage opening size and distance to cover for big game; one for not meeting the Elk Habitat Effectiveness target level, and one for temporarily changing the Recreation Opportunity Spectrum setting in one harvest unit (162 acres) from non-motorized to motorized.

The Draft EIS will include at least two other alternatives, including Alternative A, No Action (continue current management in the watershed), and Alternative C, which would differ mainly from the Proposed Action by treating less acres (1,600) with timber harvest, constructing less new road (3.1 miles), obliterating more existing roads (30.6 miles), and restoring dispersed camp sites near Goose Lake and Brundage Reservoir.

The Responsible Official is David F. Alexander, Forest Supervisor, Payette National Forest.

Dated: April 27, 1998.

David F. Alexander,

Forest Supervisor.

[FR Doc. 98-11883 Filed 5-4-98; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Sunshine Act Meeting

AGENCY: Rural Telephone Bank, USDA.

ACTION: Staff briefing for the board of directors.

TIME AND DATE: 3 p.m., Thursday, May 14, 1998.

PLACE: Room 5030, South Building, Department of Agriculture, 1400 Independence Avenue, SW., Washington, DC.

STATUS: Open.

MATTERS TO BE DISCUSSED: General discussion involving the 1996 Telecom Act and universal service; the upcoming

Board of Directors election, and administrative issues.

ACTION: Board of directors meeting.

TIME AND DATE: 9 a.m., Friday, May 15, 1998.

PLACE: The Williamsburg Room, Room 104-A, Jamie L. Whitten Building, Department of Agriculture, 1400 Independence Avenue, SW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The following matters have been placed on the agenda for the Board of Directors meeting:

1. Call to order.
2. Action on the February 19, 1998, Minutes.
3. Report on loans approved in the second quarter of FY 1998.
4. Summary of financial activity for the second quarter of FY 1998.
5. Discussion concerning the allowance for loan losses reserve.
6. Status report on the creation of a Performance-Based Organization.
7. Consideration of resolution to adopt a schedule for various actions in connection with the November 1998 Board of Directors election.
8. Consideration of resolution to appoint Tellers for the November 1998 Board of Directors election.
9. Establish date and location of next regular Board meeting.
10. Adjournment.

CONTACT PERSON FOR MORE INFORMATION: Orren Cameron, III, Acting Assistant Governor, Rural Telephone Bank, (202) 720-9554.

Dated: April 30, 1998.

Wally Beyer,

Governor, Rural Telephone Bank.

[FR Doc. 98-11996 Filed 5-1-98; 12:25 pm]

BILLING CODE 3410-15-P

ASSASSINATION RECORDS REVIEW BOARD

Sunshine Act Meeting

DATE: May 12-13, 1998.

PLACE: ARRB, 600 E Street, NW, Washington, DC.

STATUS: Closed. Open: 3:00-4:00 p.m. May 12.

MATTERS TO BE CONSIDERED:

Closed Meeting:

1. Review and Accept Minutes of Closed Meeting.
2. Review of Assassination Records.
3. Other Business.

Open Meeting:

1. Discussion of Final Report.
2. Review and Accept Minutes of April 24 Open Meeting.

3. Other Business.

CONTACT PERSON FOR MORE INFORMATION: Eileen Sullivan, Press Officer, 600 E Street, NW, Second Floor, Washington, DC 20530. Telephone: (202) 724-0088; Fax: (202) 724-0457.

T. Jeremy Gunn,
General Counsel.

[FR Doc. 98-11978 Filed 5-1-98; 10:40 am]

BILLING CODE 6118-01-P

DEPARTMENT OF COMMERCE**Submission For OMB Review;
Comment Request**

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of the Census.

Title: National Employers Survey—School-to-Work Supplement.

Form Number(s): NES-1.

Agency Approval Number: 0607-0787.

Type of Request: Reinstatement, with change, of an expired collection.

Burden: 167 hours.

Number of Respondents: 1,000.

Avg Hours Per Response: 10 minutes.

Needs and Uses: As part of the Census Bureau's continuing research into how the human resources practices of United States businesses affect business performance, the Census Bureau has conducted three National Employers Surveys (NES) over the past 4 years. In the NES III we collected information on partnerships between businesses and schools. The School-to-Work Supplement, sponsored by the Institute for Research in Higher Education of the University of Pennsylvania, will be conducted as a follow-up to the NES III and will provide specific and unique longitudinal information on employers' hiring and human resources practices and particularly their participation in school-to-work partnership activities. The information we collect will enable analysts to measure the impact of participation in school-to-work programs on participating establishments and the prospects for making school-to-work partnerships an integral part of the way the workforce is developed in the U.S. Primary Governmental interest in survey results comes from the Department of Education's Office of Educational Research and Improvement (OERI) and the Bureau of Labor Statistics.

A sample of employers who reported participation in school-to-work

programs in the NES III, as well as a comparable sample of employers who reported they didn't, will be asked to participate in the supplemental telephone inquiry.

Affected Public: Businesses or other for-profit organizations.

Frequency: One-time.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C., Sections 8 & 9.

OMB Desk Officer: Nancy Kirkendall, (202) 395-7313.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482-3272, Department of Commerce, room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Nancy Kirkendall, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: April 29, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 98-11919 Filed 5-4-98; 8:45 am]

BILLING CODE 3510-07-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 collection of information under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Certificate of Eligibility for Atlantic Billfishes.

Agency Form Number: N/A.

OMB Approval Number: 0648-0216.

Type of Request: Extension of a currently approved collection.

Burden: 43 hours.

Avg. Hours Per Response: 20 minutes for completion of certificate and 2 minutes for recordkeeping.

Number of Respondents: 53 respondents (400 annual responses).

Needs and Uses: Billfishes are managed under the Atlantic Billfish Fishery Management Plan (FMP). The primary objective of the FMP is to maintain the highest availability of billfishes to the traditional U.S. recreational fishery. Under the FMP, the sale of billfish caught in the management area is prohibited. To

enforce this prohibition, a billfish in trade must have a "Certificate of Eligibility" accompany it so that enforcement agents will know that it was not harvested from the Atlantic Ocean management unit.

Affected Public: Businesses or other for-profit organizations.

Respondent's Obligation: Mandatory.

OMB Desk Officer: David Rostker, (202) 395-3897.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482-3272, Department of Commerce, Room 5327, 14th and Constitution Avenue, 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. 20230.

Dated: April 30, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 98-11924 Filed 5-4-98; 8:45 am]

BILLING CODE: 3510-22-P

DEPARTMENT OF COMMERCE**Bureau of the Census****1997 Distribution of Sales by Class of Customer; Proposed Information Collection**

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, 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, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before July 6, 1998.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Judy Dodds, Assistant Chief for Census and Related Programs,

Bureau of the Census, Room 2101, FB-4, Washington, DC 20233, Telephone (301) 457-4587.

SUPPLEMENTARY INFORMATION:

I. Abstract

The 1997 Distribution of Sales by Class of Customer is part of, and supplemental to, the 1997 Census of Manufactures. The report is done on a 10 year cycle for years ending in "7." The data tabulated from this survey are used by the Government, the academic community, and the private sector. The Bureau of Economic Analysis (BEA) is the principal Government user. The BEA uses the data as input to its National Income and Product Accounts.

Respondents, chosen from the 1997 Census of Manufactures, will receive report forms with their total product shipments data imprinted on the forms based on data they reported in the census. Multi-unit establishments are asked what portion of their shipments were to other establishments of their company and what portion of their shipments were to establishments not of their company. They are further asked to break out these data for the portions going to wholesale, retail, manufacturing, government, and other. The single-unit form is similar, except respondents are not asked about other establishments of their company.

II. Method of Collection

Data are collected using two survey forms, one for single-unit establishments the other for multi-unit establishments. The panel is chosen from all mailed establishments in the 1997 Census of Manufactures using probability proportionate to size. The panel is also stratified by single-unit/multi-unit by 6-digit North American Industry Classification (NAICS) industry to assure that all NAICS industries are properly represented.

III. Data

OMB Number: Not available.

Form Numbers: MC-9601, MC-9602.

Type of Review: Regular.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 20,000.

Estimated Time Per Response: 1 hour.

Estimated Total Annual Burden

Hours: 20,000.

Estimated Total Annual Cost:

\$258,600 at \$12.93 per hour.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, U.S.C., Sections 131 and 224.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed 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 (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (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.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 30, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 98-11920 Filed 5-4-98; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Sensors and Instrumentation Technical Advisory Committee; Notice of Partially Closed Meeting

A meeting of the Sensors and Instrumentation Technical Advisory Committee will be held May 19, 1998, 9:00 a.m., in the Herbert C. Hoover Building, Room 1617M-2, 14th Street between Constitution and Pennsylvania Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to sensors and instrumentation equipment and technology.

Agenda

General Session

1. Opening remarks by the Chairman.
2. Update on Wassenaar Arrangement List review.
3. Presentation of papers or comments by the public.

Executive Session

4. Discussion of matters properly classified under Executive Order 12958, dealing with the U.S. export control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the

extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to the meeting date to the following address: Ms. Lee Ann Carpenter, OAS/EA MS: 3886C, Bureau of Export Administration, U.S. Department of Commerce, Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on December 3, 1997, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C., 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and 10(a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, DC 20230. For further information or copies of the minutes, contact Lee Ann Carpenter on (202) 482-2583.

Dated: April 30, 1998.

Lee Ann Carpenter,

Director, Technical Advisory Committee Unit.

[FR Doc. 98-11836 Filed 5-4-98; 8:45 am]

BILLING CODE 3510-33-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-821-802]

Agreement Suspending the Antidumping Investigation on Uranium From the Russian Federation

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Request for comments.

SUMMARY: The Department of Commerce is hereby providing interested parties an opportunity to comment on proposed procedures to administer and enforce the uranium matched sales annual quotas. All Comments are due to the

Department of Commerce within 30 days of publication of this notice.

EFFECTIVE DATE: May 5, 1998.

FOR FURTHER INFORMATION CONTACT: James Doyle or Letitia Kress, AD/CVD Enforcement Group III, Office VII, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230, telephone: (202) 482-0159 or (202) 482-6412, respectively.

Background: Under the matched sale amendment to the Agreement Suspending the Antidumping Investigation on Uranium from the Russian Federation (57 FR 15373), the Department has been administering quotas on a quota year basis, April 1 through March 31. On March 6, 1998, the Department received a request from the Nuclear Energy Institute (NEI) on behalf of certain of its members requesting that the Department revise its practice and administer the matched-sales quota on a calendar year basis, January 1 through December 31 (see attached annex for details).

The Department is soliciting comments of parties regarding this change in administrative practice, and the two subsidiary issues which would be generated. The first is the effect the change would have on the existing allocations of quota, and the second would be the necessity to arrive at a proper accounting for the periods April 1, 1996 through December 31, 1996 and January 2004 through March 2004.

Opportunity to Submit Comments: Prior to reaching a final decision on this issue, the Department is providing an opportunity for full participation on the record to all parties wishing to comment. Accordingly, not later than 30 days from the date of publication of this notice, parties may submit comments with respect to the matched sales delivery year issue. Seven copies of the comments should be submitted to the Deputy Assistant Secretary for AD/CVD Enforcement Group III, Import Administration, International Trade Administration, room 1870, U.S. Department of Commerce, Washington, DC 20230. All comments provided to the Department in response to this notice will be subject to release under Administrative Protective Order in accordance with 19 CFR 353.34. Therefore, all comments must properly identify information the submitter would like treated as business proprietary, and be accompanied by a properly bracketed public version. The Department will meet with affected or interested parties upon request to fully explain the procedures contained in the Annex to this notice.

Dated: April 29, 1998.

Joseph A. Spetrini,

Deputy Assistant Secretary for Antidumping Countervailing Duty—Group III.

Annex—Proposed Procedures for Changing the Matched Sales Delivery Year From a Quota Year Method to a Calendar Year Basis

Under the current matched sales system, the Department has been

administering quota years running from April 1st to March 31st of the following year. On March 6, 1998, NEI noted in its submission that a calendar-year quota would make tracking operational or contractual flexibilities for both buyers and sellers of uranium more consistent with their other internal tracking systems. Therefore, NEI proposed that the current quota year be changed to a calendar-year basis (January 1st through December 31st year). (See letter from NEI to Department on March 6, 1998, on record at the Department of Commerce room B-099.) In implementing such a change, two issues arise. The first is the change to the existing allocations of used quota. The second is the proper treatment of two specific periods, April 1, 1996 through December 31, 1996, and January 1, 2004 through March 31, 2004.

Table 1 illustrates how the Department would reconcile the used quota limitations under the existing and proposed systems. Though the amount of used quota allocated to two periods, 1996 and 1997, would change under the new system, the overall totals do not. NEI notes that this reconciliation of historical transactions specifying deliveries in 1996 and 1997 does not affect the commercial balance among competing suppliers as marketing opportunities have long passed. Furthermore, no quota limitations would be exceeded in the reallocation. Table 1:

Quota year based accounting	QY volume used	Calendar year based accounting	CY volume used	Quota limitations
4/1/96-3/31/97	1,056,132	4/1/96-12/31/96	448,632	1,930,000
4/1/97-3/31/98	645,879	1/1/97-12/31/97	1,253,379	2,710,000
4/1/98-3/31/99	1,150,121	1/1/98-12/31/98	1,150,121	3,600,000
4/1/99-3/31/00	722,001	1/1/99-12/31/99	722,001	4,040,000
4/1/00-3/31/01	685,001	1/1/00-12/31/00	685,001	4,230,000
4/1/01-3/31/02	150,000	1/1/01-12/31/01	150,000	4,040,000
4/1/02-3/31/03	.....	1/1/02-12/31/02	.....	4,890,000
4/1/03-3/31/04	.....	1/1/03-3/31/04	.....	4,300,000
Total	4,409,134	.....	4,409,134	

As set forth in the March 11, 1994 amendment to the Suspension Agreement, matched sales delivery quotas began April 1, 1996, and will expire March 31, 2004. However, neither the period April 1, 1996, through December 31, 1996 nor the period January 1, 2004 through March 31, 2004, which are currently

seamlessly covered under the Department's existing quota year methodology, can fit a calendar year methodology absent modification. To resolve this issue, NEI proposed designating 1996 as a "short" quota year, starting April 1, 1996 and ending December 31, 1996. In addition, NEI proposed that 2003 be designated a

"long" quota year, beginning January 1st of that year and ending March 31, 2004. This accounting method is reflected in the CY Volume Used column in Table 1.

[FR Doc. 98-11918 Filed 5-4-98; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Cooperative Charting Program

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, 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)).

DATES: Written comments must be submitted on or before July 6, 1998.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Harold M. Schantz, Customer Affairs Branch, N/CS28, National Ocean Service, NOAA, 1315 East-West Hwy, Silver Spring, MD 20910-3282, (301-713-2729).

SUPPLEMENTARY INFORMATION:**I. Abstract**

NOAA's National Ocean Service produces nautical charts to ensure safe navigation. A cooperative charting program has been established with the United States Power Squadrons and the U.S. Coast Guard Auxiliary for their members to voluntarily submit chart correction data.

II. Method of Collection

Forms are provided to the cooperative charting program organizations for use by their members.

III. Data

OMB Number: 0648-0022.

Form Number: NOAA Forms 77-4 and 77-5.

Type of Review: Regular Submission.

Affected Public: Individuals, not-for-profit organizations.

Estimated Number of Respondents: 3,000.

Estimated Time Per Response: 3 hours.

Estimated Total Annual Burden Hours: 45,000.

Estimated Total Annual Cost to Public: \$0 (no capital expenditures).

IV. Request for Comments

Comments are invited on: (a) Whether the proposed 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 (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (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.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 30, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 98-11923 Filed 5-4-98; 8:45 a.m.]

BILLING CODE 3510-08-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020498B]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Fisheries for Dolphin and Wahoo

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

ACTION: Request that NMFS designate the South Atlantic Fishery Management Council to prepare a fishery management plan (FMP) and subsequent FMP amendments (amendments) for dolphin and wahoo; reopening of public comment period.

SUMMARY: On March 9, 1998, NMFS published a notice in the **Federal Register** advising of and requesting comments on the request of the South Atlantic Fishery Management Council (South Atlantic Council) to be designated by NMFS, under procedures of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), as the Regional Fishery Management Council (Council) to prepare an FMP and amendments for the fisheries for dolphin, *Coryphaena hippurus*, and

wahoo, *Acanthocybium solanderi*, throughout their range in the exclusive economic zone (EEZ) of the Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea. NMFS is reopening the public comment period to afford the Gulf of Mexico Fishery Management Council (Gulf Council) and other members of the public more time to consider the South Atlantic Council's proposal.

DATES: The comment period reopens May 5, 1998; comments must be submitted by June 19, 1998.

ADDRESSES: Comments should be directed to Dr. Andrew J. Kemmerer, Regional Administrator, Southeast Region, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Mark Godcharles, 813-570-5305.

SUPPLEMENTARY INFORMATION: At the request of the Gulf Council, NMFS reopens the public comment period and requests comments on the South Atlantic Council's request to be designated by NMFS, under Magnuson-Stevens Act procedures, as the Council to prepare an FMP and amendments for the fisheries for dolphin and wahoo throughout their range in the EEZ of the Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea. A notice previously published in the **Federal Register** (63 FR 11422, March 9, 1998) described the details of the South Atlantic Council's request and requested comments on that proposal through April 8, 1998. The Gulf Council has requested more time to more fully consider the issues and impacts of the proposal at its meeting during the week of May 11-15, 1998, in Destin, Florida. Reopening the public comment period will allow the Gulf Council the requested time to consider, develop, and submit to NMFS more specific and extensive comments on the proposal. By publishing this notice in the **Federal Register**, NMFS also affords other concerned or potentially impacted entities further opportunity for comment.

NMFS again requests public comments on the South Atlantic Council's proposal to be designated as the Council to prepare a new FMP to manage dolphin and wahoo throughout the Atlantic Ocean. Written comments received from both this and the previous notice will be reviewed and considered prior to NMFS' decision on this request.

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

Dated: April 28, 1998.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 98-11893 Filed 5-4-98; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 042798E]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Council) Buyback Committee will hold a work session which is open to the public.

DATES: The meeting will begin on Tuesday, May 19, 1998, at 8:30 a.m., and will continue throughout the day, as necessary.

ADDRESSES: The meeting will be held at the Red Lion's Sacramento Inn, 1401 Arden Way, Sacramento, CA.

Council address: Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Julie Walker, Fishery Management Analyst; telephone: (503) 326-6352.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to revise the current groundfish trawl permit buyback program document in preparation for the June Council meeting.

Although other issues not contained in this agenda may come before this Committee for discussion, according to the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be of formal action during this meeting. Action will be restricted to those issues specifically identified in the agenda listed in this notice.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Larry Six at (503) 326-6352 at least 5 days prior to the meeting date.

Dated: April 28, 1998.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 98-11892 Filed 5-4-98; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 042898A]

Western Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Western Pacific Fishery Management Council will hold a meeting of its Precious Corals Plan Team.

DATES: The meeting will be held on June 4, 1998, from 9:00 a.m. to 12:00 p.m.

ADDRESSES: The meeting will be held at the NMFS Honolulu Laboratory, 2570 Dole St., Honolulu, HI, Rm. 112; telephone: 808-943-1221.

Council address: Western Pacific Fishery Management Council, 1164 Bishop St., Suite 1400, Honolulu, HI, 96813.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone: 808-522-8220.

SUPPLEMENTARY INFORMATION: The Precious Corals Plan Team will discuss and may make recommendations to the Council on the following agenda items: (1) the provisions of the Sustainable Fisheries Act pertaining to Essential Fish Habitat, Bycatch, Fishing Sectors, Fishing Communities, and Overfishing; (2) the use of remotely operated vehicles to harvest deep water precious corals; and (3) other issues as required.

Although other issues not contained in this agenda may come before this Plan Team for discussion, according to the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be of formal action during this meeting. Action will be restricted to those issues specifically identified in the agenda listed in this notice.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, 808-522-8220

(voice) or 808-522-8226 (fax), at least 5 days prior to meeting date.

Dated: April 28, 1998.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 98-11891 Filed 5-4-98; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF EDUCATION

National Educational Research Policy and Priorities Board; Teleconference

AGENCY: National Educational Research Policy and Priorities Board; Education.

ACTION: Notice of meeting by teleconference.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming teleconference of the Executive Committee of the National Educational Research Policy and Priorities Board. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend the meeting. The public is being given less than 15 days notice of this meeting because the Committee is required to make a response to a Board contracting initiative within a limited time.

DATES: May 7, 1998.

TIME: 1:30-2 p.m. EDST.

LOCATION: Room 100, 80 F St., NW, Washington, DC 20208-7564.

FOR FURTHER INFORMATION CONTACT: Thelma Leenhouts, Designated Federal Official, National Educational Research Policy and Priorities Board, Washington, DC 20208-7564. Tel.: (202) 219-2065; fax: (202) 219-1528; e-mail: Thelma.Leenhouts@ed.gov, or nerppb@ed.gov.

SUPPLEMENTARY INFORMATION: The National Educational Research Policy and Priorities Board is authorized by Section 921 of the Educational Research, Development, Dissemination, and Improvement Act of 1994. The Board works collaboratively with the Assistant Secretary for the Office of Educational Research and Improvement to forge a national consensus with respect to a long-term agenda for educational research, development, and dissemination, and to provide advice and assistance to the Assistant Secretary in administering the duties of the Office. The teleconference is open to the public. The Executive Committee acts on behalf of the Board during the interim between full meetings of the

Board. The Executive Committee will approve the awarding of a contract for logistical support for panels being convened by the National Academy of Education under a previous contract with the Board.

A final agenda will be available from the Board office on May 4, 1998. Records are kept of all Board proceedings and are available for public inspection at the office of the National Educational Research Policy and Priorities Board, Suite 100, 80 F St., NW, Washington, DC 20208-7564.

Dated: April 30, 1998.

Eve M. Bither,

Executive Director.

[FR Doc. 98-11850 Filed 5-4-98; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Rocky Flats Environmental Technology Site; Notice of Intent To Solicit Competitive Application/ Proposals for Financial Assistance

AGENCY: Rocky Flats Environmental Technology Site, Department of Energy.

ACTION: Notice of intent to solicit competitive applications/proposals for financial assistance.

SUMMARY: The Rocky Flats Environmental Technology Site (RFETS) of the Department of Energy (DOE) is entrusted to contribute to the welfare of the nation by providing the scientific foundation, technology, policy and institutional leadership necessary to achieve efficiency in energy use, diversity in energy sources, a more productive and competitive economy, improved environmental quality, and a secure National defense. RFETS intends to fund a series of grants in special emphasis programs to encourage programs to train Native American, African American, Hispanic American, Asian-Pacific American, Women and Disabled Students to pursue training in the fields of sciences and engineering; and to fund local community projects contributing to diversity-related programs.

DATES: Applications may be submitted at any time within 30 days from the date of this announcement. Applications received within 30 days from the date of this announcement, will be considered; applications received after that date may or may not be considered depending on the status of proposal review and selection.

ADDRESSES: Mail Applications To: Department of Energy, Rocky Flats Environmental Technology Site,

Contracts and Assets Management Division, PO Box 928, B460, Golden, Colorado 80402-0928.

FOR FURTHER INFORMATION CONTACT: Mary Dillon, Critique, Inc., Rocky Flats Field Office, (303) 966-3659, or Susan Cook (303) 966-5310 for application forms and additional information. Completed applications or proposals must be sent to the addresses heading.

SUPPLEMENTARY INFORMATION: There have been six (6) previous awards out of this program. DOE is under no obligation to pay for any costs associated with the preparation or submission of applications/proposals. DOE reserves the right to fund, in whole or in part, any, all, or none of the applications/proposals submitted in response to this notice.

Availability of Fiscal Year 1998 Funds

With this publication, DOE RFETS is announcing the availability of up to \$300,000 in grant funds for fiscal year 1998. RFETS anticipates that multiple grants will be made for a grand total not to exceed \$300,000. The awards will be made through a competitive process. Projects may cover a period of up to 3 years.

Restricted Eligibility

Eligible applicants for the purposes of funding under this notice include organizations residing in Colorado proposing to implement minority science and engineering projects in Colorado as described in the summary section of this announcement. Applicants are encouraged to propose project cost-sharing or sharing of in-kind services or resources. The awards will be made through a competitive process to organizations and institutions located in the State of Colorado. The Catalog of Federal Domestic Assistance (CFDA) number assigned to this program is 81.116.

Evaluation Criteria

Applications will be reviewed by a panel composed of Department of Energy RFETS representatives. Successful proposal(s) will be selected on the opinion of panel members of proposals most able to meet the objectives listed in the summary section of this announcement and best able to meet the needs of this office.

DOE RFETS hereby reserves the right to fund, in part or whole, any, all, or none of the proposals submitted in response to this request. All applicants will be notified in writing of the action taken on their applications. Applicants should allow approximately 90 days for DOE evaluation. The status of any application during the evaluation and

selection process will not be discussed with applicants. Unsuccessful applications will not be returned to the applicant.

Issued in Golden, Colorado, on April 22, 1998.

Clyde B. Railsback,

Contracting Officer.

[FR Doc. 98-11851 Filed 5-4-98; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP98-363-000, CP98-364-000, and CP98-365-000]

Etowah LNG Company, L.L.C.; Notice of Application

April 29, 1998.

Take notice that on April 20, 1998, Etowah LNG Company, L.L.C. (Etowah), AmSouth-Sonat Tower, 1900 Fifth Avenue North, Birmingham, Alabama 35203, filed in Docket Nos. CP98-363-000, CP98-364-000, and CP98-365-000, applications pursuant to Section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's Regulations, for (1) a certificate of public convenience and necessity authorizing Etowah to construct and operate a new liquefied natural gas (LNG) storage facility and associated pipeline facilities in Polk County, Georgia, (2) a blanket certificate pursuant to Part 284 Subpart G of the Commission's regulations authorizing the storage of gas for others, and (3) a blanket certificate under Part 157 Subpart F of the Commission's regulations authorizing certain construction of facilities and abandonments, all as more fully set forth in application which is on file with the Commission and open to public inspection.

Etowah states that it is a limited liability corporation in which Southern Natural Gas Company (Southern) and AGL Peaking Services, Inc. (AGL Peaking) hold memberships.

Etowah says that the proposed facilities will consist of: one double wall metal tank capable of storing 2.5 Bcf of natural gas; a pretreatment and liquefaction system, a boil-off recompression system; a LNG trucking system; a vaporization and send out system; and associated control and hazard protection systems. In addition to the LNG facilities Etowah proposes to construct a 12.5 mile, 12.75-inch diameter pipeline and a meter station connecting the proposed LNG facility

with Southern's interstate pipeline in Polk County, Georgia and a meter station connecting the proposed LNG facility with a non-jurisdictional pipeline to be constructed by Atlanta Gas Light Company (AGLC). Etowah estimates that the proposed facilities will cost approximately \$91.1 million.

Etowah says that the proposed facility will be capable of liquefying 15 Mmcf per day, vaporizing 300 Mmcf per day, and delivering 20,000 gallons per hour through the truck loading facility. Etowah proposed to offer a 8.33 day peaking service under a single rate schedule as described in its pro-forma tariff. Storage customers would be allowed to deliver gas for liquefaction through the proposed interconnect with Southern and receive vaporized gas through either the Southern of AGLC interconnects.

Any person desiring to be heard or making any protest with reference to said application should on or before May 20, 1998, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). 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. The Commission's rules require that protestors provide copies of their protests to the party or person to whom the protests are directed. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents issued by the Commission, filed by the applicant, or filed by all other intervenors. An intervenor can file for rehearing of any Commission order and can petition for court review of any such order. However, an intervenor must serve copies of comments or any other filing it makes with the Commission to every other intervenor in the proceeding, as well as filing an original and 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of such comments to the Secretary of the Commission. Commenters will be placed on the

Commission's environmental mailing list, will receive copies of environmental documents, and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, commenters will not receive copies of all documents filed by other parties or issued by the Commission, and will not have the right to seek rehearing or appeal the Commission's final order to a Federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by Sections 7 and 15 of the NGA and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advise, it will be unnecessary for Etowah to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-11810 Filed 5-4-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98-371-000]

Florida Gas Transmission Company; Notice of Request Under Blanket Authorization

April 19, 1998.

Take notice that on April 23, 1998, Florida Gas Transmission Company (FGT), 1400 Smith Street, Houston, Texas 77002, filed in Docket No. CP98-371-000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the National Gas Act (18 CFR 157.205 and

157.212) for authorization to construct, own and operate a new point of delivery in Gilchrist County, Florida to accommodate a request for additional deliveries of natural gas to the State of Florida's Lancaster Correctional Facility. FGT makes such request under its blanket certificate issued in Docket No. CP-82-553-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Specifically, FGT proposes to construct, own and operate a new tap, electronic flow measurement equipment and approximately 100 feet of 2-inch connecting pipeline, to deliver natural gas to a new meter station to be constructed, owned, and operated by TECO Peoples Gas Inc. (TECO). It is stated that the proposed new delivery point, PGS-Trenton, will be added to the existing FTS-1 Service Agreement between FGT and the State of Florida.

The PGS-Trenton point is slated to receive up to 300 MMBtu per day at line pressure. It is averred that the new delivery point will not increase the contractual gas quantities nor increase the current certificated level of service under the existing FTS-1 Service Agreement.

FGT estimates it will cost approximately \$70,000 to construct the requested facilities, and states that the cost will be reimbursed by the State of Florida. It is stated that the end-use of the gas will be for industrial purposes.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-11811 Filed 5-4-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. CP98-374-000]

Koch Gateway Pipeline, L.P. and Koch Gateway Pipeline Company; Notice of Application

April 29, 1998.

Take notice that on April 23, 1998 Koch Gateway Pipeline, L.P. (Koch Gateway) and Koch Gateway Pipeline Company (KGPC) (Applicants), both at 600 Travis Street, Houston, Texas, 77002, filed in the above docket, pursuant to Sections 7(c) and (b) of the Natural Gas Act, a joint application for a certificate of public convenience and necessity and for an order granting permission and approval by August 1, 1998 to transfer facilities and services. By this application, Koch Gateway requests a certificate of public convenience and necessity authorizing it to acquire the facilities and perform the services of KGPC, and to gather, transport and store natural gas in interstate commerce in the same manner as currently authorized and conducted by KGPC in accordance with the terms of existing certificates of public convenience and necessity issued to KGPC.

Further, KGPC requests companion authority to transfer all of its assets, operations, and services to Koch Gateway. In addition, Koch Gateway requests that it be substituted for KGPC in all pending proceedings in which KGPC is a party, all as more fully set forth in the Application. The Joint Application requests that authorizations be made effective as of August 1, 1998, the first day of operation after the jurisdictional assets are conveyed to Koch Gateway.

Applicants state that a Partnership Agreement was entered into whereby Koch Gateway was formed. The Partnership Agreement is attached to the application. The partnership is composed of two corporate partners, KGPC as the general partner and Koch Energy, Inc. as the Limited Partner. Under the partnership agreement, and upon Commission approval, KGPC will transfer its assets, facilities, operations, and services to the partnership.

Under the partnership agreement KGPC as general partner will continue the operations of the pipeline system in an uninterrupted manner. KGPC seeks companion authority to transfer, pursuant to Section 7(b), its jurisdictional facilities and operations to

Koch Gateway. Further, Koch Gateway will adopt the tariff of KGPC that is on file with the Commission and in effect on the date of the approval of this Application.

Applicants state that the sole purpose of this application is to change the legal structure of the natural gas company from a corporation to a partnership so as to provide the natural gas company with additional financial flexibility in operating its business and will not adversely impact any of the rates of KGPC's customers or any of the services they receive on the pipeline.

Any person desiring to participate in the hearing process or to make any protest with reference to said application should on or before May 20, 1998, file with the Federal Energy Regulatory Commission, 888 First Street, NE, 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 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceedings. 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.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Koch Gateway or Koch Gateway KGPC to appear or be represented at the hearing.

Linwood A. Watson, Jr.,*Acting Secretary.*

[FR Doc. 98-11812 Filed 5-4-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. RP98-194-000]

NorAm Gas Transmission Company; Notice of Proposed Change in FERC Gas Tariff

April 20, 1998.

Take notice that on April 24, 1998, NorAm Gas Transmission Company (NGT) tendered for filing as part of its FERC GAS Tariff, Fourth Revised Volume No. 1, the following revised tariff sheets to be effective May 24, 1998:

Title Sheet

First Revised Sheet No. 2

Third Revised Sheet No. 239

First Revised Sheet No. 239A

Third Revised Sheet No. 324

First Revised Sheet No. 343

NGT states that the purpose of this filing is to reflect ministerial changes resulting from the merger of NGT's parent with Houston Industries Incorporated and the relocation of NGT's Houston corporate offices, as well as the additional segregation of NGT's marketing affiliate offices as described in Section 17 of the General Terms and Conditions of NGT's tariff.

Any person desiring to be heard or to protest this filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,*Acting Secretary.*

[FR Doc. 98-11818 Filed 5-4-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. RP98-193-000]

Shell Gas Pipeline Company; Notice of
Proposed Changes in FERC Gas Tariff

April 29, 1998.

Take notice that on April 24, 1998, Shell Gas Pipeline Company (SGPC) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, First Revised Tariff Sheet Nos. 245, 256, 267, 293, 294, 304 and 318, to become effective May 24, 1998.

SGPC states that the purpose of this filing is to reflect an address and telephone change for the corporate office of SGPC.

Any person desiring to be heard or to protest this filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 98-11817 Filed 5-4-98; 8:45 am]

BILLING CODE 6717-01-M

15.13.4 of the General Terms and Conditions of Williston Basin's FERC Gas Tariff, Second Revised Volume No. 1.

Williston Basin states that in accordance with Subsection 45.1.2 of the General Terms and Conditions of its Tariff, it is submitting its reconciliation filing comparing annual revenues received for Rate Schedule IT-1 transportation service, based on the final approved Rate Schedule IT-1 rates in Docket Nos. RP92-236-000, *et al.*, to the annual costs approved to be allocated to Rate Schedule IT-1 transportation service for the applicable reporting periods covered by such dockets.

Williston Basin also states that on April 24, 1998, pursuant to Subsection 15.13.4 of the General Terms and Conditions of its Tariff, refunds related to calculated nomination variance charges incurred by Williston Basin's affiliates for the period November 1, 1993 through December 31, 1995 were made to all qualified shippers.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before May 5, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 98-11816 Filed 5-4-98; 8:45 am]

BILLING CODE 6717-01-M

f. *Location:* On the South Fork American River, El Dorado, Amador, and Alpine Counties, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Terry Morford, Manager, Hydro Generation Department, Pacific Gas & Electric Co., P.O. Box 770000, Mail Code N11C, San Francisco, CA 94177, (415) 973-7145.

i. *FERC Contact:* J.W. Flint, (202) 219-2667.

j. *Comment Date:* June 10, 1998.

k. *Description Amendment:* PG&E proposes to delete a non-jurisdictional transmission line and its associated facilities from their license. Studies of PG&E's transmission system shows that the line proposed for deletion carries energy from other electric generating sources and is no longer a primary line. Removing this line from the project license will not result in any physical change to these transmission facilities or to their operation.

The Commission is presently processing an application to transfer the license to the El Dorado Irrigation District. We request comments regarding primary/non-primary status of this transmission line under section 3(11) of the Federal Power Act and Subpart H, Section 4.3 of our regulations.

1. This notice also consists of the following standard paragraphs: B, C1, and D2.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. RP92-236-013]

Williston Basin Interstate Pipeline
Company; Notice of Reconciliation
Filing and Refund Report

April 29, 1998.

Take notice that on April 24, 1998, Williston Basin Interstate Pipeline Company (Williston Basin), tendered for filing with the Commission, its Rate Schedule IT-1 Revenue Crediting Variance Credits Filing and Nomination Variance Credits Report made as a result of the Commission's Letter Order issued March 25, 1998, in the above referenced dockets and Subsections 45.1.2 and

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

Notice of Amendment of License

April 29, 1998.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. *Type of Application:* Amendment of License.
- b. *Project No.:* 184-056.
- c. *Date Filed:* 04/15/98 and supplemented 04/22/98.
- d. *Applicant:* Pacific Gas & Electric Co.
- e. *Name of Project:* El Dorado Power Project.

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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-11813 Filed 5-4-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Transfer of License

April 29, 1998.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Transfer of License.

b. *Project No.:* 184-057.

c. *Date filed:* April 17, 1998.

d. *Applicants:* Pacific Gas and Electric Company and El Dorado Irrigation District.

e. *Name of Project:* El Dorado.

f. *Location:* On the South Fork American River, in El Dorado, Alpine, and Amador Counties, California, partially within the Eldorado National Forest.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contacts:* Ms. Annette Faraglia, Pacific Gas and Electric Company, 77 Beale Street, Mail Code: B30A, P.O. Box 7442, San Francisco, CA 94120, (415) 973-7145. Mr. William T. Hetland, El Dorado Irrigation District, 2890 Mosquito Road, Placerville, CA 95667, (916) 622-4513.

i. *FERC Contact:* James Hunter, (202) 219-2839.

j. *Comment Date:* June 10, 1998.

k. *Description of Transfer:* Transfer of the license for this project is being sought in connection with the sale of the project from PG&E to EID. The requested transfer does not include a 1111 miles of transmission line that PG&E seeks to delete from the project in an amendment filed April 14, 1998.

1. This notice also consists of the following standard paragraphs: B, C1, and D2.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-11814 Filed 5-4-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Transfer of License

April 29, 1998.

Take notice that the following hydroelectric application has been filed

with the Commission and is available for public inspection:

a. *Type of Application:* Transfer of License.

b. *Project No.:* 2851-012.

c. *Date Filed:* March 26, 1998.

d. *Applicants:* The Fonda Group, Inc. and Cellu-Tissue Corporation-Natural Dam.

e. *Name of Project:* Natural Dam Hydroelectric Project.

f. *Location:* On the Oswegatchie River, Village of Gouverneur, St. Lawrence County, New York.

g. *Filed Pursuant to:* Federal Power Act, 16 USC 791 (a)-825(r).

h. *Contacts:* Mr. Harvey L. Friedman, The Fonda Group, Inc., 115 Stevens Avenue, Valhalla, NY 10593-1252, 1-(800) 723-6876 Ex. 226, or (914) 747-2600.

Edward P. Foote, President, Cellu-Tissue Corporation-Natural Dam, Two Forbes Street, East Hartford, CT 06018, (860) 289-7496.

i. *FERC Contact:* Mr. Lynn R. Miles, (202) 219-2671.

j. *Comment Date:* June 10, 1998.

k. *Description of the Application:* The Licensee, Jointly and severally with Cellu-Tissue Corporation-Natural Dam (CTC), requests Commission approval to transfer the project license to CTC.

1. This notice also consists of the following standard paragraphs: B, C1, and D2.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, 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 any 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-11815 Filed 5-4-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Meeting

April 29, 1998.

Take notice that on May 28-29, 1998, the Commercial Practices Working Group (CPWG), will conduct its monthly meeting at the Commission's offices at 888 First Street, NE., Washington, DC 20426. The CPWG is a voluntary industry group with a diverse membership that has made recommendations to the Commission on the Open Access Same-time Information System (OASIS) and related matters. It is expected that the CPWG will discuss OASIS and reliability-related issues at the meetings. The meetings will be open to interested participants and the public.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-11846 Filed 5-4-98; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6009-7]

Agency Information Collection Activities: Proposed Collection; Comment Request; Regulation of Fuels and Fuel Additives, Gasoline Volatility Rule ICR Renewal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C.

3501 *et seq.*), this notice announces that EPA is planning to submit the following proposed and/or continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): Regulation of Fuels and Fuel additives, Gasoline Volatility Rule; EPA ICR # 1367.05; OMB No. 2060-0178; expires 8/31/98. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before July 6, 1998.

ADDRESSES: All comments concerning this Notice should be addressed to Ervin Pickell, Western Field Office, U.S. Environmental Protection Agency, 12345 West Alameda Parkway, Suite 214, Denver, Colorado 80228. Copies of the ICR can be obtained free of charge by contacting Ervin Pickell as provided below.

FOR FURTHER INFORMATION CONTACT:

Ervin Pickell, Telephone: (303) 969-6485; Facsimile number: (303) 969-6490; E-MAIL:

pickell.erv@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are distributors of gasoline containing ethanol between May 1 and September 15 each year.

Title: Regulation of Fuels and Fuel Additives, Gasoline Volatility Rule (OMB Control number 2060-0178; EPA ICR # 1367.05.) expiring 08/31/98.

Abstract: Section 211(h) of the Clean Air Act (Act), as amended in 1990, required the Administrator to promulgate regulations prohibiting the supply or selling of gasoline exceeding certain volatility standards during the high ozone season. The Act provides that the Reid vapor pressure (RVP) standard for gasoline not containing 10% ethanol is one pound per square inch (psi) greater than the applicable RVP standard for gasoline not containing 10% ethanol. It is important for parties receiving gasoline during the high ozone season to know whether it contains ethanol and the ethanol concentration. Otherwise, gasoline containing 10% ethanol may be commingled with gasoline not containing ethanol, resulting in a RVP measurement greater than the non-ethanol standard, but not eligible for the 10% ethanol one psi waiver.

Therefore, under 40 CFR 80.27(d)(3) gasoline invoices, loading tickets, bills of lading and delivery tickets for gasoline containing ethanol must state that the gasoline contains ethanol and the ethanol percentage. There is no retention requirement for these

documents and reporting to EPA is not required. In addition, this requirement may be met using pre-printed or computer-generated documents.

This information is necessary to inform gasoline transferees of which gasoline contains ethanol and the specific ethanol content. The presence of this information on gasoline transfer documents reduces the frequency of gasoline testing that otherwise would be necessary to assure compliance with the RVP standards.

The recordkeeping requirement is mandatory for this limited category of gasoline transfers and is authorized by section 211 of the Act 42 U.S.C. 7545, section 114 of the Act, 42 U.S.C. 7414 and section 208 of the Act, 42 U.S.C. 7542 and 40 CFR 80.29. Confidentiality provisions are found at 40 CFR part 2. The requirement, which has been in effect for over 5 years, imposes almost no measurable annual burden on the affected parties. Startup costs have been completed. The proposed ICR utilizes assumptions that are the same as the previous ICR.

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.

In addition to this information, you may obtain a copy of the draft ICR supporting statement as provided above.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; and

(iii) Enhance the quality, utility, and clarity of the information to be collected.

Burden Statement: For gasoline distributors the average hourly burden per year per respondent is about 0.15 hour (an average of about 2 seconds per transaction; for most distributors there is no measurable burden on a per document basis) for the recordkeeping requirement associated with the rule. It is a mandatory requirement for those transactions to which it applies. There are about 8,792 entities that distribute ethanol gasoline. The frequency of response is estimated to be about 307

loads of fuel transferred per year per distributor. Total burden for all distributors is about 1,319 hours per year. There are no annual operating costs, purchased service costs or capital costs. Startup costs have been completed.

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.

Dated: April 23, 1998.

Sylvia K. Lowrance,

*Principal Deputy Assistant Administrator,
Office of Enforcement and Compliance
Assurance.*

[FR Doc. 98-11875 Filed 5-4-98; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6009-6]

Agency Information Collection Activities: Renewal Comment Request; Acid Rain Program

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): Acid Rain Program ICR, EPA ICR Number: 1633.12, OMB Control Number: 2060-0258, Expiration Date: January 31, 1999. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before July 6, 1998.

ADDRESSES: The current ICR is available on the internet at www.epa.gov/acidrain. For further information contact

Kenon Smith (202-564-9164). Send written comments (in duplicate) regarding these burden estimates or any other aspect of this information collection, including suggestions for reducing this burden, to Kenon Smith, 401 M Street, SW., 6204J, Washington, DC 20460 using regular or certified mail, or Kenon Smith, USEPA (6204J), 501 3rd Street, NW., Washington, DC 20001 using overnight mail.

FOR FURTHER INFORMATION CONTACT: Contact Kenon Smith at (202-564-9164) or (smith.kenon@epa.gov).

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those which participate in the Acid Rain Program.

Title: Acid Rain Program ICR; (OMB Control No. 2060-0258; EPA ICR No. 1633.12) expiring 1/31/1999.

Abstract: The Acid Rain Program was established under Title IV of the 1990 Clean Air Act Amendments. The program calls for major reductions of the pollutants that cause acid rain while establishing a new approach to environmental management. This information collection is necessary to implement the Acid Rain Program. It includes burden hours associated with developing and modifying permits, transferring allowances, obtaining allowances from the conservation and renewable energy reserve and small diesel refinery program, monitoring emissions, participating in the annual auctions, completing annual compliance certifications, participating in the Opt-in program, and complying with Nox permitting requirements. Most of this information collection is mandatory under 40 CFR parts 72-78. Some parts of it are voluntary or to obtain a benefit, such as participation in the annual auctions under 40 CFR part 73, subpart E. 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 Ch. 15. The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 273 hours per response and 3,344 hours per respondent. The annual operation and maintenance (O&M) costs are an estimated \$61,431 per respondent. All the O&M costs and most of the burden hours are associated with the collection and reporting of continuous emission data, which is the foundation for the allowance trading system. 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.

Respondents/Affected Entities: 849.

Estimated Number of Respondents: 849.

Frequency of Response: Varies by task.

Estimated Total Annual Hour Burden: 2,839,120 hours.

Estimated Total Annualized Cost Burden (All O&M): \$44,660,000.

Dated: April 28, 1998.

Brian J. McLean,

Director, Acid Rain Division.

[FR Doc. 98-11876 Filed 5-4-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6009-8]

National Ambient Air Quality Standards for Sulfur Oxides (Sulfur Dioxide); Intervention Level Program

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA is announcing today the following actions:

(1) The schedule for responding to the remand of the final decision on the national ambient air quality standards (NAAQS) for sulfur dioxide (SO₂) published on May 22, 1996, and any final action on the proposed intervention level program (ILP) for the reduction of SO₂ emissions published on January 2, 1997.

(2) The interim actions EPA will take to address 5-minute peak SO₂ levels that may pose risk to sensitive asthmatic individuals.

(3) The solicitation of comments and associated information and analyses on 5-minute peak SO₂ concentrations in the ambient air, with emphasis on the characterization of the likelihood of exposure of sensitive asthmatic individuals to peak SO₂ concentrations at 0.6 parts per million (ppm) and above during exercise.

DATES: (1) The EPA will propose its response to the SO₂ NAAQS remand for public comment in the summer of 1999 and take final action no later than December 2000. The EPA will take any final action on the proposed ILP, consistent with its final action on the SO₂ NAAQS, no later than December 2000.

(2) In the interim, until such final actions are taken, EPA will now begin taking actions to address known problem areas with high 5-minute peak SO₂ levels that may pose risk to sensitive asthmatic individuals.

(3) Comments and associated information and analyses should be submitted on or before November 1, 1998.

ADDRESSES: Comments and associated information and analyses should be submitted to Ms. Susan Lyon Stone, U.S. Environmental Protection Agency, MD-15, Research Triangle Park, NC 27711.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Lyon Stone at the above address or telephone (919) 541-1146 on matters pertaining to 5-minute peak SO₂ levels and the SO₂ NAAQS remand. For information on the interim actions EPA plans to take to address 5-minute peak SO₂ levels and the ILP, contact Mr. Eric Crump at the same address or telephone (919) 541-4719.

SUPPLEMENTARY INFORMATION:

On May 22, 1996, EPA announced its final decision that revisions of the SO₂ NAAQS were not appropriate (61 FR 25566). At issue in making that decision was whether a new 5-minute NAAQS was appropriate to protect sensitive asthmatic individuals from the risk posed by exposure to 5-minute SO₂

levels of 0.6 ppm or above. Given the available health effects information; information as to the localized, infrequent, and site-specific nature of risk involved; and the advice of the Clean Air Scientific Advisory Committee (CASAC), the Administrator concluded that short-term peak concentrations of SO₂ do not constitute the type of ubiquitous public health problem for which the establishment of a NAAQS would be appropriate.

Because of the localized, infrequent, and site-specific nature of the risk, as characterized in its final decision notice (61 FR 25575-25576), the Administrator further concluded that the residual health risk posed by short-term SO₂ concentrations remaining after attainment of the current SO₂ NAAQS are most appropriately addressed by the States. It was the Administrator's judgment that the States are in a far better position than EPA to assess the highly localized and site-specific factors that determine whether occurrences of 5-minute peak SO₂ concentrations in a given area pose a significant risk to sensitive asthmatic individuals in the local population, and if so, to fashion an appropriate remedial response. In light of its characterization of the nature of 5-minute peak SO₂ concentrations and the likelihood that these peaks would result in exposure conditions that could cause significant health effects in sensitive asthmatic individuals during exercise, EPA also announced that it intended to propose a new program and associated guidance to assist States in determining whether 5-minute peak concentrations of SO₂ in the range of 0.6 ppm to 2.0 ppm posed a significant health risk to sensitive asthmatic individuals in the local population, and if so, to identify appropriate remedial responses. Consistent with its final SO₂ NAAQS decision, EPA subsequently proposed for comment the intervention level program (ILP) for the reduction of SO₂ emissions on January 2, 1997 (62 FR 210). This proposed ILP was intended to supplement the protection provided by the existing primary and secondary SO₂ NAAQS.

A key element of the proposed ILP was the establishment (to be codified in part 51 of the CFR) of a concern level of 0.6 ppm, 5-minute average SO₂ concentration, and an endangerment level of 2.0 ppm, 5-minute average. The proposed ILP would require that State and tribal plans contain the authority to take whatever action is necessary to prevent further exceedances of such concern and endangerment levels when the State/tribe determines that intervention is appropriate. The proposed ILP includes a discussion of

the factors that the State/tribe should consider in making such determinations, including the magnitude and frequency of peak concentrations exceeding these levels, the history and nature of any citizen complaints, available information on potential exposure of sensitive asthmatic individuals, and information about the source(s) causing the peak SO₂ concentrations. Based on the above factors, the proposed ILP provides for flexibility for the State/tribe to determine the nature and degree of intervention that is warranted in any area. The States/tribes are also given the flexibility in the proposed ILP to relocate existing monitors to areas where 5-minute peak concentrations may be of concern through changes to SO₂ monitoring requirements. The proposed ILP recognizes that authority to take such actions, when justified on a case-by-case basis, currently exists under section 303 of the Clean Air Act. Building upon this authority, the proposed ILP codifies the health benchmarks for such actions (i.e., the concern and endangerment levels) and provides guidance to assist States/tribes in identifying and taking appropriate actions.

SO₂ NAAQS Remand

In July 1996, the American Lung Association and the Environmental Defense Fund petitioned the District of Columbia Court of Appeals for judicial review of EPA's decision not to establish a new 5-minute NAAQS. On January 30, 1998, the court issued a decision in that case *American Lung Association v. Browner*, No. 96-1251 (D.C. Cir.). The court found that EPA failed to provide an adequate explanation for its determination that no revision to the SO₂ NAAQS was appropriate. As a result, the court remanded the case to permit EPA to more fully explain its decision not to set a standard for short-term peak SO₂ levels of 0.6 ppm or greater.

Schedule for EPA Final Actions

In remanding the case to EPA, the court did not establish a deadline for EPA to take action consistent with the remand. In lieu of pursuing further litigation to seek a court-ordered schedule for EPA's response to the SO₂ NAAQS remand, the petitioners in the case initiated discussions with EPA to establish such a schedule for EPA's response. Based on these discussions, it was agreed that EPA would take final action no later than December 2000. In order to meet this date for final action, EPA intends to propose for public comment its response to the remand by

the summer of 1999. In conjunction with taking final action on its response to the SO₂ NAAQS remand, EPA also intends to take any final action on the ILP no later than December 2000. In so doing, EPA will draw upon its response to the remand on the SO₂ NAAQS decision so as to ensure consistency between these actions.

Interim Actions

Between now and when final action on the SO₂ NAAQS remand and the ILP is taken, EPA intends to work with States/tribes with known areas of high 5-minute peak SO₂ concentrations to undertake a number of actions. These actions include the following: determining whether the existing SO₂ NAAQS and State Implementation Plan (SIP) requirements are being met in such areas; taking regulatory action in such areas where appropriate (e.g., SIP calls); and initiating enforcement review/action to ensure SIP requirements are met. The EPA also plans to issue monitoring and other guidance to States/tribes/regions to assist them in identifying and addressing high 5-minute peak problems.

Solicitation of Information on 5-Minute Peak SO₂ Concentrations

To supplement its current information on 5-minute peak SO₂ concentrations and exposures of sensitive asthmatic individuals to peak levels of concern, EPA is soliciting comments and associated information and analyses on such 5-minute peak SO₂ concentrations. The EPA will consider this information in the context of the interim actions described above and in its response to the remand and in its final ILP decision. More specifically, EPA solicits information and analyses on the following: sources or source types and the nature of events that are most likely to give rise to short-term peak SO₂ levels; the magnitude and frequency of such peaks; the time of day of the occurrence of such peaks; meteorological conditions in the area in which such peaks occur; the density of the population near the source(s) involved; and the frequency with which asthmatic individuals would likely be exposed to peak SO₂ concentrations at 0.60 ppm and above while at elevated ventilation rates (i.e., during exercise).

Dated: April 29, 1998.

Richard D. Wilson,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 98-11874 Filed 5-4-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6009-4]

Environmental Laboratory Advisory Board, Meeting Date and Agenda

AGENCY: Environmental Protection Agency.

ACTION: Notice of open meeting.

SUMMARY: The Environmental Protection Agency (EPA) will convene an open meeting of the Environmental Laboratory Advisory Board (ELAB) on June 4, 1998, from 2 p.m. to 5 p.m. This meeting will be conducted by teleconference. The public is invited to join Ms. Ramona Trovato in Room 911, West Tower, Waterside Mall, 401 M Street, SW., Washington, DC.

The agenda will include discussion on the newly established working group on Third Party Assessors; Consensus Position from EPA's Environmental Monitoring Management Council; Continuation of ELAB vs. former NELAC Coordination Committee; Conflict-of-Interest Issues with respect to the Accreditation Authorities; Training of Assessors; Method Specific Checklists; Simultaneous Approval of Laboratories; and the Agenda for July 1, 1998, meeting at NELAC IV.

The public is encouraged to attend. Time will be allotted for public comment. Written comments are encouraged and should be directed to Ms. Jeanne Mourrain; Designated Federal Officer; USEPA; NCERQA (MD-75); Research Triangle Park, NC 27711. If questions arise, please contact Ms. Mourrain at 919/541-1120, fax 919/541-4261, or e-mail mourrain.jeanne@epamail.epa.gov.

Dated: April 24, 1998.

Nancy W. Wentworth,

Director, Quality Assurance Division.

[FR Doc. 98-11877 Filed 5-4-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

Joint EPA/State Agreement To Pursue Regulatory Innovation

[FRL-6008-7]

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability of Joint EPA/State Innovation Agreement.

SUMMARY: The U.S. Environmental Protection Agency (EPA) and senior State environmental officials recently signed an agreement entitled Joint EPA/

State Agreement to Pursue Regulatory Innovation (hereafter "Innovations Agreement"). The purpose of the Innovations Agreement is to improve environmental protection in the United States, improve EPA/State environmental management practices, and provide timely decision-making on good ideas. These goals will be achieved through innovation proposals by States, with the intent that many successful innovations will lead to system-wide improvements in environmental protection.

The Innovations Agreement embodies a set of general principles and a process for EPA/State innovation activities that includes:

- Statements of purpose and scope of the agreement;
- Over-arching principles that will govern joint EPA/State regulatory innovation activities;
- The process EPA and the States will use to identify good ideas, including both the continuation of existing State/EPA interactions to start innovation projects, and the establishment of a new mechanism for making decisions on innovative proposals that do not fit into ongoing reinvention programs; and
- Guidelines for how EPA and the States will evaluate the success of innovation activities carried out under this agreement.

This Innovations Agreement builds on the many reinvention efforts that are underway in the States and EPA. It is intended to ensure joint decision-making, timely review, broad public involvement, and continued progress in fostering and implementing ideas that are good for our environment and the people we serve.

ADDRESSES: An electronic version of the Innovations Agreement is available on EPA's Office of Reinvention internet home page at <http://www.epa.gov/reinvent>. Interested parties can obtain a single copy of the report by contacting Louise McLaurin (phone 202-260-4261 or e-mail mclaurin.louise@epamail.epa.gov).

FOR FURTHER INFORMATION CONTACT: For questions on the joint EPA/State Innovations Agreement, please contact John Glenn, U.S. Environmental Protection Agency, Office of Reinvention, (1803), 401 M Street, S.W., Washington, DC, 20460, phone 202-260-5029, e-mail glenn.john@epamail.epa.gov; or Bruce Brott, Minnesota Pollution Control Agency, phone 612-297-8380, e-mail bruce.brott@pca.state.mn.us.

SUPPLEMENTARY INFORMATION: To find new, better, and more efficient and

effective ways to improve environmental protection, the Environmental Council of the States (ECOS) and EPA Administrator Carol Browner formed a Task Group to develop a joint agreement on EPA/State regulatory innovation. The Task Group developed the draft Joint EPA/State Agreement to Pursue Regulatory Innovation ("Innovations Agreement"), which was published for public comment last fall in the **Federal Register** (62 FR 56182-89; October 29, 1997). A balanced set of eleven comments with 31 signatories representing industry, environmental interest groups, and government were submitted. All comments were considered in preparing the final draft of the Innovations Agreement. At the ECOS meeting on March 25, 1998, the State officials present voted unanimously to approve the Innovations Agreement. In late April, EPA and senior State environmental officials signed the joint Agreement. The full text of the Innovations Agreement and the EPA/State Response to Comments follow.

Part 1

Joint EPA/State Agreement To Pursue Regulatory Innovation

"* * * We must encourage innovation by providing flexibility with an industry-by-industry, place-by-place approach to achieving standards, * * *. But we will require accountability that such standards be met. Rather than focusing on pollutant-by-pollutant approaches, attention must shift to integrated strategies for whole facilities, whole economic sectors, and whole communities." [Excerpt from President Clinton's "Reinventing Environmental Regulation," March 16, 1995]

The U.S. Environmental Protection Agency and senior State environmental officials (hereafter referred to as "States") agree on the need to experiment with new approaches to improve our nation's environment. These new approaches can help us identify cleaner, cheaper, smarter ways to ensure that all Americans enjoy a clean environment and healthy ecosystems. Through this joint commitment, EPA and the States agree to encourage, evaluate, implement, and disseminate ideas that seek better ways of achieving our environmental goals. This agreement presumes that EPA and the States will find ways to help good ideas succeed, and that joint EPA and State efforts to promote and test new ideas will result in the maximum benefit to the American people and their environment.

Two years ago, EPA and the States entered into an historic agreement to

establish the National Environmental Performance Partnership System (NEPPS). That agreement recognized that we have achieved significant progress since environmental protection programs were created more than 25 years ago. Yet to meet today's new challenges, we agreed that States and EPA must manage for environmental results, increase public involvement, and use environmental indicators to track our progress. We agreed that States and EPA must become true partners in implementing federal programs, and that different State programs need different levels of federal involvement.

This new partnership creates an environment in which State and local regulatory innovations can, and should, flourish. As the primary, front-line delivery agent for environmental programs, States are a natural laboratory for testing new ideas. State and local environmental professionals are closest to environmental problems and communities, and can often develop the most practical solutions. These professionals should be encouraged to seek innovative solutions that may not fit within the traditional approaches. We agree that our efforts to promote innovation must, in the end, be directed toward achieving our public health and environmental goals in a more efficient or effective way.

EPA also seeks to promote regulatory innovations at all levels. This agreement complements, but does not supplant, other national or State efforts to develop regulatory innovations. Its purposes are to: improve environmental protection in the United States; to improve EPA/State environmental management practices; and to provide timely decision-making on good ideas.

States and EPA agree that the following principles should guide us as we develop, test and implement regulatory innovations:

Experimentation: Innovation involves change, new ideas, experimentation and some risk of failure. Experiments that will help us achieve environmental goals in better ways are worth pursuing when success is clearly defined, costs are reasonable, and environmental and public health protections are maintained.

Environmental Performance: Innovations must seek more efficient and/or effective ways to achieve our environmental and programmatic goals, with the objective of achieving a cleaner, healthier environment and promoting sustainable ecosystems.

Smarter Approaches: To reinvent environmental regulation, regulators should seek creative ways to remedy environmental problems and improve

the environmental protection system, and be receptive to innovative, common sense approaches.

Stakeholder Involvement: Effective stakeholder involvement produces better innovation projects and catalyzes public support for new approaches. Stakeholders must have an opportunity for meaningful involvement in the design and evaluation of innovations. Stakeholders may include other State/local government agencies, the regulated community, citizen organizations, environmental groups, and individual members of the public. Stakeholder involvement should be appropriate to the type and complexity of the innovation proposal.

Measuring and Verifying Results: Innovations must be based on agreed-upon goals and objectives with results that can be reliably measured in order to enable regulators and stakeholders to monitor progress, analyze results, and respond appropriately.

Accountability/Enforcement: For innovations that can be implemented within the current regulatory framework, current systems of accountability and mechanisms of enforcement remain in place. For innovations that involve some degree of regulatory flexibility, innovators must be accountable to the public, both for alternative regulatory requirements that replace existing regulations and for meeting commitments that go beyond compliance with current requirements. Regulators will reserve full authority to enforce alternative regulatory requirements to ensure that public health and environmental protections are maintained, and must be willing to explore new approaches to establish accountability for beyond-compliance commitments.

State-EPA Partnership: The States and EPA will promote innovations at all levels to increase the efficiency and effectiveness of environmental programs. We must work together in the design, testing, evaluation and implementation of innovative ideas and programs, utilizing each other's strengths to full advantage.

EPA agrees to establish a process that ensures timely review and decision-making on State innovation proposals based on implementation of the above seven principles. The States agree to consult early with EPA, to develop proposals consistent with the above principles, and to involve stakeholders. EPA and the States agree on the need for a clearinghouse of regulatory innovations so that promising ideas can be shared across state lines and within EPA.

We agree that the principles and process described in this agreement should be open to continual improvement. As part of ongoing review and evaluation, EPA and the States agree to evaluate the need to further institutionalize the broad principles and process to help future innovations succeed.

Through this agreement, as detailed in Part 2, States and EPA are committed to work together and with all stakeholders to apply the lessons learned from successful innovations in creating the best possible system to achieve greater environmental protection at a reasonable cost.

We agree to encourage innovation that will prepare us for meeting our environmental challenges well into the 21st century.

Carol M. Browner,

Administrator, U.S. Environmental Protection Agency.

Robert C. Shinn, Jr.,

Commissioner, New Jersey Department of Environmental Protection, President of ECOS.

Fred Hansen,

Deputy Administrator, U.S. Environmental Protection Agency.

Robert W. Varney,

Commissioner, New Hampshire Department of Environmental Services, Vice President of ECOS.

J. Charles Fox,

Associate Administrator for Reinvention, U.S. Environmental Protection Agency.

Peder Larson,

Commissioner, Minnesota Pollution Control Agency, and Co-Chair, ECOS Regulatory Innovations Task Group.

Randall Mathis,

Commissioner, Arkansas Department of Pollution Control and Ecology, and Co-Chair, ECOS Regulatory Innovations Task Group.

Dated: April 1998.

Part 2

I. Overview of This Agreement

This agreement embodies a set of general principles and a process for EPA/State innovation activities. This agreement includes:

- Statements of purpose and scope of the agreement;
- Over-arching principles that will govern joint EPA/State regulatory innovation activities;
- The process EPA and the States will use to identify good ideas, including both the continuation of existing State/EPA interactions to start innovation projects, and the establishment of a new mechanism for making decisions on innovative proposals that do not fit into ongoing reinvention programs; and

—Guidelines for how EPA and the States will evaluate the success of innovation activities carried out under this agreement.

This agreement builds on the many reinvention efforts that are underway in the States and EPA. It is intended to ensure joint decision-making, timely review, broad public involvement, and continued progress in fostering and implementing ideas that are good for our environment and the people we serve.

II. Purpose and Scope of the Agreement

A. Purpose

The Administrator of the U.S. Environmental Protection Agency (EPA) and senior State environmental officials agree to three purposes for this effort: to improve environmental protection in the United States; to improve EPA/State environmental management practices; and to provide timely decision-making on good ideas. These purposes will be achieved through State proposals for innovation, with the intent that many successful innovations will lead to system-wide improvements in environmental protection.

1. Improved Environmental Protection

The Administrator of the U.S. Environmental Protection Agency (EPA) and senior State environmental officials agree that the States and EPA need to encourage, seek out, and try innovative approaches to improve our nation's environment. These innovative approaches can offer mechanisms that are more cost-effective, less adversarial and contentious, and have a better environmental impact. While we have made significant progress in environmental protection, much remains to be done and no backsliding can be permitted. Innovative approaches offer us tools to improve current environmental protection programs and to tackle the environmental problems of the future.

Innovation can support sustainable development and continuous environmental improvement by offering new approaches that harmonize our progress toward environmental, economic, and societal goals. Some innovations may address only one of these goals. Innovation proposals that address more than one of these goals are desirable. For example, innovations which facilitate a transition to pollution prevention and product stewardship as primary methods of achieving environmental goals can also have significant economic or societal benefits. To support sustainable development and continuous

environmental improvement, innovations should utilize pollution prevention methods rather than pollution control whenever possible.

2. Improved EPA/State Environmental Management Practices

Through this agreement, EPA and the States will test and implement innovative approaches that lead to improved environmental programs. This agreement is consistent with the concepts embodied in the National Environmental Performance Partnership System (NEPPS). In fact, NEPPS was established, in part, to encourage innovative approaches by States, consistent with agreed-upon environmental goals and indicators. The agreement recognizes that states and local governments are natural laboratories for testing new ideas and that EPA has an important role in promoting innovation at all levels, while continuing to ensure that the States provide fundamental public health and environmental protection. This agreement identifies how we will work together to identify and promote innovative ideas and better ways of doing business. It is intended to help us communicate and evaluate such ideas and to encourage joint decision-making on how such innovations can be fostered, designed and implemented.

3. Timely Decision-Making on Good Ideas

Finding better ways to accomplish our environmental goals is part of the everyday practice of good government. Current processes through which many successful State innovations have been carried out should continue. We recognize that the most challenging regulatory innovation proposals have been difficult to address. This agreement establishes an optional avenue for prompt consideration and evaluation of innovation proposals.

EPA and States may conclude that some successful regulatory innovation projects demonstrate that changes in EPA regulations, policies, guidance, or interpretations are needed to improve the nation's environmental protection system. Where such changes can be made under existing law, EPA will initiate the process for making the changes—following applicable procedures. EPA and States may also initiate policy discussions on potential statutory changes that may be needed to enable nation-wide adoption of innovative approaches.

B. Scope of the Agreement

As used in this agreement, "regulatory innovation" is a broad concept. It

encompasses the process of proposing, testing, evaluating, refining and sharing innovative approaches to environmental regulation in order to achieve national, regional, state, tribal, and local environmental objectives. Regulatory innovations should be more efficient and/or provide greater environmental protection than current approaches, foster cooperation, and include opportunities for strong stakeholder involvement.

Many types of innovations are possible, and potential innovations will vary in scope, complexity, ease of implementation, environmental benefits, and other characteristics. At this point in time, it is difficult to design a single system or process that is appropriate for all potential innovations. Innovations should be accomplished through the normal course of business whenever possible. This agreement provides a clear pathway for innovative proposals that need extra attention or are too complex to be handled through normal channels. Proposals that are less complex can be implemented more quickly, leading to early success, while more difficult projects will likely need more analysis and stakeholder participation. This agreement builds on and complements other innovation activities, but is not intended to replace them.

This agreement signals the commitment of EPA and State environmental agencies to work together on innovations. It does not create any legal obligations for EPA or the States, and does not alter EPA's or States' statutory responsibilities or the nature of authorized or delegated State programs. Any innovations under this agreement will be implemented within our existing legal authorities using appropriate procedures.

III. Principles for EPA/State Regulatory Innovation

EPA and the States agree to a set of basic overarching principles that will guide our joint regulatory innovation activities. There are seven overarching principles relating to regulatory innovation activities—Experimentation, Environmental Performance, Smarter Approaches, Stakeholder Involvement, Measuring and Verifying Results, and Accountability/Enforcement, and State-EPA Partnership.

A. Experimentation

Innovation involves change, new ideas, experimentation, and some risk of failure. Experiments that will help us achieve environmental goals in better ways are worth pursuing when success is clearly defined, costs are reasonable,

and environmental and public health protections are maintained.

1. The States and EPA should recognize the value of prudent risk-taking through experiments designed to achieve improved results.

2. The States and EPA should seek ways to make good ideas work, presuming that innovations to help meet environmental goals are worth our investment.

3. The States and EPA should carefully monitor and manage innovations to ensure that problems are immediately identified and remedied. Experimentation should be based on sound judgment, reasoning and common sense.

4. If a promising experiment encounters difficulties that likely can be corrected and that do not jeopardize environmental protection, project sponsors should be allowed to fix problems before the experiment is abandoned in favor of the traditional approach.

5. Experimentation does not include relaxing health or environmental standards or reducing protection of public health or the environment.

6. Experiments should be designed to test new approaches and as appropriate lessons learned should be used to improve the current system of environmental protection.

B. Environmental Performance

Innovations must seek more efficient and/or effective ways to achieve our environmental and programmatic goals, with the objective of achieving a cleaner, healthier environment and promoting sustainable ecosystems.

1. Protecting public health and the environment are the primary goals of both EPA and State environmental agencies, and we agree that innovations can help us find cleaner, cheaper, smarter ways of improving our nation's environment. Innovations that facilitate a transition to pollution prevention and product stewardship as primary methods of achieving environmental goals are highly desirable and can have significant economic or societal benefits to support sustainable development.

2. Many opportunities exist to improve environmental protection through innovations that have the clear potential to provide environmental and ecosystem benefits. In addition, innovations may be designed primarily to improve the cost effectiveness of achieving environmental goals; these projects must ensure that there is no adverse impact on: environmental protection, public access to information, and public access to the decision-making process.

3. For projects that have a greater uncertainty of the environmental outcome, or that involve experimental technologies or approaches, innovations should be expected to have the clear potential to provide increased environmental protection, promote ecosystem sustainability, or both. EPA and the State agency, in their best judgment and in consultation with stakeholders, will determine whether such proposals have the clear potential to produce appropriate gains in environmental protection, improved sustainability of the ecosystem, or both.

4. Innovations may be designed to fit local and regional conditions, as long as local solutions do not create environmental problems for other localities, such as undesired downwind and downstream effects, or undermine national standards.

5. No population group should be subjected to disproportionately high and adverse human health or environmental impacts as a result of the innovation.

C. Smarter Approaches

To reinvent environmental regulation, regulators should seek creative ways to remedy environmental problems and improve environmental protection, and be receptive to innovative, common sense approaches.

1. Regulators should work with industry and communities to solve environmental problems by identifying ways to remove barriers that prevent prudent, common sense solutions.

2. Regulators should be professional, accountable and deserving of the public's trust.

3. Regulators should seek to understand all perspectives, and help stakeholders find common ground.

4. Regulators should act promptly to evaluate, and implement, proposals that are straightforward, technically achievable, and have clear advantages, while ensuring adequate opportunities for public involvement and review.

D. Stakeholder Involvement

Effective stakeholder involvement produces better innovation projects and catalyzes public support for new approaches. Stakeholders must have an opportunity for meaningful involvement in the design and evaluation of innovations. Stakeholders may include other State/local government agencies, the regulated community, citizen organizations, environmental groups, and individual members of the public. Stakeholder involvement should be appropriate to the type and complexity of the innovation proposal.

1. Innovations should include opportunities for early, open, and

inclusive stakeholder involvement in project development, specifically including those who may be affected by the decisions. Stakeholders should be provided adequate time to review proposals and participate in the process. When an innovation has the potential to result in significant policy changes, additional efforts, that could include incentives and assistance, should be made to provide additional opportunities so that affected and interested stakeholders can be meaningfully involved.

2. Consistent with the principle of providing meaningful opportunity for stakeholder involvement, each State should have the flexibility to use its own stakeholder participation process, as long as applicable federal and State procedural requirements are met or exceeded. EPA and States will identify national program issues and ensure opportunities for active involvement from national and regional stakeholder groups, especially where decisions on regional, state, or local issues have broader impacts.

3. Project proposals and the process for their consideration should be made transparent to stakeholders so that the benefits of the proposed change can be fully evaluated. Information needed to understand the proposed innovation and to verify compliance and environmental performance should be publicly available in an understandable form. EPA and States commit to provide regular analysis of the types of innovations implemented and their environmental impacts.

4. Because some stakeholder groups (e.g., small businesses, public interest groups) often have a limited capacity to participate in innovation projects, EPA and States will explore different approaches to facilitating stakeholder involvement.

5. In circumstances where local governments share regulatory responsibility, they should participate as partners with the State in developing and implementing the innovation.

E. Measuring and Verifying Results

Innovations must be based on agreed-upon goals and objectives with results that can be reliably measured in order to enable regulators and stakeholders to monitor progress, analyze results and respond appropriately.

1. The success of innovations should be judged by the results they achieve. Goals and objectives should be established in advance, measurable, and based on the desired results.

2. Results should be verifiable by reliable measurements and both process

and results should be understandable to regulators and the public.

3. Regulators should have access to high quality information sufficient to verify the environmental performance of an innovation.

4. Regulators and the public should have a full understanding of the differences between the innovation and traditional approaches, including expectations for the project, accountability for performance, and any potential risks.

F. Accountability/Enforcement

For innovations that can be implemented within the current regulatory framework, current systems of accountability and mechanisms of enforcement remain in place. For innovations that involve some degree of regulatory flexibility, innovators must be accountable to the public, both for alternative regulatory requirements that replace existing regulations and for meeting commitments that go beyond compliance with current requirements. Regulators will reserve full authority to enforce alternative regulatory requirements to ensure that public health and environmental protections are maintained, and must be willing to explore new approaches to establish accountability for beyond-compliance commitments.

1. For persons or activities not covered by the innovation project, applicable statutory and regulatory requirements remain in effect and fully enforceable.

2. If a promising innovation project encounters difficulties that likely can be corrected and that do not jeopardize environmental protection, regulatory agencies should evaluate the circumstances and use judgment in allowing project sponsors to correct problems before a project is abandoned in favor of the traditional approach.

3. Regulators must have authority to address such circumstances as imminent and substantial endangerment, actual harm, or criminal conduct.

4. Innovations may include both: (a) Enforceable "alternative regulatory requirements" that provide protection equivalent to that provided by otherwise applicable environmental standards or requirements, and (b) other "beyond-compliance commitments" that seek to exceed otherwise applicable standards or requirements. Alternative regulatory requirements and beyond-compliance commitments should be clearly distinguished in advance.

Alternative Regulatory Requirements:

—Alternative regulatory requirements should be enforceable with all the remedies available under current law.

—Regulators should consider the circumstances and use their judgment in choosing remedies when a facility fails to meet alternative regulatory requirements.

—Potential responses for failure to meet such alternative regulatory requirements should be identified in advance.

Beyond-Compliance Commitments:

—As part of an innovation, facilities may agree to beyond-compliance commitments in exchange for regulatory flexibility or some other incentive.

—Potential responses for failure to meet such beyond-compliance commitments should be defined in advance.

—Responses for failure to meet beyond-compliance commitments should fit the circumstances. They may include: a series of interim accountability measures short of project termination, trying a different approach, modifying the innovative approach, or reverting to the traditional approach.

5. Innovations should not undermine the state's, federal government's, or citizens' authority or capacity to enforce delegated or authorized state programs.

G. State-EPA Partnership

The States and EPA will promote innovations at all levels to increase the efficiency and effectiveness of environmental programs. We must work together in the design, testing, evaluation and implementation of innovative ideas and programs, utilizing each other's strengths to full advantage.

1. As the primary front-line managers of many environmental protection programs, the States and local governments are natural laboratories for innovations. The States should manage their own programs, adapt to local conditions, and test new approaches for delivering more environmental protection for less.

2. The federal government should ensure good science, strong national health and environmental standards, and should work in partnership with the States by providing analysis, expertise, and facilitating learning among the States. EPA should promote innovation at all levels (national, regional, state, tribal, place-based, community, and in the private sector). EPA retains its role to set national standards and measures, implement programs not delegated to states or tribes, address interstate issues, apply and interpret national statutes and

regulations, and ensure fair and effective enforcement, thus ensuring that all states provide fundamental public health and environmental protection and a level playing field.

3. EPA and state roles in innovations must be clearly designed to utilize each party's unique strengths and avoid duplication. Decision makers should be clearly identified.

4. Assigned roles and responsibilities should be honored and respected, and joint problem-solving should be encouraged.

5. Communication must be open, honest, frank and frequent. The States and EPA should work to understand each other's perspectives, achieve consensus on major issues, make decisions in a timely manner, and resolve conflicts quickly and efficiently.

IV. Process for Considering State Innovations Proposals

EPA and the States are engaged in many successful efforts to reinvent environmental regulation. These efforts should continue unimpeded. EPA and the States agree that, where procedures currently exist, innovation proposals should be handled through normal EPA/State program activities or other ongoing reinvention activities. Proposals that do not fit into an existing pathway can be handled via the new process established under this agreement.

The process of developing Performance Partnership Agreements (PPAs) under National Environmental Performance Partnership System offers one opportunity for States and EPA, working with stakeholders, to agree on innovative approaches to pursue. However, participation in a PPA is not the only avenue for States and EPA to work on innovative approaches. Memorandum of Agreements and/or Work Plans can serve the same function as a PPA. Inclusion of anticipated innovative approaches in the PPAs or other agreements will allow the States and EPA to allocate staff resources and establish priorities for innovative projects. For example, individual States may choose to place higher priority on innovation projects which promote clear cost or environmental benefits for the public. It is envisioned that States will include in the PPAs or other agreements a discussion of potential innovative activities, indicating how the innovations link to environmental goals and providing a picture of proposed changes.

A. Use Existing Pathways

This agreement is designed to supplement, rather than replace, ongoing innovation activities underway

in EPA and the States. Such innovation activities should continue. State innovations that do not require a change to Federal guidance, regulations or statutes can proceed without EPA review. EPA's role will consist of support and advice, if requested. EPA and States should continue to work together on innovations that may involve using existing flexibilities in current law and regulation, and on existing innovation programs such as Project XL.

B. New Process Established Under This Agreement

The States and EPA agree to establish an optional process, which States may use to get timely decisions on innovation proposals. This process includes senior-level management attention and specific time frames to ensure prompt decisions by EPA. The following process establishes a management framework so that actions and next steps, along with interested participants and decision-makers, can be clearly identified and taken into account. EPA's Regional Administrators are responsible for ensuring that the process moves forward; individual States are expected to establish similar senior-level points of contact to manage the State's role in the innovation process.

This process is intended to be flexible. For example, EPA Regional Offices, EPA Headquarters Offices, and the States are encouraged to maintain open lines of communication at both staff and management levels beyond the formal process described below, and States are encouraged to invite EPA into the early discussion stages of any project. Early consultation between EPA and the States is important in identifying obstacles early and in determining who needs to be involved so that the project can move forward expeditiously.

EPA will also work with individual States as needed to establish priorities in the review of proposals based on guidance developed in the Performance Partnership Agreement or other EPA/State agreed mechanism. EPA and the States recognize that the success of this process will be affected by the quality and clarity of proposals and the effectiveness of communication between EPA, the State, and stakeholders. The States and EPA are committed to working together to ensure that communications are frequent, open, honest, and directed to finding means to allow innovations to succeed.

While one of the objectives of the innovation proposals is efficiency, the very act of designing an experiment,

testing the hypothesis, and evaluating the results may be resource intensive for all parties. The optimum management of resources by EPA and the State will help ensure the success of the review process, the implementation of the projects, and adherence to time lines.

1. Stage One—Developing Quality Proposals

States and EPA recognize that clear, well-developed proposals will facilitate review and speed decision-making. States are encouraged to consult with EPA as early as possible in the development of a proposal. The States should be able to use this early consultation process to develop a clear understanding of their proposals with EPA and key stakeholders.

During the early consultation, the State and EPA will identify issues that need attention, possible barriers to implementation, uncertainties regarding risks, and value added to all parties. These discussions will be open and candid and will provide the State with information that will be important and useful for the development of the proposal. While early consultation is encouraged, not all proposals will require the same degree of discussion and/or consultation.

EPA and States will bring a positive, constructive approach to consideration of proposals and seek ways to help good ideas to succeed.

States will prepare proposals that: a) are consistent with the principles described in this agreement, and b) clearly present the objective of the proposal, the expected benefits, a description of the activities, and a determination as to whether the proposal: may require a change to Federal guidance, policy, past practices or rule interpretation, but not regulations or statutes; may require a change to or waiver from Federal regulations, but not statutes; or, may require a change to a Federal statute.

EPA will: (a) Provide clear statements of its position, along with timely and authoritative answers to questions about what changes, variances, or associated approvals a particular proposal may require; and (b) work with the State to identify the most efficient path by which a particular proposal could be implemented.

In addition, States will provide meaningful opportunities for stakeholder involvement in the design and development of regulatory innovation proposals. The degree of stakeholder involvement depends on the nature of the proposal. Where a proposal would involve a change in or variance from existing national

guidance, regulations, or statutes, early consultation among EPA, States, and national stakeholder groups can help identify critical issues that need to be addressed. If EPA believes that broader stakeholder involvement is warranted, in accordance with the Stakeholder Involvement Principle, EPA will contact the State and identify, in partnership with the State, an approach to obtain such involvement as early in the process as possible.

The Senior State Environmental Official or their designee then submits a written description of the regulatory innovation proposal to the EPA Regional Administrator, who then initiates the review process described below. The State will designate a high-level official as the single point of contact for each project.

2. Stage Two—Review of Proposal and Decision

a. EPA Review. The EPA Regional Office will have primary responsibility for review of the innovation proposal. This responsibility includes proposal distribution within the Region and to the affected EPA National Program Managers and the Office of Reinvention; review and response to the State; and appropriate stakeholder involvement. In cases where national policy or regulatory issues are involved, the Regional Administrator must ensure complete review by relevant national program offices.

EPA will consider several factors in the review of the innovative proposals, including:

- (1) Consistency with the principles in this agreement;
- (2) Comments from stakeholders;
- (3) Type of flexibility from federal guidance or regulation needed to implement the proposal;
- (4) Clear presentation and analysis of issues;
- (5) Expected benefits of the innovation (including net improvements in environmental, ecosystem, and efficiency results);
- (6) Potential benefits of the innovation as compared to the investment of time and resources required for implementation, and impact on agencies' resources and workloads.

The review process is intended to be flexible. EPA and the State should maintain open lines of communication at all levels—staff and management—to ensure that questions and concerns are raised and discussed. During the review process, EPA may seek input from other States and stakeholders, including environmental groups and the regulated community, to fully identify the

strengths and weaknesses of the proposal.

b. EPA decision. Upon completion of the consultation and review period, the Regional Administrator will make a decision to accept or reject a proposal. If a proposal involves a national policy or regulatory issue, the decision will be made jointly with relevant National Program Managers and the Office of Reinvention. This decision will be communicated verbally and in a written form to the designated Senior State Environmental Official. The written decision will include the rationale for the determination.

EPA and the State will determine the category into which the proposal falls. The type of proposal will have an impact on the time frame for implementation. The categories are:

Category 1: Straight-forward, transparent proposal with clear advantages, few obstacles, technically achievable, and minimum environmental risk.

Category 2: Experimental proposal that has a greater uncertainty of environmental outcome; requires more attention to design, implementation, and evaluation; and may involve some risk of failure. The unpredictability of the experiment means that it will be more resource intensive and may require more time.

Category 3: Strategic proposal that involves broad-based, new approaches (e.g., statutory changes) and requires policy discussion to further develop concepts. Proposals may be assigned to an existing policy forum for discussion or a new forum could be established.

If the proposal requires changes of interpretation or substance regarding national statutes, regulations or policies before proceeding with an innovation project, both EPA and the State will reach agreement on all proposed changes. These projects will be accomplished through mechanisms available under Federal law and regulation, which may include variances, site-specific rules, legal interpretations, or other means.

c. Appeals. In the event that a dispute arises during this process or a State disagrees with a Region's decision, the State may appeal in writing to the EPA Deputy Administrator. The State may also request a review by a panel consisting of EPA Senior Managers and State Commissioners. The panel will review the proposal, the issues, and merits of the dispute, and submit recommendations to the EPA Deputy Administrator for a final decision.

d. Time frames for decision. EPA and the States are committed to working

together to ensure timely responses to State proposals.

Initial response to proposal: EPA will respond to the State with follow-up questions, clarifications, and initial reactions including an initial identification of obstacles to approval within four weeks of its receipt of a written innovation proposal from the State.

Decision to proceed with proposal: EPA will make a preliminary decision to accept or reject a proposal within 3 months of the receipt of a proposal from the State. If, during the review, EPA determines that additional information is needed from the State, EPA will promptly notify the State, and EPA and the State will agree on an appropriate schedule for completing the review.

Decisions on proposals may be reached more quickly for proposals that are straight-forward, with clear advantages, widely supported, technically achievable, and implementable in the short-term. A preliminary decision to accept a proposal will be accompanied by an explanation of subsequent actions needed before a final decision can be made or implementation can begin. For example, a proposal that involves amending an EPA regulation would require a notice and comment process in accordance with the Administrative Procedures Act.

V. Measuring and Evaluating Success

Before an approved proposal is implemented, we must define success and how we will measure it. This can help eliminate misunderstandings about whether or not the process and innovation as a whole is progressing effectively, and if it is not, what steps need to be taken to correct any problems.

Therefore, EPA and the States agree on the importance of evaluating the success of regulatory innovation activities that flow through the process outlined in Section IV. The challenge is to develop useful measures without choking the very creativity we seek to stimulate. We want to ensure that a variety of ideas are being proposed, that robust stakeholder participation processes are utilized, that decisions are made in a timely fashion, and that the most promising innovations are being implemented successfully. To accomplish this, we must measure both the success of the innovations and the success of our decision-making process. Performance measures that emphasize environmental results, including pollution prevention, are most desirable, although we may have to rely

more on process measures in the near term.

A. Measuring the Innovation's Impact

The success of the innovation project's impact will depend on how well it was designed and the results achieved. Successful innovation project designs should be clearly described so successful projects can be used to improve the entire system, and/or adapted to other site specific situations. The quality of the projects implemented can be measured by: (1) Environmental impact, (2) efficiency, and (3) other relevant indicators. In addition to providing information about the success of an individual innovation project, these measurements also provide guidance on improving future innovation projects. States and EPA should agree in advance who is responsible for collecting and disseminating this information.

The proposed measures in Appendix A provide a starting point for discussion in terms of a framework and some common criteria for innovations. Common criteria allow the States and EPA to evaluate the progress in innovations state-wide and nationally.

B. Measuring the Process

We must ensure that the decision making process is effective, or the process will not be used. The success of the process depends on the effectiveness of the communications between EPA and the States and the timeliness of decisions. Measurements include: (1) The number and quality of innovation projects proposed, (2) the number and quality of innovations implemented, (3) the timeliness of the actions taken in the process, (4) the number of proposals appealed, and (5) the speed with which information about successful innovations are disseminated to other States. The success of the process is enhanced by the development of effective partnerships across all interested and affected stakeholder groups to design innovations which will meet multiple objectives and to build broad support for their implementation. EPA and States will evaluate factors that are difficult to measure but are critically important to successful outcomes, including the degree of EPA-State cooperation and stakeholder participation. EPA should collect this information and make it available at a central location so it can be used by the States, EPA, and stakeholders. Within 60 days of signing this agreement, EPA and the Environmental Council of the States (ECOS) will designate a central location.

VI. Information Sharing

Accepted State innovation proposals and completed projects are most valuable when widely available to State and local regulators, the regulated community, environmental organizations and the public at large. We agree on the need to share information, track commonalities and analyze barriers to promising State innovations. Knowledge of both successes and failures will help the States, EPA and stakeholders develop better approaches for achieving our environmental goals. Because sharing information and innovative ideas among the States is key to the success of this agreement, the States, through ECOS, will set up a regulatory innovation clearinghouse that serves to notify potentially affected States of innovation proposals and highlights the results of this agreement and other State/EPA innovations that EPA Reinvention Ombudsmen or State Commissioners deem appropriate.

VII. Next Steps

EPA and the States agree on the following steps to ensure prompt implementation of the agreement:

A. Joint Evaluation

By October 1999, States, EPA and other interested parties will begin to evaluate the success of regulatory activities that have been reviewed under the new process. The evaluation will consider both the environmental and efficiency benefits derived from each innovation, and the efficiency of the new review process. The results of the evaluation will be shared with EPA, the States and stakeholders.

B. Modifications to the Agreement

If the evaluation indicates a need to modify or amend this agreement, EPA and the States agree to discuss such modifications or amendments and make needed changes by January 2000.

Attachments

- A. Proposed Core Performance Measures
- B. Examples of Regulatory Innovations

Attachment A—EPA/State Environmental Regulatory Innovations, Proposed Core Performance Measures

Environmental Goal

A sustainable environment with healthy communities and ecosystems

Environmental Objectives

- Air quality improvements
- Water quality improvements
- Land quality improvements

Program Objectives (Outcomes)

- More effective and efficient environmental regulatory systems
- reductions in releases to the environment
- reductions in resources expended to implement the regulatory process, by regulators, regulated entities, other stakeholders: time, work years, money
 - increased stakeholder participation in the regulatory process
- Large majority of high priority, high quality innovation projects are successfully implemented
- Successful results of innovation projects are: clearly described, widely disseminated, adopted in other site specific situations, used to improve entire systems

Program Activities (Outputs)

- Number of innovation projects proposed
- Number of innovation projects implemented
- Quality of projects implemented: environmental, efficiency, other indicators
- Stakeholder participation
- Timeliness of actions taken in process

Attachment B—Examples of Regulatory Innovations

To encourage creative thinking and the development of good regulatory innovation proposals, EPA and the States have developed the attached examples of regulatory innovation projects. Four examples of potential regulatory innovations are provided. Examples 1, 2 and 3 are suggestions of innovative ideas that States have developed—they are intended to illustrate the kinds of proposals that may be developed. These examples have not been reviewed or accepted by EPA as projects for this process. Example 4 describes an innovative proposal that was recently implemented in North Carolina.

Example 1: Mercury in Wastewater Effluent

Objective: Substitute sludge testing and limit requirements for mercury in place of effluent limits and monitoring requirements in NPDES permits for municipalities.

Description and expected benefits: Mercury cannot be detected accurately in municipal wastewater effluent. Dilution of mercury in effluent leads to non-detectable monitoring results. In addition, mercury test methods at the low levels seen in municipal effluent can easily pick up contamination of sampling and analysis and lead to false positives. As a result, most municipalities can show compliance with mercury effluent limits and need take no steps to reduce mercury in their effluent.

This proposal would eliminate effluent limits from NPDES permits for municipalities, and instead substitute sludge monitoring (where mercury concentrates in the wastewater treatment process). If mercury in sludge exceeds federal clean sludge levels, municipalities would be required to develop mercury source reduction programs. Since mercury can be more accurately detected in sludge, this would lead to better targeting of

the municipalities that need to develop mercury source reduction programs.

Federal obstacle halting or hindering progress: Requires changes in either federal statute or variance/change in federal regulations. Attorneys state that sludge requirements as proposed cannot be tied to surface water standards.

Additional background information: This proposal was strongly supported by municipalities, environmental groups, Wisconsin DNR staff, and EPA staff. All saw that this proposal would lead to greater environmental benefits than the current NPDES system.

State: Wisconsin Department of Natural Resources, Bureau of Watershed Management.

Example 2: Continuous Emissions Monitoring for Air Pollutants

Objective: Create a flexible approach to compliance demonstration for air emission limits that have been consistently achieved. In exchange, install continuous emissions monitoring for other toxic pollutants for which more data is needed. This approach would reward facilities which have demonstrated superior environmental performance with simplified compliance demonstration requirements.

Description and expected benefits:

- Federal guidance on practical enforceability requires that compliance demonstration schemes use available technology which produces verification of compliance data as frequently as practically possible.
- A facility is required to use continuous emission monitors (CEMs) to show compliance with an air emission limit. Data has been gathered for several years and it shows consistent emission levels at or lower than 50% of the limit. In addition, other surrogate process parameters are continuously monitored.
- The permittee wishes to show compliance by an alternative compliance method which requires periodic testing to assure continued compliance. The surrogate parameters will continue to be monitored and will be used to ensure that the operating conditions remain within the range under which compliance has been demonstrated by periodic testing.
- In exchange, the facility agrees to install CEM for certain toxic organics from certain processes. The nature and levels of these toxics are not very well defined based on mass balance approaches. The information generated by these CEMs will be useful for an air toxics analysis being conducted in the area.

Federal obstacle halting or hindering progress: Requires change or deviation from established EPA policies regarding federal enforceability as a practical matter on emission limits. However, the demonstrated level of confidence on compliance warrants a less rigorous approach, particularly because it includes a periodic verification process.

Additional background information: The permittees believe that it is important to build a trust relationship with regulators to be able to re-direct resources to areas where

the need is greater to realize further improvements or to generate new information on environmental matters.

State: Minnesota Pollution Control Agency, Air Quality Division, Permits Section.

Example 3: Tiered Permitting System for Hazardous Waste Facilities

Objective: Create a permitting system for hazardous waste (HW) management facilities that are presently exempt from the existing RCRA Part B permitting system but still pose a potential threat to human health and the environment if improperly designed and operated.

Description and expected benefits:

- Current RCRA regulations exempt recycling facilities from any permitting requirements, but require a Part B permit if HW is stored prior to recycling.
- Environmentally safe recycling is preferable to disposal and should be encouraged.
- Recycling facilities can be as complicated as treatment and disposal facilities and require some oversight to ensure that they are protective of human health and the environment.
- Requiring the standard Part B permit for recycling facilities creates a disincentive and may greatly limit the number of recycling facilities.
- A less onerous tiered permit provides regulatory oversight and does not pose the same disincentive as a Part B permit for recycling facilities.
- The tiered permit incorporates performance standards and financial assurance as appropriate and is custom tailored to the facility without requiring all of the elaborate features of a Part B permit.

Federal obstacle halting or hindering progress: May require a variance from federal statutes and regulations that prescribe standards and require a Part B permit for storage of HW depending on what type of storage activities are covered under the tiered permit.

Additional background information: State legislation required fluorescent lamp recyclers to be permitted. Rules are in the development stage with extensive regulated community involvement. The tiered permitting system will be extended to all types of HW facilities for which a Part B permit is not required or not appropriate, including recyclers and some types of storage facilities.

State: Minnesota Pollution Control Agency, Hazardous Waste Division, Regulatory Compliance Section.

Example 4: River Basin-Based Planning and Permitting

Objective: To coordinate stream modeling and permitting on a river-basin or sub-basin scale instead of in a piecemeal fashion.

Description and expected benefits:

- River-basin based planning and permitting would:
- Enable better planning and resource allocation
- Increase consistency between permits

- Increase consideration of basin-wide pollutant inputs (point and nonpoint) for better decision-making and planning
- Improve efficiency of modeling, data collection for modeling, and permitting activities
- Provide opportunity for greater stakeholder involvement in the planning process
- Federal statutes prohibit permits with a term greater than five years

To synchronize NPDES permit renewal for an entire river basin, the State had to issue five year permits followed by an additional short-term permit. The burden on permitting and modeling staff was further increased because EPA Region IV was also pressing NC to address its permit backlog. The State lacked sufficient modeling resources to address the existing backlog and also issue short term permits in selected basins. The State proposed to reissue the short-term permits with existing limits without modeling and to refocus its permitting staff away from the permit backlog and toward the basin-wide permitting approach. Region IV was hesitant to endorse the basin-wide concept.

Contact with EPA Headquarters (Office of Water) convinced EPA to hire a facilitator to help the State develop an implementation strategy for the basin-wide planning and permitting approach. EPA Headquarters also sponsored a workshop to obtain input from surrounding States. This involvement allowed the State to develop a convincing strategy, and subsequently, Region IV agreed to the proposal. EPA also provided a 104(b)(3) grant to increase monitoring and modeling in the Tar-Pamlico River Basin to help pilot the approach.

Federal obstacle halting or hindering progress: Required change in EPA past practice.

Additional background information: At first, permittees reacted to the short-term permits due to the extra burden of completing permit applications and paying application fees. However, the concerns of permittees were quelled by pointing out the long-term improvements in consistency among permits in the river basin and in efficiency of issuing these permits. Environmental stakeholders were supportive of the approach from the start due to a greater opportunity for involvement in the planning process.

State: North Carolina.

Joint EPA/State Agreement to Pursue Regulatory Innovation, Response to Comments

Purpose of the Agreement and Environmental Performance

Summary of Comments: A number of commenters were concerned that the agreement did not emphasize the importance of innovation as means to move toward environmental sustainability. They suggested focusing the agreement on holistic pollution prevention and product stewardship approaches, because these approaches can help address the root causes of pollution and move toward a more

sustainable system. Also, these commenters felt that the agreement emphasized efficiency over environmental gains, rather than advocating innovations that can simultaneously achieve environmental, economic, and social goals. These commenters felt that environmental gain should be a key factor in prioritizing innovations. An opposing view was expressed by some commenters, that the agreement should put more emphasis on economic gains as incentives for innovation. A number of commenters expressed support for "efficiency only" projects that would achieve the same level of environmental quality. Conflicting comments were received about whether better environmental performance should be required in proportion to any regulatory flexibility granted.

Response: EPA and the states agree that the concept of innovations leading to environmental sustainability should be emphasized (added language to Purpose section and Environmental Performance sub-principle on this concept). Innovations that simultaneously address environmental, economic and social objectives are highly desirable. However, the agreement recognizes that, in some cases, it will make sense to pursue innovations that are primarily targeted at efficiency improvement, as long as environmental protections are fully maintained. The agreement does not include a specific "proportionality" test that would require increased environmental performance in return for regulatory flexibility. However, innovations which have a greater uncertainty of the environmental outcome, or are more experimental in nature, will be expected to have the potential for improved environmental results. Also, as proposals are reviewed, the potential benefits of a proposal will be weighed against the resources needed to implement the proposal, and if resource limitations become an issue, priority will be given to proposals that appear to have a greater return on investment.

Specific Comments

Comment: The agreement speaks several times of innovations that *have the clear potential to provide environmental benefits*. Other principles are not similarly qualified in the agreement. The italicized phrase should be replaced with a positive concept such as "clearly."

Response: The phrase "have the clear potential" is appropriate for projects that have a greater uncertainty of the environmental outcome, or that involve

experimental technologies or approaches. However, we agree that it is important that the intent of the project is to achieve better environmental results, even if those results cannot be guaranteed, and we expect that experimental projects will be designed to achieve increased environmental protection.

Comment: A commenter said that the agreement will result in numerous waivers of EPA requirements, based only on "equivalency," and will eliminate incentives to achieve superior environmental performance.

Response: EPA and the states are not entering into this agreement simply in order to provide a pathway for obtaining waivers of regulatory requirements. The purposes of this agreement are clearly stated: to improve environmental protection, to improve EPA/State environmental management practices, and to provide timely decision-making on good ideas. We believe that this agreement will foster cooperative exploration of innovative approaches that can potentially lead to substantial improvements in both our management system and in the level of human health and environmental protection. It is not our intent to undermine incentives for achieving superior environmental performance. For example, EPA's Project XL offers regulatory flexibility in return for superior environmental performance, stakeholder involvement, and several other criteria. If under this agreement, EPA receives proposals that are more appropriate for Project XL (e.g., proposals requesting significant regulatory flexibility for a single facility) then EPA will recommend that those proposals will be directed to the XL process.

Experimentation

Summary of Comments: A commenter said that the agreement should more clearly acknowledge that "experimental" efforts may at some future time be incorporated into the mainstream of environmental protection. Other commenters said that the agreement speaks of "maintaining" or "not jeopardizing" environmental protections, rather than enhancing them, and doesn't address the value of interim incentives or enforcement responses.

Response: EPA and the states agree that a main purpose of experimentation is to test approaches that may later be appropriate to be applied more broadly. A sub-principle has been added to the Experimentation principle which states "Experiments should be designed to test new approaches and as appropriate lessons learned should be used to

improve the current system of environmental protection." The idea of using interim accountability measures has been added to the Accountability/Enforcement principle.

Stakeholder Involvement

Summary of Comments: Many commenters addressed the issue of stakeholder involvement in the development of innovation proposals. A number of commenters agreed that "stakeholder involvement should be appropriate to the type and complexity of the innovation proposal." Some commenters raised concerns that stakeholder processes can become too elaborate or can delay a project for too long, and that consensus should not be required. Other commenters emphasized that the agreement did not convey a true partnership approach, lacking elements such as: firm requirements for inclusiveness, addressing the need for technical assistance, and success measures that evaluate the effectiveness of the stakeholder process. These commenters also felt that the linkage between stakeholder involvement and the process for different categories of projects should be addressed.

Response: EPA and the states believe that stakeholder involvement is important to successful innovation projects, and we are adding a clear statement to the Stakeholder Involvement principle that stakeholder involvement is important because it produces better innovations. We believe that the stakeholder principle provides sufficient flexibility for EPA and States to design stakeholder processes that are appropriate for different types of innovations and as appropriate, allows states to use existing stakeholder participation processes. There is a range of opportunities for stakeholder involvement that may be appropriate, depending on the type and complexity of the innovation. For a straight-forward innovation designed to streamline an existing process, providing opportunity for participation and comment may be sufficient. For proposals with significant policy implications, the need for public involvement will likely be greater, and it is the responsibility of government agencies to take extra steps so that active involvement can occur. Some changes were made to the stakeholder principle and sub-principles to clarify this intent.

EPA and the states realize that it is often difficult for some parties, such as small businesses and public interest groups, to actively participate in stakeholder processes. EPA and the states will try different approaches to

facilitating stakeholder involvement, such as: providing easily-accessible information about new project proposals (e.g. via the Internet), providing assistance in understanding proposals to help focus on priority issues and projects, and pursuing other creative mechanisms that foster participation. Issues such as technical assistance for stakeholder participants will be addressed on a project-by-project basis. Also, language was added to the section on "Measuring and Evaluating Success" to emphasize the need to evaluate the effectiveness of the stakeholder process.

Specific Comments

Comment: A commenter expressed the need for affirmative language on all levels of government working together and to more clearly recognize and define the role of local governments in the regulatory system and in innovation.

Response: EPA and the States agree that local governments are essential partners in innovations that come under the jurisdiction of local regulatory authorities. A sub-principle has been added to the Stakeholder Involvement principle to recognize the importance of working cooperatively with local governments.

Comment: Several commenters stated that the reference to involving national stakeholder groups to examine national issues should be broadened to recognize the important role of state groups, and the interest of national groups in important state and local issues. Criteria, and an accountability mechanism, are needed to help identify cases where national (or state) stakeholder involvement is needed.

Response: EPA and the states agree that stakeholders should have the opportunity to be involved in design and development of proposals, and that both national and regional groups may be interested in important regional, state, and local issues that are likely to have broader impacts (added clarifying language to stakeholder sub-principle). At this time, we do not think it appropriate to develop specific criteria for national stakeholder involvement. We will make every effort to make information available and to keep stakeholders informed about proposals under this agreement, so that stakeholders will have the opportunity to participate. As we gain experience with the process, we will consider whether it is possible and appropriate to develop criteria for national stakeholder involvement.

Comment: Several commenters pointed to the need for special efforts to involve stakeholders such as small business and public interest groups in

innovations, due to their limited resources.

Response: EPA and the States agree that creative approaches to foster such involvement should be encouraged. A new sub-principle was added to Stakeholder Involvement to encourage these efforts.

Comment: A commenter expressed concern that the EPA review process includes the active solicitation of comments after the stakeholder process has been completed.

Response: EPA and the states agree that in cases where there has been a robust stakeholder process, that no additional input would be needed. However in some cases, such as a proposal that comes to EPA in a preliminary stage of development, EPA may need to consult with stakeholders to ensure that all points of view are considered, prior to making a decision. In cases where a federal or state regulation will be changed, public notice and comment may be part of the required legal process that would occur following the preliminary decision.

Comment: A commenter asked for clarification about subprinciple D.2 (the requirement that stakeholder processes meet or exceed applicable state and federal requirements) and whether this refers to procedural or environmental requirements.

Response: The language has been added to indicate that this statement refers to procedural requirements.

Smarter Approaches

Comment: A commenter pointed out the need to ensure that proposed innovations do not undermine the original purpose of "regulatory barriers."

Response: EPA and the states agree that the underlying regulatory objectives of a "regulatory barrier" need to be carefully considered in the development of innovations. The language in the "Smarter Approaches" subprinciple indicates that the purpose of removing "regulatory barriers" is to solve environmental problems. In deciding whether a proposed innovation is helping to solve an environmental problem, regulators will need to ensure that the underlying environmental purpose of the "regulatory barrier" will still be achieved.

Accountability/Enforcement

Summary of Comments: Some commenters raised concerns that all conditions that are integral to an innovation project should be enforceable, and that accountability could be strengthened by including a series of interim accountability

measures as part of the project design. Another commenter suggested that EPA and the states should not pursue traditional enforcement mechanisms such as penalties if problems are encountered during implementation of an innovation project.

Response: EPA and the States agree that accountability and enforcement remedies should be used that are appropriate to the circumstances of an innovation project, and the language of the Accountability/Enforcement section has been clarified to reflect this intent. For example, it may be appropriate for project participants to agree on a series of interim accountability measures that will be tracked as the project is implemented. In order to preserve enforcement authority for use in serious circumstances, we cannot rule out the use of penalties. The agreement indicates that "alternative regulatory requirements" will be enforceable with all the remedies available under current law. "Beyond compliance commitments" may also be part of some innovation agreements, and accountability measures for these commitments should be determined when the innovation is designed. In some cases, if innovations include a set of activities, it may difficult to distinguish between "alternative regulatory requirements" and "beyond compliance commitments." In these cases, EPA and the state will carefully evaluate all proposed activities and determine an appropriate requirement category based on the projected net result of the proposed activities.

Specific Comments

Comment: A commenter said that clarification was needed to convey that current requirements are enforceable only to the extent that they are not modified by an approved innovation project.

Response: EPA and the States agree that the intent of the agreement is that all applicable statutory and regulatory requirements, other than those included in the innovation project, remain in effect for all entities and are fully enforceable.

Roles of Project Proponents and Stakeholders

Summary of Comments: Several commenters raised questions about whether sponsors other than a state could initiate projects. A commenter suggest that more incentives for industry to participate should be provided. Several commenters also raised the issue of appeals, and whether parties other than the state could appeal an EPA decision on a proposal.

Response: We are committed to working with partners in the regulated community, and other stakeholders, to develop successful innovation projects and have a variety of mechanisms in place to do so. The focus of this agreement is to facilitate *state* proposals for innovative environmental management approaches. States are co-regulators with EPA and are responsible for implementation of delegated or authorized environmental programs. We encourage non-state sponsors to partner with states in moving innovations forward under the agreement. Other pathways (such as Project XL) are available for other sponsors to work with directly with EPA on innovation projects. Similarly, because this agreement is designed for state proposals, states are the appropriate parties to appeal decisions. Input of interested stakeholders will be considered throughout the review and appeals processes.

Relationship of Categories of Projects and Application of Principles

Summary of Comments: A number of commenters stated that the agreement should include objective criteria for deciding how projects should be classified and where certain principles may vary based on the category.

Response: While the principles articulated in this agreement will set a standard for all innovation proposals, we expect some principles or sub-principles to be more relevant to certain types of projects. For example, while stakeholder input will be important for all innovations, we anticipate increasing levels of stakeholder involvement in Categories 2 and 3, as compared to Category 1. In terms of environmental performance, cost-effectiveness projects would generally be expected to fit in Category 1. More experimental proposals that fall in category 2 would generally be expected to have the potential to provide increased environmental protection. Other principles may also vary somewhat in their applicability across categories.

EPA Review and Decision on Proposals Review Criteria

Comments: A commenter stated that the agreement should further define the decisional criteria that EPA will use to approve or disapprove a proposal. Several commenters said that the criteria addressing resources should also include impact on stakeholders' resources and workloads.

Response: The agreements lists several criteria EPA will use in reviewing proposals. We believe these

criteria can only be refined through some direct experience in evaluating project proposals. The first criterion is "consistency with the principles in the agreement." Evaluation of proposals against this criterion will include an evaluation of whether stakeholder involvement in design and development of the innovation is consistent with the Stakeholder Involvement principle.

Statutory Change

Comments: A commenter said that where statutory impediments are identified, EPA should be willing to entertain statutory revisions and, together with states, advocate these revisions to Congress. Another commenter said that EPA should not indicate that it will reach agreement with all the states before pursuing any changes in interpretation or statutes.

Response: EPA and the states believe that exploration of innovative approaches may, in some cases, point to the need for regulatory or statutory change. Where such changes will promote effective, common sense solutions to environmental problems, EPA is committed to pursuing change through appropriate mechanisms. In all cases, we believe there must be an open process and full public discussion and debate.

Handling Numerous Proposals and Setting Priorities

Comments: A commenter pointed out that the management of numerous state innovation proposals may become an overwhelming task for EPA, the states, and interested stakeholders, and therefore, EPA and ECOS should focus first on those innovation proposals having the greatest potential for success.

Response: EPA is concerned about the difficulty of managing appropriate participation and review for numerous proposals while upholding high standards of review and meeting ambitious time frames for decisions. EPA will strive to address all State innovative proposals promptly and carefully. It is difficult to anticipate how many projects may be proposed. If a large number of projects are submitted, EPA will likely need to use a screening and priority-setting process to ensure that available resources are used effectively.

Time Frames for Decision

Comments: One commenter suggested that the agreement include a forcing function to ensure that deadlines are met, such as a default mechanism that the project is approved if time expires. Another commenter said that the agreement should clarify that the 3-

month decision is a definitive decision by EPA to accept or reject the proposal.

Response: EPA is committed to responding as promptly as possible to innovation proposals, as reflected in the ambitious 3-month target for decision-making. However, the 3-month deadline will not be met in all cases—a great deal will depend on the quality and completeness of the proposal, and, in a number of cases, more information will likely be needed to augment the initial proposal submission. EPA and the state will jointly agree on extending the deadline as appropriate to the circumstances. Additionally, the 3-month decision is a *preliminary* decision to go forward with a project. EPA must follow all legal requirements that are applicable in each situation in order to reach a final decision and begin implementation. Thus, "default approval," in cases where EPA does not meet the target, is not possible. For example, a proposal that involves change to a regulation must be carried out through notice-and-comment rulemaking, and under the law, EPA cannot make a final decision until public comment has been considered.

Other Comments

Stakeholder Evaluation of Proposals and Results

Comments: A commenter recommended establishing a national advisory committee, perhaps including stakeholder representatives from the local, state, and national level, that would evaluate proposals, analyze ongoing progress with innovations, and evaluate the transferability of successful results.

Response: The Stakeholder Involvement principle provides for the participation of stakeholders in the evaluation of project proposals. EPA and the states agree that stakeholders also need to be involved in evaluating the success of innovations implemented under this agreement. The Next Steps section has been modified to say that EPA, states, and other interested parties will work jointly on evaluating both the results of innovations and the process for review and implementation of the projects.

Confidential Business Information

Comments: A commenter said that information sharing is an important part of the process, however, the agreement lacks guidance regarding protection of confidential business information.

Response: EPA and the states feel that there are adequate provisions in place, outside of this agreement, in federal and state law and regulation, to adequately

protect confidential business information. As we move forward with implementing the agreement, we will develop procedures to ensure that information shared in the development of proposals but designated as confidential business information remains confidential.

Measuring Success/Core Performance Measures

Comments: A commenter said that core performance measures should emphasize environmental results (e.g., fewer diseases from pollution) over bean counting (i.e., number of projects). Another commenter said that the three environmental objectives (air, water, land quality improvements) are not inclusive of all ecosystem improvements, and that the measures should take a broader holistic approach towards improving environmental quality.

Response: EPA and the states agree that success measures should look more broadly at improving human health and environmental quality. The set of measures in Attachment A of the agreement is provided as a starting point for discussion. As implementation of the agreement gets underway, EPA and the states, working with stakeholders, will further develop the set of performance measures that will be used for evaluating success.

Specific Comment

Comment: A commenter said that the provisions under the Measuring/Verifying Results principle do not require measurement and monitoring.

Response: EPA and the states believe that the intent of this language is clear—that innovations must have results that are measurable and verifiable.

Legal Status of the Agreement

Comment: A commenter stated that it is inappropriate for EPA to enter into an informal agreement with a non-profit organization (ECOS) that would subvert EPA's legal obligations.

Response: A paragraph has been added to the agreement to clarify its legal status. The paragraph says, "This agreement signals the commitment of EPA and state environmental agencies to work together on innovations. It does not create any legal obligations for EPA or the states, and does not alter EPA's or states' statutory responsibilities or the nature of authorized or delegated state programs. Any innovations under this agreement will be implemented within our existing legal authorities using appropriate procedures."

Dated: April 29, 1998.

J. Charles Fox,

Associate Administrator, Office of Reintervention.

[FR Doc. 98-11799 Filed 5-4-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[Docket No. 98F-FRL-6008-8]

Final EPA Supplemental Environmental Projects Policy Issued

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is issuing a revised, final *EPA Supplemental Environmental Projects Policy*. This Policy supersedes the May 1995 *Interim Revised Supplemental Environmental Projects Policy*. Based on experience gained implementing the Interim Revised SEP Policy, EPA has refined and clarified this Policy to better assist it in exercising its enforcement discretion to establish appropriate settlement penalties and supplemental environmental projects (SEPs) that secure significant environmental and public health improvements.

DATES: EPA will implement this Policy effective May 1, 1998.

FOR FURTHER INFORMATION CONTACT: Ann Kline, 202-564-0119, Office of Regulatory Enforcement, Mail Code 2248-A, United States Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: These final revisions to the EPA Supplemental Environmental Projects (SEP) Policy refine and clarify the 1995 Interim Revised Supplemental Environmental Projects Policy for easier implementation. The basic structure and operation of the Policy remains unchanged. The primary purpose of this Policy is to obtain environmental and public health protection and improvements that may not otherwise have occurred without the settlement incentives provided by this Policy. The final Policy retains the 1995 Policy framework for determining whether a proposed project can be considered in establishing an appropriate settlement penalty. In addition, this Policy also sets out clear legal guidelines, well-defined categories of acceptable projects and simple easy-to-apply rules for calculating and applying the cost of a SEP in determining an appropriate settlement penalty.

The most significant changes made to the 1995 Interim Revised Policy include: (1) Explicit encouragement of community input into the development of SEPs in appropriate cases; (2) a prohibition on using SEPs to mitigate claims for stipulated penalties except in extraordinary circumstances; and (3) the creation of an "other" category, under which projects that do not fit within a defined category of this Policy but otherwise meet all other criteria of the Policy may be approved under certain procedural requirements. A full copy of this Policy is set forth below and also may be found at U.S. EPA's Web site at <http://www.epa.gov/oeca/sep>.

Dated: April 10, 1998.

Steven A. Herman,

Assistant Administrator, Office of Enforcement and Compliance Assurance, United States Environmental Protection Agency.

A. Introduction

1. Background

In settlements of environmental enforcement cases, the U.S. Environmental Protection Agency (EPA) requires the alleged violators to achieve and maintain compliance with Federal environmental laws and regulations and to pay a civil penalty. To further EPA's goals to protect and enhance public health and the environment, in certain instances environmentally beneficial projects, or Supplemental Environmental Projects (SEPs), may be part of the settlement. This Policy sets forth the types of projects that are permissible as SEPs, the penalty mitigation appropriate for a particular SEP, and the terms and conditions under which they may become part of a settlement. The primary purpose of this Policy is to encourage and obtain environmental and public health protection and improvements that may not otherwise have occurred without the settlement incentives provided by this Policy.

In settling enforcement actions, EPA requires alleged violators to promptly cease the violations and, to the extent feasible, remediate any harm caused by the violations. EPA also seeks substantial monetary penalties in order to deter noncompliance. Without penalties, regulated entities would have an incentive to delay compliance until they are caught and ordered to comply. Penalties promote environmental compliance and help protect public health by deterring future violations by the same violator and deterring violations by other members of the regulated community. Penalties help ensure a national level playing field by

ensuring that violators do not obtain an unfair economic advantage over their competitors who made the necessary expenditures to comply on time. Penalties also encourage regulated entities to adopt pollution prevention and recycling techniques in order to minimize their pollutant discharges and reduce their potential liabilities.

Statutes administered by EPA generally contain penalty assessment criteria that a court or administrative law judge must consider in determining an appropriate penalty at trial or a hearing. In the settlement context, EPA generally follows these criteria in exercising its discretion to establish an appropriate settlement penalty. In establishing an appropriate penalty, EPA considers such factors as the economic benefit associated with the violations, the gravity or seriousness of the violations, and prior history of violations. Evidence of a violator's commitment and ability to perform a SEP is also a relevant factor for EPA to consider in establishing an appropriate settlement penalty. All else being equal, the final settlement penalty will be lower for a violator who agrees to perform an acceptable SEP compared to the violator who does not agree to perform a SEP.

The Agency encourages the use of SEPs that are consistent with this Policy. SEPs may not be appropriate in settlement of all cases, but they are an important part of EPA's enforcement program. While penalties play an important role in environmental protection by deterring violations and creating a level playing field, SEPs can play an additional role in securing significant environmental or public health protection and improvements. SEPs may be particularly appropriate to further the objectives in the statutes EPA administers and to achieve other policy goals, including promoting pollution prevention and environmental justice.

2. Pollution Prevention and Environmental Justice

The Pollution Prevention Act of 1990 (42 U.S.C. 13101 et seq., November 5, 1990) identifies an environmental management hierarchy in which pollution "should be prevented or reduced whenever feasible; pollution that cannot be prevented should be recycled in an environmentally safe manner whenever feasible; pollution that cannot be prevented or recycled should be treated in an environmentally safe manner whenever feasible; and disposal or other release into the environment should be employed only as a last resort * * *" (42 U.S.C. 13103).

Selection and evaluation of proposed SEPs should be conducted generally in accordance with this hierarchy of environmental management, i.e., SEPs involving pollution prevention techniques are preferred over other types of reduction or control strategies, and this can be reflected in the degree of consideration accorded to a defendant/respondent before calculation of the final monetary penalty.

Further, there is an acknowledged concern, expressed in Executive Order 12898 on environmental justice, that certain segments of the nation's population, i.e., low-income and/or minority populations, are disproportionately burdened by pollutant exposure. Emphasizing SEPs in communities where environmental justice concerns are present helps ensure that persons who spend significant portions of their time in areas, or depend on food and water sources located near, where the violations occur would be protected. Because environmental justice is not a specific technique or process but an overarching goal, it is not listed as a particular SEP category; but EPA encourages SEPs in communities where environmental justice may be an issue.

3. Using this Policy

In evaluating a proposed project to determine if it qualifies as a SEP and then determining how much penalty mitigation is appropriate, Agency enforcement and compliance personnel should use the following five-step process:

- (1) Ensure that the project meets the basic definition of a SEP. (Section B)
- (2) Ensure that all legal guidelines, including nexus, are satisfied. (Section C)
- (3) Ensure that the project fits within one (or more) of the designated categories of SEPs. (Section D)
- (4) Determine the appropriate amount of penalty mitigation. (Section E)
- (5) Ensure that the project satisfies all of the implementation and other criteria. (Sections F, G, H, I and J)

4. Applicability

This Policy revises and hereby supersedes the February 12, 1991 *Policy on the Use of Supplemental Environmental Projects in EPA Settlements* and the May 1995 *Interim Revised Supplemental Environmental Projects Policy*. This Policy applies to settlements of all civil judicial and administrative actions filed after the effective date of this Policy, and to all pending cases in which the government has not reached agreement in principle

with the alleged violator on the specific terms of a SEP.

This Policy applies to all civil judicial and administrative enforcement actions taken under the authority of the environmental statutes and regulations that EPA administers. It also may be used by EPA and the Department of Justice in reviewing proposed SEPs in settlement of citizen suits. This Policy also applies to federal agencies that are liable for the payment of civil penalties. Claims for stipulated penalties for violations of consent decrees or other settlement agreements may not be mitigated by the use of SEPs.¹

This is a *settlement* Policy and thus is not intended for use by EPA, defendants, respondents, courts or administrative law judges at a hearing or in a trial. Further, whether the Agency decides to accept a proposed SEP as part of a settlement, and the amount of any penalty mitigation that may be given for a particular SEP, is purely within EPA's discretion. Even though a project appears to satisfy all of the provisions of this Policy, EPA may decide, for one or more reasons, that a SEP is not appropriate (e.g., the cost of reviewing a SEP proposal is excessive, the oversight costs of the SEP may be too high, the defendant/respondent may not have the ability or reliability to complete the proposed SEP, or the deterrent value of the higher penalty amount outweighs the benefits of the proposed SEP).

This Policy establishes a framework for EPA to use in exercising its enforcement discretion in determining appropriate settlements. In some cases, application of this Policy may not be appropriate, in whole or part. In such cases, the litigation team may, with the advance approval of Headquarters, use an alternative or modified approach.

B. Definition and Key Characteristics of a SEP

Supplemental environmental projects are defined as **ENVIRONMENTALLY BENEFICIAL PROJECTS** which a defendant/respondent agrees to undertake **IN**

¹ In extraordinary circumstances, the Assistant Administrator may consider mitigating potential stipulated penalty liability using SEPs where: (1) Despite the circumstances giving rise to the claim for stipulated penalties, the violator has the ability and intention to comply with a new settlement agreement obligation to implement the SEP; (2) there is no negative impact on the deterrent purposes of stipulated penalties; and (3) the settlement agreement establishes a range for stipulated penalty liability for the violations at issue. For example, if a respondent/defendant has violated a settlement agreement which provides that a violation of X requirement subjects it to a stipulated penalty between \$1,000 and \$5,000, then the Agency may consider SEPs in determining the specific penalty amount that should be demanded.

SETTLEMENT OF AN ENFORCEMENT ACTION, but which the defendant/respondent is *not otherwise legally required to perform*. The three bolded key parts of this definition are elaborated below.

Environmentally beneficial means a SEP must improve, protect, or reduce risks to public health, or the environment at large. While in some cases a SEP may provide the alleged violator with certain benefits, there must be no doubt that the project primarily benefits the public health or the environment.

In settlement of an enforcement action means: (1) EPA has the opportunity to help shape the scope of the project before it is implemented; and (2) the project is not commenced until after the Agency has identified a violation (e.g., issued a notice of violation, administrative order, or complaint).²

Not otherwise legally required to perform means the project or activity is not required by any federal, state or local law or regulation. Further, SEPs cannot include actions which the defendant/respondent is likely to be required to perform:

(a) As injunctive relief³ in the instant case;

(b) As injunctive relief in another legal action EPA, or another regulatory agency could bring;

(c) As part of an existing settlement or order in another legal action; or, d) By a state or local requirement.

SEPs may include activities which the defendant/respondent will become legally obligated to undertake two or more years in the future, if the project will result in the facility coming into compliance earlier than the deadline. Such "accelerated compliance" projects are not allowable, however, if the regulation or statute provides a benefit (e.g., a higher emission limit) to the

² Since the primary purpose of this Policy is to obtain environmental or public health benefits that may not have occurred "but for" the settlement, projects which the defendant has previously committed to perform or have been started before the Agency has identified a violation are not eligible as SEPs. Projects which have been committed to or started before the identification of a violation may mitigate the penalty in other ways. Depending on the specifics, if a regulated entity had initiated environmentally beneficial projects before the enforcement process commenced, the initial penalty calculation could be lower due to the absence of recalcitrance, no history of other violations, good faith efforts, less severity of the violations, or a shorter duration of the violations.

³ The statutes EPA administers generally provide a court with broad authority to order a defendant to cease its violations, take necessary steps to prevent future violations, and to remediate any harm caused by the violations. If a court is likely to order a defendant to perform a specific activity in a particular case, such an activity does not qualify as a SEP.

defendant/respondent for early compliance.

Also, the performance of a SEP reduces neither the stringency nor timeliness requirements of Federal environmental statutes and regulations. Of course, performance of a SEP does not alter the defendant/respondent's obligation to remedy a violation expeditiously and return to compliance.

C. Legal Guidelines

EPA has broad discretion to settle cases, including the discretion to include SEPs as an appropriate part of the settlement. The legal evaluation of whether a proposed SEP is within EPA's authority and consistent with all statutory and Constitutional requirements may be a complex task. Accordingly, this Policy uses five legal guidelines to ensure that our SEPs are within the Agency's and a federal court's authority, and do not run afoul of any Constitutional or statutory requirements.⁴

1. A project cannot be inconsistent with any provision of the underlying statutes.

2. All projects must advance at least one of the objectives of the environmental statutes that are the basis of the enforcement action and must have adequate nexus. Nexus is the relationship between the violation and the proposed project. This relationship exists only if:

a. The project is designed to reduce the likelihood that similar violations will occur in the future; or

b. The project reduces the adverse impact to public health or the environment to which the violation at issue contributes; or

c. The project reduces the overall risk to public health or the environment potentially affected by the violation at issue.

Nexus is easier to establish if the primary impact of the project is at the site where the alleged violation occurred or at a different site in the same ecosystem or within the immediate geographic⁵ area. Such SEPs may have sufficient nexus even if the SEP addresses a different pollutant in a different medium. In limited cases, nexus may exist even though a project

⁴ These legal guidelines are based on federal law as it applies to EPA; States may have more or less flexibility in the use of SEPs depending on their laws.

⁵ The immediate geographic area will generally be the area within a 50 mile radius of the site on which the violations occurred. Ecosystem or geographic proximity is not by itself a sufficient basis for nexus; a project must always satisfy subparagraph a, b, or c in the definition of nexus. In some cases, a project may be performed at a facility or site not owned by the defendant/respondent.

will involve activities outside of the United States.⁶ The cost of a project is not relevant to whether there is adequate nexus.

3. EPA may not play any role in managing or controlling funds that may be set aside or escrowed for performance of a SEP. Nor may EPA retain authority to manage or administer the SEP. EPA may, of course, perform oversight to ensure that a project is implemented pursuant to the provisions of the settlement and have legal recourse if the SEP is not adequately performed.

4. The type and scope of each project are defined in the signed settlement agreement. This means the "what, where and when" of a project are defined by the settlement agreement. Settlements in which the defendant/respondent agrees to spend a certain sum of money on a project(s) to be defined later (after EPA or the Department of Justice signs the settlement agreement) are not allowed.

5. a. A project cannot be used to satisfy EPA's statutory obligation or another federal agency's obligation to perform a particular activity. Conversely, if a federal statute prohibits the expenditure of federal resources on a particular activity, EPA cannot consider projects that would appear to circumvent that prohibition.

b. A project may not provide EPA or any federal agency with additional resources to perform a particular activity for which Congress has specifically appropriated funds. A project may not provide EPA with additional resources to perform a particular activity for which Congress has earmarked funds in an appropriations committee report.⁷ Further, a project cannot be used to satisfy EPA's statutory or earmark obligation, or another federal agency's statutory obligation, to spend funds on a particular activity. A project, however, may be related to a particular activity for which Congress has specifically appropriated or earmarked funds.

c. A project may not provide additional resources to support specific activities performed by EPA employees or EPA contractors. For example, if EPA has developed a brochure to help a segment of the regulated community comply with environmental requirements, a project may not directly,

⁶ All projects which would include activities outside the U.S. must be approved in advance by Headquarters and/or the Department of Justice. See section J.

⁷ Earmarks are instructions for changes to EPA's discretionary budget authority made by appropriations committee in committee reports that the Agency generally honors as a matter of policy.

or indirectly, provide additional resources to revise, copy or distribute the brochure.

d. A project may not provide a federal grantee with additional funds to perform a specific task identified within an assistance agreement.

D. Categories of Supplemental Environmental Projects

EPA has identified seven specific categories of projects which may qualify as SEPs. In order for a proposed project to be accepted as a SEP, it must satisfy the requirements of at least one category plus all the other requirements established in this Policy.

1. Public Health

A public health project provides diagnostic, preventative and/or remedial components of human health care which is related to the actual or potential damage to human health caused by the violation. This may include epidemiological data collection and analysis, medical examinations of potentially affected persons, collection and analysis of blood/fluid/ tissue samples, medical treatment and rehabilitation therapy.

Public health SEPs are acceptable only where the primary benefit of the project is the population that was harmed or put at risk by the violations.

2. Pollution Prevention

A pollution prevention project is one which reduces the generation of pollution through "source reduction," i.e., any practice which reduces the amount of any hazardous substance, pollutant or contaminant entering any waste stream or otherwise being released into the environment, prior to recycling, treatment or disposal. (After the pollutant or waste stream has been generated, pollution prevention is no longer possible and the waste must be handled by appropriate recycling, treatment, containment, or disposal methods.)

Source reduction may include equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, inventory control, or other operation and maintenance procedures. Pollution prevention also includes any project which protects natural resources through conservation or increased efficiency in the use of energy, water or other materials. "In-process recycling," wherein waste materials produced during a manufacturing process are returned directly to production as raw

materials on site, is considered a pollution prevention project.

In all cases, for a project to meet the definition of pollution prevention, there must be an overall decrease in the amount and/or toxicity of pollution released to the environment, not merely a transfer of pollution among media. This decrease may be achieved directly or through increased efficiency (conservation) in the use of energy, water or other materials. This is consistent with the *Pollution Prevention Act of 1990* and the Administrator's "Pollution Prevention Policy Statement: New Directions for Environmental Protection," dated June 15, 1993.

3. Pollution Reduction

If the pollutant or waste stream already has been generated or released, a pollution reduction approach—which employs recycling, treatment, containment or disposal techniques—may be appropriate. A pollution reduction project is one which results in a decrease in the amount and/or toxicity of any hazardous substance, pollutant or contaminant entering any waste stream or otherwise being released into the environment by an operating business or facility by a means which does not qualify as "pollution prevention." This may include the installation of more effective end-of-process control or treatment technology, or improved containment, or safer disposal of an existing pollutant source. Pollution reduction also includes "out-of-process recycling," wherein industrial waste collected after the manufacturing process and/or consumer waste materials are used as raw materials for production off-site.

4. Environmental Restoration and Protection

An environmental restoration and protection project is one which enhances the condition of the ecosystem or immediate geographic area adversely affected.⁸ These projects may be used to restore or protect natural environments (such as ecosystems) and man-made environments, such as facilities and buildings. This category also includes any project which protects the ecosystem from actual or potential damage resulting from the violation or improves the overall condition of the ecosystem.⁹ Examples of such projects

⁸If EPA lacks authority to require repair of the damage caused by the violation, then repair itself may constitute a SEP.

⁹Simply preventing new discharges into the ecosystem, as opposed to taking affirmative action directly related to preserving existing conditions at a property, would not constitute a restoration and protection project, but may fit into another category such as pollution prevention or pollution reduction.

include: Restoration of a wetland in the same ecosystem along the same avian flyway in which the facility is located; or purchase and management of a watershed area by the defendant/respondent to protect a drinking water supply where the violation (e.g., a reporting violation) did not directly damage the watershed but potentially could lead to damage due to unreported discharges. This category also includes projects which provide for the protection of endangered species (e.g., developing conservation programs or protecting habitat critical to the well-being of a species endangered by the violation).

In some projects where a defendant/respondent has agreed to restore and then protect certain lands, the question arises as to whether the project may include the creation or maintenance of certain recreational improvements, such as hiking and bicycle trails. The costs associated with such recreational improvements may be included in the total SEP cost provided they do not impair the environmentally beneficial purposes of the project and they constitute only an incidental portion of the total resources spent on the project.

In some projects where the parties intend that the property be protected so that the ecological and pollution reduction purposes of the land are maintained in perpetuity, the defendant/respondent may sell or transfer the land to another party with the established resources and expertise to perform this function, such as a state park authority. In some cases, the U.S. Fish and Wildlife Service or the National Park Service may be able to perform this function.¹⁰

With regard to man-made environments, such projects may involve the remediation of facilities and buildings, provided such activities are not otherwise legally required. This includes the removal/mitigation of contaminated materials, such as soils, asbestos and lead paint, which are a continuing source of releases and/or threat to individuals.

5. Assessments and Audits

Assessments and audits, if they are not otherwise available as injunctive relief, are potential SEPs under this category. There are three types of projects in this category: a. Pollution prevention assessments; b. environmental quality assessments; and

¹⁰These federal agencies have explicit statutory authority to accept gifts of land and money in certain circumstances. All projects with these federal agencies must be reviewed and approved in advance by legal counsel in the agency, usually the Solicitor's Office in the Department of the Interior.

c. compliance audits. These assessments and audits are only acceptable as SEPs when the defendant/respondent agrees to provide EPA with a copy of the report. The results may be made available to the public, except to the extent they constitute confidential business information pursuant to 40 CFR part 2, subpart B.

a. *Pollution prevention assessments* are systematic, internal reviews of specific processes and operations designed to identify and provide information about opportunities to reduce the use, production, and generation of toxic and hazardous materials and other wastes. To be eligible for SEPs, such assessments must be conducted using a recognized pollution prevention assessment or waste minimization procedure to reduce the likelihood of future violations. Pollution prevention assessments are acceptable as SEPs without an implementation commitment by the defendant/respondent. Implementation is not required because drafting implementation requirements before the results of an assessment are known is difficult. Further, many of the implementation recommendations may constitute activities that are in the defendant/respondent's own economic interest.

b. *Environmental quality assessments* are investigations of: The condition of the environment at a site not owned or operated by the defendant/respondent; the environment impacted by a site or a facility regardless of whether the site or facility is owned or operated by the defendant/respondent; or threats to human health or the environment relating to a site or a facility regardless of whether the site or facility is owned or operated by the defendant/respondent. These include, but are not limited to: investigations of levels or sources of contamination in any environmental media at a site; or monitoring of the air, soil, or water quality surrounding a site or facility. To be eligible as SEPs, such assessments must be conducted in accordance with recognized protocols, if available, applicable to the type of assessment to be undertaken. Expanded sampling or monitoring by a defendant/respondent of its own emissions or operations does not qualify as a SEP to the extent it is ordinarily available as injunctive relief.

Environmental quality assessment SEPs may *not* be performed on the following types of sites: sites that are on the National Priority List under CERCLA section 105, 40 CFR part 300, appendix B; sites that would qualify for an EPA removal action pursuant to CERCLA section 104(a) and the National

Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR 300.415; and sites for which the defendant/respondent or another party would likely be ordered to perform a remediation activity pursuant to CERCLA section 106, RCRA section 7003, RCRA 3008(h), CWA section 311, or another federal law.

c. *Environmental compliance audits* are independent evaluations of a defendant/respondent's compliance status with environmental requirements. Credit is only given for the costs associated with conducting the audit. While the SEP should require all violations discovered by the audit to be promptly corrected, no credit is given for remedying the violation since persons are required to achieve and maintain compliance with environmental requirements. In general, compliance audits are acceptable as SEPs only when the defendant/respondent is a small business or small community.^{11 12}

6. *Environmental Compliance Promotion*

An environmental compliance promotion project provides training or technical support to *other members* of the regulated community to: (1) Identify, achieve and maintain compliance with applicable statutory and regulatory requirements or (2) go beyond compliance by reducing the generation, release or disposal of pollutants beyond legal requirements. For these types of projects, the defendant/respondent may lack the experience, knowledge or ability to implement the project itself, and, if so, the defendant/respondent should be required to contract with an appropriate expert to develop and implement the compliance promotion project. Acceptable projects may include, for example, producing a seminar directly related to correcting widespread or prevalent violations within the defendant/respondent's economic sector.

Environmental compliance promotion SEPs are acceptable only where the primary impact of the project is focused on the same regulatory program

¹¹ For purposes of this Policy, a small business is owned by a person or another entity that employs 100 or fewer individuals. Small businesses could be individuals, privately held corporations, farmers, landowners, partnerships and others. A small community is one comprised of fewer than 2,500 persons.

¹² Since most large companies routinely conduct compliance audits, to mitigate penalties for such audits would reward violators for performing an activity that most companies already do. In contrast, these audits are not commonly done by small businesses, perhaps because such audits may be too expensive.

requirements which were violated and where EPA has reason to believe that compliance in the sector would be significantly advanced by the proposed project. For example, if the alleged violations involved Clean Water Act pretreatment violations, the compliance promotion SEP must be directed at ensuring compliance with pretreatment requirements. Environmental compliance promotion SEPs are subject to special approval requirements per Section J below.

7. *Emergency Planning and Preparedness*

An emergency planning and preparedness project provides assistance—such as computers and software, communication systems, chemical emission detection and inactivation equipment, HAZMAT equipment, or training—to a responsible state or local emergency response or planning entity. This is to enable these organizations to fulfill their obligations under the Emergency Planning and Community Right-to-Know Act (EPCRA) to collect information to assess the dangers of hazardous chemicals present at facilities within their jurisdiction, to develop emergency response plans, to train emergency response personnel and to better respond to chemical spills.

EPCRA requires regulated sources to provide information on chemical production, storage and use to State Emergency Response Commissions (SERCs), Local Emergency Planning Committees (LEPCs) and Local Fire Departments (LFDs). This enables states and local communities to plan for and respond effectively to chemical accidents and inform potentially affected citizens of the risks posed by chemicals present in their communities, thereby enabling them to protect the environment or ecosystems which could be damaged by an accident. Failure to comply with EPCRA impairs the ability of states and local communities to meet their obligations and places emergency response personnel, the public and the environment at risk from a chemical release.

Emergency planning and preparedness SEPs are acceptable where the primary impact of the project is within the same emergency planning district or state affected by the violations and EPA has not previously provided the entity with financial assistance for the same purposes as the proposed SEP. Further, this type of SEP is allowable only when the SEP involves non-cash assistance and there are violations of EPCRA, or reporting violations under CERCLA section 103, or CAA section 112(r), or violations of

other emergency planning, spill or release requirements alleged in the complaint.

8. Other Types of Projects

Projects determined by the case team to have environmental merit which do not fit within at least one of the seven categories above but that are otherwise fully consistent with all other provisions of this Policy, may be accepted with the advance approval of the Office of Enforcement and Compliance Assurance.

9. Projects Which Are Not Acceptable as SEPs

The following are examples of the types of projects that are not allowable as SEPs:

- a. General public educational or public environmental awareness projects, e.g., sponsoring public seminars, conducting tours of environmental controls at a facility, promoting recycling in a community;
- b. Contributions to environmental research at a college or university;
- c. Conducting a project, which, though beneficial to a community, is unrelated to environmental protection, e.g., making a contribution to a non-profit, public interest, environmental, or other charitable organization, or donating playground equipment;
- d. Studies or assessments without a requirement to address the problems identified in the study (except as provided for in §D.5 above);
- e. Projects which the defendant/respondent will undertake, in whole or part, with low-interest federal loans, federal contracts, federal grants, or other forms of federal financial assistance or non-financial assistance (e.g., loan guarantees).

E. Calculation of the Final Penalty

Substantial penalties are an important part of any settlement for legal and policy reasons. Without penalties there would be no deterrence, as regulated entities would have little incentive to comply. Additionally, penalties are necessary as a matter of fairness to those regulated entities that make the necessary expenditures to comply on time: Violators should not be allowed to obtain an economic advantage over their competitors who complied.

As a general rule, the net costs to be incurred by a violator in performing a SEP may be considered as one factor in determining an appropriate settlement amount. *In settlements in which defendant/respondents commit to conduct a SEP, the final settlement penalty must equal or exceed either: (a) The economic benefit of noncompliance*

plus 10 percent of the gravity component; or (b) 25 percent of the gravity component only; whichever is greater.

Calculating the final penalty in a settlement which includes a SEP is a five step process. Each of the five steps is explained below. The five steps are also summarized in the penalty calculation worksheet attached to this Policy.

Step 1: Settlement Amount Without a SEP

- a. The applicable EPA penalty policy is used to calculate the economic benefit of noncompliance.
- b. The applicable EPA penalty policy is used to calculate the gravity component of the penalty. The gravity component is all of the penalty other than the identifiable economic benefit amount, after gravity has been adjusted by all other factors in the penalty policy (e.g., audits, good faith, litigation considerations), except for the SEP.
- c. The amounts in steps 1.a and b are added. This sum is the minimum amount that would be necessary to settle the case without a SEP.

Step 2: Minimum Penalty Amount With a SEP

The minimum penalty amount must equal or exceed the economic benefit of noncompliance plus 10 percent of the gravity component, or 25 percent of the gravity component only, whichever is greater. The minimum penalty amount is calculated as follows:

- a. Calculate 10 percent of gravity (multiply amount in step 1.b by 0.1).
- b. Add economic benefit (amount in step 1.a) to amount in step 2.a.
- c. Calculate 25 percent of gravity (multiply amount in step 1.b by 0.25).
- d. Identify the minimum penalty amount: the greater of step 2.c or step 2.b.¹³

Step 3. Calculate the SEP Cost

The net present after-tax cost of the SEP, hereinafter called the "SEP COST," is the maximum amount that EPA may take into consideration in determining an appropriate penalty mitigation for performance of a SEP. In order to facilitate evaluation of the SEP COST of a proposed project, the Agency has developed a computer model called PROJECT.¹⁴ There are three types of

¹³ Pursuant to the February 1995 Revised Interim Clean Water Act Settlement Penalty Policy, section V, a smaller minimum penalty amount may be allowed for a municipality.

¹⁴ A copy of the PROJECT computer program software and PROJECT User's Manual may be purchased by calling the National Technology Information Service at (800) 553-6847, and asking

costs that may be associated with performance of a SEP (which are entered into the PROJECT model): capital costs (e.g., equipment, buildings); one-time nondepreciable costs (e.g., removing contaminated materials, purchasing land, developing a compliance promotion seminar); and annual operation costs and savings (e.g., labor, chemicals, water, power, raw materials).¹⁵

To use PROJECT, the Agency needs reliable estimates of the costs associated with a defendant/respondent's performance of a SEP, as well as any savings due to such factors as energy efficiency gains, reduced materials costs, reduced waste disposal costs, or increases in productivity. For example, if the annual expenditures in labor and materials of operating a new waste recycling process is \$100,000 per year, but the new process reduces existing hazardous waste disposal expenditures by \$30,000 per year, the net cost of \$70,000 is entered into the PROJECT model (variable 4).

In order to run the PROJECT model properly (i.e., to produce a reasonable estimate of the net present after-tax cost of the project), the number of years that annual operation costs or savings will be expended in performing the SEP must be specified. At a minimum, the defendant/respondent must be required to implement the project for the same number of years used in the PROJECT model calculation. (For example, if the settlement agreement requires the defendant/respondent to operate the SEP equipment for two years, two years should be entered as the input for number of years of annual expense in the PROJECT model.) If certain costs or savings appear speculative, they should not be entered into the PROJECT model. The PROJECT model is the primary method to determine the SEP COST for purposes of negotiating settlements.¹⁶

for Document #IB 98-500408GEI, or they may be downloaded from the World Wide Web at "http://www.epa.gov/oeca/models/".

¹⁵ The PROJECT calculated SEP Cost is a reasonable estimate, and not an exact after-tax calculation. PROJECT does not evaluate the potential for market benefits which may accrue with the performance of a SEP (e.g., increased sales of a product, improved corporate public image, or improved employee morale). Nor does it consider costs imposed on the government, such as the cost to the Agency for oversight of the SEP, or the burden of a lengthy negotiation with a defendant/respondent who does not propose a SEP until late in the settlement process; such factors may be considered in determining a mitigation percentage rather than in calculating after-tax cost.

¹⁶ See PROJECT User's Manual, January 1995. If the PROJECT model appears inappropriate to a particular fact situation, EPA Headquarters should be consulted to identify an alternative approach. For example, PROJECT does not readily calculate

EPA does not offer tax advice on whether a regulated entity may deduct SEP expenditures from its income taxes. If a defendant/respondent states that it will not deduct the cost of a SEP from its taxes and it is willing to commit to this in the settlement document, and provide the Agency with certification upon completion of the SEP that it has not deducted the SEP expenditures, the PROJECT model calculation should be adjusted to calculate the SEP Cost without reductions for taxes. This is a simple adjustment to the PROJECT model: just enter a zero for variable 7, the marginal tax rate. If a business is not willing to make this commitment, the marginal tax rate in variable 7 should not be set to zero; rather the default settings (or a more precise estimate of the business' marginal tax rates) should be used in variable 7.

If the PROJECT model reveals that a project has a negative cost during the period of performance of the SEP, this means that it represents a positive cash flow to the defendant/respondent and is a profitable project. Such a project is generally not acceptable as a SEP. If a project generates a profit, a defendant/respondent should, and probably will, based on its own economic interests, implement the project. While EPA encourages regulated entities to undertake environmentally beneficial projects that are economically profitable, EPA does not believe violators should receive a bonus in the form of penalty mitigation to undertake such projects as part of an enforcement action. EPA does not offer subsidies to complying companies to undertake profitable environmentally beneficial projects and it would thus be inequitable and perverse to provide such subsidies only to violators. In addition, the primary goal of SEPs is to secure a favorable environmental or public health outcome which would not have occurred but for the enforcement case settlement. To allow SEP penalty mitigation for profitable projects would thwart this goal.¹⁷

the cost of an accelerated compliance SEP. The cost of such a SEP is only the additional cost associated with doing the project early (ahead of the regulatory requirement) and it needs to be calculated in a slightly different manner. Please consult with the Office Of Regulatory Enforcement for directions on how to calculate the costs of such projects.

¹⁷The penalty mitigation guidelines provide that the amount of mitigation should not exceed the net cost of the project. To provide penalty mitigation for profitable projects would be providing a credit in excess of net costs.

Step 4: Determine the SEP Mitigation Percentage and then the Mitigation Amount

Step 4.a: Mitigation Percentage. After the SEP COST has been calculated, EPA should determine what percentage of that cost may be applied as mitigation against the amount EPA would settle for but for the SEP. The quality of the SEP should be examined as to whether and how effectively it achieves each of the following six factors listed below. (The factors are not listed in priority order.)

- *Benefits to the Public or Environment at Large.* While all SEPs benefit public health or the environment, SEPs which perform well on this factor will result in significant and quantifiable reduction in discharges of pollutants to the environment and the reduction in risk to the general public. SEPs also will perform well on this factor to the extent they result in significant and, to the extent possible, measurable progress in protecting and restoring ecosystems (including wetlands and endangered species habitats).

- *Innovativeness.* SEPs which perform well on this factor will further the development, implementation, or dissemination of innovative processes, technologies, or methods which more effectively: reduce the generation, release or disposal of pollutants; conserve natural resources; restore and protect ecosystems; protect endangered species; or promote compliance. This includes "technology forcing" techniques which may establish new regulatory "benchmarks."

- *Environmental Justice.* SEPs which perform well on this factor will mitigate damage or reduce risk to minority or low income populations which may have been disproportionately exposed to pollution or are at environmental risk.

- *Community Input.* SEPs which perform well on this factor will have been developed taking into consideration input received from the affected community. No credit should be given for this factor if the defendant/respondent did not actively participate in soliciting and incorporating public input into the SEP.

- *Multimedia Impacts.* SEPs which perform well on this factor will reduce emissions to more than one medium.

- *Pollution Prevention.* SEPs which perform well on this factor will develop and implement pollution prevention techniques and practices.

The better the performance of the SEP under each of these factors, the higher the appropriate mitigation percentage. The percent of penalty mitigation is within EPA's discretion; there is no

presumption as to the correct percentage of mitigation. The mitigation percentage should not exceed 80 percent of the SEP COST, with two exceptions:

(1) For small businesses, government agencies or entities, and non-profit organizations, this mitigation percentage of the SEP COST may be set as high as 100 percent if the defendant/respondent can demonstrate the project is of outstanding quality.

(2) For any defendant/respondent, if the SEP implements pollution prevention, the mitigation percentage of the SEP COST may be set as high as 100 percent if the defendant/respondent can demonstrate that the project is of outstanding quality.

If the government must allocate significant resources to monitoring and reviewing the implementation of a project, a lower mitigation percentage of the SEP COST may be appropriate.

In administrative enforcement actions in which there is a statutory limit (commonly called "caps") on the total maximum penalty that may be sought in a single action, the cash penalty obtained plus the amount of penalty mitigation credit due to the SEPs shall not exceed the limit.

Step 4.b: SEP Mitigation Amount.

The SEP COST (calculated pursuant to step 3) is multiplied by the mitigation percentage (step 4.a) to obtain the SEP mitigation amount, which is the amount of the SEP cost that may be used in *potentially* mitigating the preliminary settlement penalty.

Step 5: Final Settlement Penalty

5.a. The SEP mitigation amount (step 4.b) is then subtracted from the settlement amount without a SEP (step 1.c).

5.b The greater of step 2.d or step 5.a is the minimum final settlement penalty allowable based on the performance of the SEP.

F. Liability for Performance

Defendants/respondents (or their successors in interest) are responsible and legally liable for ensuring that a SEP is completed satisfactorily. A defendant/respondent may not transfer this responsibility and liability to someone else, commonly called a third party. Of course, a defendant/respondent may use contractors or consultants to assist in implementing a SEP.¹⁸

¹⁸ Non-profit organizations, such as universities and public interest groups, may function as contractors or consultants.

G. Oversight and Drafting Enforceable SEPS

The settlement agreement should accurately and completely describe the SEP. (See related legal guideline 4 in § C above.) It should describe the specific actions to be performed by the defendant/respondent and provide for a reliable and objective means to verify that the defendant/respondent has timely completed the project. This may require the defendant/respondent to submit periodic reports to EPA. The defendant/respondent may utilize an outside auditor to verify performance, and the defendant/respondent should be made responsible for the cost of any such activities. The defendant/respondent remains responsible for the quality and timeliness of any actions performed or any reports prepared or submitted by the auditor. A final report certified by an appropriate corporate official, acceptable to EPA, and evidencing completion of the SEP and documenting SEP expenditures, should be required.

To the extent feasible, defendant/respondents should be required to quantify the benefits associated with the project and provide EPA with a report setting forth how the benefits were measured or estimated. The defendant/respondent should agree that whenever it publicizes a SEP or the results of a SEP, it will state in a prominent manner that the project is being undertaken as part of the settlement of an enforcement action.

The drafting of a SEP will vary depending on whether the SEP is being performed as part of an administrative or judicial enforcement action. SEPs with long implementation schedules (e.g., 18 months or longer), SEPs which require EPA review and comment on interim milestone activities, and other complex SEPs may not be appropriate in administrative enforcement actions. Specific guidance on the proper drafting of settlement documents requiring SEPs is provided in a separate document.

H. Failure of a SEP and Stipulated Penalties

If a SEP is not completed satisfactorily, the defendant/respondent should be required, pursuant to the terms of the settlement document, to pay stipulated penalties for its failure. Stipulated penalty liability should be established for each of the scenarios set forth below as appropriate to the individual case.

1. Except as provided in paragraph 2 immediately below, if the SEP is not completed satisfactorily, a substantial stipulated penalty should be required.

Generally, a substantial stipulated penalty is between 75 and 150 percent of the amount by which the settlement penalty was mitigated on account of the SEP.

2. If the SEP is not completed satisfactorily, but the defendant/respondent: a) made good faith and timely efforts to complete the project; and b) certifies, with supporting documentation, that at least 90 percent of the amount of money which was required to be spent was expended on the SEP, no stipulated penalty is necessary.

3. If the SEP is satisfactorily completed, but the defendant/respondent spent less than 90 percent of the amount of money required to be spent for the project, a small stipulated penalty should be required. Generally, a small stipulated penalty is between 10 and 25 percent of the amount by which the settlement penalty was mitigated on account of the SEP.

4. If the SEP is satisfactorily completed, and the defendant/respondent spent at least 90 percent of the amount of money required to be spent for the project, no stipulated penalty is necessary.

The determinations of whether the SEP has been satisfactorily completed (i.e., pursuant to the terms of the agreement) and whether the defendant/respondent has made a good faith, timely effort to implement the SEP should be reserved to the sole discretion of EPA, especially in administrative actions in which there is often no formal dispute resolution process.

I. Community Input

In appropriate cases, EPA should make special efforts to seek input on project proposals from the local community that may have been adversely impacted by the violations.¹⁹ Soliciting community input into the SEP development process can: Result in SEPs that better address the needs of the impacted community; promote environmental justice; produce better community understanding of EPA enforcement; and improve relations between the community and the violating facility. Community involvement in SEPs may be most appropriate in cases where the range of possible SEPs is great and/or multiple SEPs may be negotiated.

¹⁹In civil judicial cases, the Department of Justice already seeks public comment on lodged consent decrees through a **Federal Register** notice. See 28 CFR 50.7. In certain administrative enforcement actions, there are also public notice requirements that are followed before a settlement is finalized. See 40 CFR part 22.

When soliciting community input, the EPA negotiating team should follow the four guidelines set forth below.

1. Community input should be sought after EPA knows that the defendant/respondent is interested in doing a SEP and is willing to seek community input, approximately how much money may be available for doing a SEP, and that settlement of the enforcement action is likely. If these conditions are not satisfied, EPA will have very little information to provide communities regarding the scope of possible SEPs.

2. The EPA negotiating team should use both informal and formal methods to contact the local community. Informal methods may involve telephone calls to local community organizations, local churches, local elected leaders, local chambers of commerce, or other groups. Since EPA may not be able to identify all interested community groups, a public notice in a local newspaper may be appropriate.

3. To ensure that communities have a meaningful opportunity to participate, the EPA negotiating team should provide information to communities about what SEPs are, the opportunities and limits of such projects, the confidential nature of settlement negotiations, and the reasonable possibilities and limitations in the current enforcement action. This can be done by holding a public meeting, usually in the evening, at a local school or facility. The EPA negotiating team may wish to use community outreach experts at EPA or the Department of Justice in conducting this meeting. Sometimes the defendant/respondent may play an active role at this meeting and have its own experts assist in the process.

4. After the initial public meeting, the extent of community input and participation in the SEP development process will have to be determined. The amount of input and participation is likely to vary with each case. Except in extraordinary circumstances and with agreement of the parties, representatives of community groups will not participate directly in the settlement negotiations. This restriction is necessary because of the confidential nature of settlement negotiations and because there is often no equitable process to determine which community group should directly participate in the negotiations.

J. EPA Procedures

1. Approvals

The authority of a government official to approve a SEP is included in the official's authority to settle an

enforcement case and thus, subject to the exceptions set forth here, no special approvals are required. The special approvals apply to both administrative and judicial enforcement actions as follows:

a. Regions in which a SEP is proposed for implementation shall be given the opportunity to review and comment on the proposed SEP.

b. In all cases in which a project may not fully comply with the provisions of this Policy (e.g., see footnote 1), the SEP must be approved by the EPA Assistant Administrator for Enforcement and Compliance Assurance. If a project does not fully comply with all of the legal guidelines in this Policy, the request for approval must set forth a legal analysis supporting the conclusion that the project is within EPA's legal authority and is not otherwise inconsistent with law.

c. In all cases in which a SEP would involve activities outside the United States, the SEP must be approved in

advance by the Assistant Administrator and, for judicial cases only, the Assistant Attorney General for the Environment and Natural Resources Division of the Department of Justice.

d. In all cases in which an environmental compliance promotion project (section D.6) or a project in the "other" category (section D.8) is contemplated, the project must be approved in advance by the appropriate office in OECA, unless otherwise delegated.

2. Documentation and Confidentiality

In each case in which a SEP is included as part of a settlement, an explanation of the SEP with supporting materials (including the PROJECT model printout, where applicable) must be included as part of the case file. The explanation of the SEP should explain how the five steps set forth in Section A.3 above have been used to evaluate the project and include a description of the expected benefits associated with

the SEP. The explanation must include a description by the enforcement attorney of how nexus and the other legal guidelines are satisfied.

Documentation and explanations of a particular SEP may constitute confidential settlement information that is exempt from disclosure under the Freedom of Information Act, is outside the scope of discovery, and is protected by various privileges, including the attorney-client privilege and the attorney work-product privilege. While individual Agency evaluations of proposed SEPs are confidential, privileged documents, this Policy is a public document and may be released to anyone upon request.

This Policy is primarily for the use of U.S. EPA enforcement personnel in settling cases. EPA reserves the right to change this Policy at any time, without prior notice, or to act at variance to this Policy. This Policy does not create any rights, duties, or obligations, implied or otherwise, in any third parties.

ATTACHMENT.—SEP PENALTY CALCULATION WORKSHEET

[This worksheet should be used pursuant to section E of the Policy. Specific Applications of this Worksheet in a Case Are Privileged, Confidential Documents]

Step	Amount
STEP 1: CALCULATION OF SETTLEMENT AMOUNT WITHOUT A SEP	
1.a. BENEFIT: The applicable penalty policy is used to calculate the economic benefit of noncompliance	\$
1.b. GRAVITY: The applicable penalty policy is used to calculate the gravity component of the penalty; this is gravity after all adjustments in the applicable policy.	\$
1.c. SETTLEMENT AMOUNT without a SEP: Sum of step 1.a plus 1.b	\$
STEP 2: CALCULATION OF THE MINIMUM PENALTY AMOUNT WITH A SEP	
2.a 10% of GRAVITY: Multiply amount in step 1.b by 0.10	\$
2.b BENEFIT PLUS 10% of GRAVITY: Sum of step 1.a plus step 2.a	\$
2.c. 25% of GRAVITY: Multiply amount in step 1.b by 0.25	\$
2.d MINIMUM PENALTY AMOUNT: Select greater of step 2.c or step 2.b	\$
STEP 3: CALCULATION OF THE SEP COST USING PROJECT MODEL	
STEP 4: CALCULATION OF MITIGATION PERCENTAGE AND MITIGATION AMOUNT	
4.a. SEP Cost Mitigation Percentage. Evaluate the project pursuant to the 6 mitigation factors in the Policy. Mitigation percentage should not exceed 80% unless one of the exceptions applies.	Percent
4.b. SEP Mitigation Amount. Multiply step 3 by step 4.a	\$
STEP 5: CALCULATION OF THE FINAL SETTLEMENT PENALTY	
5.a Subtract step 4.b from step 1.c	\$
5.b. Final Settlement Penalty: Select greater of step 2.d or step 5.a	\$

[FR Doc. 98-11881 Filed 5-4-98; 8:45 am]
BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6007-9]

Selections for Total Maximum Daily Load Development for the State of West Virginia

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability for public comment of the selection of two waterbodies for Total Maximum Daily

Load (TMDL) development in the state of West Virginia.

SUMMARY: Pursuant to the Consent Decree filed with the court resolving a citizen suit filed against EPA, *Ohio Valley Environmental Coalition, Inc. West Virginia Highlands Conservancy et al. v. Browner et al.*, (C.A. No. 2:95-5029 and 2:96-0091 (S.D.WV), EPA must establish TMDLs for seven water quality limited segments ("WQLS") of waterbodies in West Virginia by September 30, 1998, if the State of West Virginia fails to establish these TMDLs itself. The Consent Decree, in Paragraph 18, contemplates that, in the first

instance, West Virginia will select the waterbodies for TMDL development, but that EPA may select alternative waterbodies, if EPA is establishing the TMDLs in cooperation with West Virginia.

West Virginia, with EPA's concurrence, is in the process of announcing the selection of the following five WQLS for TMDL development for 1998: Lost River, Hurricane Lake, Mountwood Park Lake, Tomlinson Run Lake, and Burches Run Lake. Pursuant to Paragraph 18 of the Consent Decree, EPA today is providing notice that EPA has selected two additional waterbodies for TMDL

development in West Virginia. EPA has selected Ten Mile Creek of the Buckhannon River and the mainstem of the Buckhannon River in Upshur County, West Virginia, in lieu of the Cheat River and Paint Creek, which were the selections proposed by West Virginia.

This notice is intended to inform interested persons of EPA's intention to develop TMDLs for Ten Mile Creek and Buckhannon River, in lieu of the Cheat River and Paint Creek. Interested persons may provide comment on this selection to EPA. Comments should be received no later than 30 days after the date of this Notice and should be sent to the person listed in the following FOR INFORMATION CONTACT section.

FOR FURTHER INFORMATION CONTACT: Carol Ann Davis, Office of Watersheds (3WP12), USEPA Region III, 841 Chestnut Building, Philadelphia, PA 19107, at (215) 566-5738, or by email at davis.carolann@epamail.epa.gov.

Dated: April 27, 1998.

Joseph Piotrowski,

Acting Director, Water Protection Division, EPA Region III.

[FR Doc. 98-11880 Filed 5-4-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6008-4]

Notice of Transfer of Jurisdiction of National Pollutant Discharge Elimination System (NPDES) General Permit in Louisiana to Louisiana Department of Environmental Quality (LDEQ) and in Oklahoma to Oklahoma Department of Environmental Quality (ODEQ)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Transfer of Jurisdiction of NPDES General Permits.

SUMMARY: EPA Region 6 proposed and solicited comments on NPDES General Permits for Discharges Resulting From Implementing Corrective Action Plans for Cleanup of Petroleum UST Systems in Louisiana (LAG830000) and in Oklahoma (OKG830000) at 61 FR 37894 (July 22, 1996). Those permits were subsequently issued November 14, 1997 (62 FR 61116). Today, EPA Region 6 gives notice that jurisdiction over NPDES General Permit No. LAG830000 is being transferred to LDEQ and jurisdiction over NPDES General Permit No. OKG830000 is being transferred to ODEQ.

DATES: The effective date of transfer of jurisdiction of these permits is May 5, 1998.

FOR FURTHER INFORMATION CONTACT: Ms. Wilma Turner, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7516.

SUPPLEMENTARY INFORMATION: EPA Region 6 and LDEQ have a Memorandum of Agreement (MOA), with effective date of August 27, 1996, establishing policies, responsibilities and procedures defining the manner in which the NPDES will be administered by the State of Louisiana through the LDEQ as the Louisiana Pollutant Discharge Elimination System (LPDES) program. Section II of this MOA (Jurisdiction over Permits) states that EPA shall retain permit decision-making authority over permits which are currently (as of the MOA's effective date) at EPA's public notice stage until final permit issuance. EPA will then transfer jurisdiction of those permits to LDEQ. EPA has a similar MOA with ODEQ, with an effective date of November 19, 1996, defining the manner in which the NPDES will be administered by the State of Oklahoma through the ODEQ as the Oklahoma Pollutant Discharge Elimination System (OPDES).

These two NPDES general permits were at the public notice stage on the effective dates of the Louisiana and Oklahoma MOA's; therefore, EPA retained decision-making authority over those permits and issued the final decision on the permits. EPA is now transferring jurisdiction of those permits to the respective State agencies.

After the effective date of this transfer of jurisdiction, all subsequent notifications of intent to be covered, discharge monitoring reports, and other reports required by these two permits shall no longer be sent to EPA Region 6, but shall be sent, for LAG830000, to:

Assistant Secretary for Water, Water Pollution Control Division, Louisiana Department of Environmental Quality, P.O. Box 82215, Baton Rouge, LA 70884-2215

and, for OKG830000, to:

Director, Oklahoma Department of Environmental Quality, 1000 NE 10th Street, Oklahoma City, OK 73117-1212,

William B. Hathaway,

Director, Water Quality Protection Division EPA Region 6.

[FR Doc. 98-11755 Filed 5-4-98; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection(s) Approved by Office of Management and Budget

April 29, 1998.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collection(s) pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. 3501-3520. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Notwithstanding any other provisions of law, no person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Questions concerning the OMB control numbers and expiration dates should be directed to Jerry Cowden, Federal Communications Commission, (202) 418-0447.

Federal Communications Commission.

OMB Control No.: 3060-0562.

Expiration Date: 4/30/2001.

Title: Section 76.916 Petition for recertification.

Form Number: Not applicable.

Estimated annual burden: 100 hours; 10 hours per response; 10 respondents.

Description: Section 76.916 provides that a franchising authority wishing to assume jurisdiction to regulate basic service and associated equipment rates after its request for certification has been denied or revoked may file a petition for recertification with the Commission. The petition must be served on the cable operator and on any interested party that participated in the proceeding denying or revoking the original certification.

OMB Control No.: 3060-0570.

Expiration Date: 4/30/2001.

Title: Section 76.982 Continuation of rate agreements.

Form Number: Not applicable.

Estimated annual burden: 13 hours; 0.5 hour per response; 25 respondents.

Description: Section 76.982 provides that franchise authorities who were regulating basic cable rates pursuant to a rate agreement executed before July 1, 1990, may continue to regulate rates during the remainder of the agreement. Franchise authorities must notify the Commission of their intentions to continue regulating rates under the rate agreement.

OMB Control No.: 3060-0609.

Expiration Date: 4/30/2001.

Title: Section 76.934(e) Petitions for extension of time.

Form Number: Not applicable.

Estimated annual burden: 140 hours; 4 hours per response; 35 respondents.

Description: Section 76.934(e) states that small cable systems may obtain an extension of time to establish compliance with rate regulations provided that they can demonstrate that timely compliance would result in severe economic hardship. Requests for extension of time are addressed to local franchising authorities concerning rates for basic service tiers and to the Commission concerning rates for cable programming service tiers.

OMB Control No.: 3060-0610.

Expiration Date: 4/30/2001.

Title: Section 76.958 Notice to Commission of rate change while complaint is pending.

Form Number: Not applicable.

Estimated annual burden: 200 hours; 0.5 hour per response; 400 respondents.

Description: Section 76.958 states that a regulated cable operator that proposes to change any rate while a cable service tier complaint is pending before the Commission shall provide the Commission at least 30 days notice of the proposed change.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98-11842 Filed 5-4-98; 8:45 am]

BILLING CODE 6712-01-F

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:37 a.m. on Tuesday, April 28, 1998, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's corporate and supervisory activities.

In calling the meeting, the Board determined, on motion of Director Joseph H. Neely (Appointive), seconded by Director Julie Williams (Acting Comptroller of the Currency), concurred in by Ms. Carolyn Buck, acting in place and stead of Director Ellen S. Seidman (Director, Office of Thrift Supervision), and Acting Chairman Andrew C. Hove, Jr., that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters

in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550-17th Street, N.W., Washington, D.C.

Dated: April 30, 1998.

Federal Deposit Insurance Corporation

James D. LaPierre,

Deputy Executive Secretary.

[FR Doc. 98-11986 Filed 5-1-98; 11:06 am]

BILLING CODE 6714-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Collection of Information
Title: Debt Collection Financial Statement.

Form Number: 22-13, Debt Collection Financial Statement

Type of Collection: Reinstatement, with change, of a previously approved collection for which approval has expired.

OMB Number: 3067-0122.

Abstract: Under FEMA's debt collection regulations, 44CFR 11.36(b), Debt Collections Officers (DCO's) are required to maintain current credit data on FEMA debtors. FEMA Form 22-13, Debt Collection Financial Statement is used to collect data from individual debtors by FEMA DCO's for debts due to the United States and arising from operation of FEMA programs. The collection of this information will allow DCO's to evaluate whether to allow debtors to pay the FEMA debts under installment repayment agreement and if so under what terms and amounts. The data collected will also allow the FEMA DCO to make the determination whether FEMA should suspend or terminated efforts or compromise the respondents debts. Information requested from the debtor on FEMA Form 22-13 is voluntary. However, if the debtor does

not provide the information requested by FEMA, the DCO may use more severe collections methods.

Changes in the total estimated burden hours are due to an increase in the number of users of the form; no changes have been made to the information provided in the form, which is used to make determinations or the suspension, termination efforts, or compromise of debts.

Affected Public: Individuals and households.

Number of Respondents: 2,000.

Estimated Time per Respondent: 45 minutes.

Estimated Total Annual Burden Hours: 1,500.

Frequency of Response: One-time.

COMMENTS: Interested persons are invited to submit written comments on the proposed information collection to the Dennis Marvich, Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 on or before June 4, 1998.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, FEMA Information Collections Officer, Federal Emergency Management Agency, 500 C Street, SW, Room 316, Washington, DC 20472. Telephone number (202) 646-2625. FAX number (202) 646-3524.

Dated: April 27, 1998.

Reginald Trujillo,

Director, Program Services Division, Operations Support Directorate.

[FR Doc. 98-11861 Filed 5-4-98; 8:45 am]

BILLING CODE 6718-01-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507). This notice seeks comments concerning the Implementation of the Coastal Barrier Resources Act as is outlined in 44 CFR Part 71.

The Coastal Barrier Resources Act (CBRA Public Law 97-3480) and the Coastal Barrier Improvement Act (CBRA Pub.L. 101-591) are federal laws that were enacted on October 1, 1982, and November 16, 1990, respectively. The laws provide protection by prohibiting all federal expenditures or financial assistance or commercial development in areas identified within the system. The legislation was implemented as part of a Department of Interior (DOI) initiative to preserve ecological integrity to areas DOI designates as coastal barriers and otherwise protected areas. When an application for flood insurance is submitted for buildings located in CBRS communities, documentation of eligibility must be submitted.

Title: Implementation of Coastal Barrier Resources Act.

Type of Collection: Reinstatement, without change, of a previously approved collection that has expired.

OMB Number: 3067-0120.

Abstract: When an application for flood insurance is submitted for buildings located in CBRS communities, Section 71.4 of the Code of Federal Regulations Title 44, requires documentation that a building is neither a new construction nor a substantial improvement. One of the following types of documentation must be submitted as evidence of eligibility:

- Certification from a community official stating the building is not located in a designated CBRS area.
- A legally valid building permit or certification from a community official stating that the building's start of construction date preceded the date that the community was identified in the system.
- Certification from the governmental body overseeing the area indicating that the building is used in a manner consistent with the purpose for which the area is protected.

Affected Public: Individuals or households; Business or other for-profit; Not-For-Profit Institutions; Farms; Federal Government; State, Local or Tribal Government.

Number of Respondents: 50.

Hours Per Response: 1.5 hours.

Estimated Time per Respondent: The estimated time per respondent is 1.5 hours, which includes the time to obtain the required documentation from local officials, make telephone calls, prepare and submit written request(s) for the document, and/or make a trip to a local office to obtain the document.

Estimated Total Annual Burden

Hours: 75 hours.

Frequency of Response: One-Time.

COMMENTS: Interested persons are invited to submit written comments on

the proposed information collection to Dennis Marvich, Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 on or before June 4, 1998.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, FEMA Information Collections Officer, Federal Emergency Management Agency, 500 C Street, SW, Room 316, Washington, DC 20472. Telephone number (202) 646-2625. FAX number (202) 646-3524.

Dated: April 27, 1998.

Reginald Trujillo,

Director, Program Services Division, Operations Support Directorate.

[FR Doc. 98-11862 Filed 5-4-98; 8:45 am]

BILLING CODE 6718-01-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1008-DR]

California; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of California (FEMA-1008-DR), dated January 17, 1994, and related determinations.

EFFECTIVE DATE: April 14, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, effective this date and pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Christina Lopez of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

This action terminates my appointment of Lelamd Wilson as Federal Coordinating Officer for this declared disaster.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment

Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,

Director.

[FR Doc. 98-11863 Filed 5-4-98; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1203-DR]

California; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of California (FEMA-1203-DR), dated February 9, 1998, and related determinations.

EFFECTIVE DATE: April 30, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective April 30, 1998.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98-11865 Filed 5-4-98; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1203-DR]

California; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of California (FEMA-1203-DR), dated February 9, 1998, and related determinations.

EFFECTIVE DATE: April 22, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, effective this date and pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Michael W. Lowder of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

This action terminates my appointment of Dorothy M. Lacey as Federal Coordinating Officer for this disaster.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,

Director.

[FR Doc. 98-11866 Filed 5-4-98; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1209-DR]

Georgia; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Georgia (FEMA-1209-DR), dated March 11, 1998, and related determinations.

EFFECTIVE DATE: April 24, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of

Georgia, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 11, 1998:

Lumpkin, Murray, and Pickens Counties for Individual Assistance and Public Assistance.

Barrow and Wayne Counties for Public Assistance.

Bartow, Cherokee, Dade, Walker, and Paulding Counties for Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98-11864 Filed 5-4-98; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1209-DR]

Georgia; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Georgia (FEMA-1209-DR), dated March 11, 1998, and related determinations.

EFFECTIVE DATE: April 24, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Georgia, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 11, 1998:

Barrow and Wayne Counties for Individual Assistance (already designated for Public Assistance).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis

Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98-11870 Filed 5-4-98; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1193-DR]

Guam; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Government of Guam (FEMA-1193-DR), dated December 17, 1997, and related determinations.

EFFECTIVE DATE: April 24, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, effective this date and pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint William B. Carwile of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

This action terminates my appointment of Dale R. Peterson as Federal Coordinating Officer for this disaster.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,

Director.

[FR Doc. 98-11869 Filed 5-4-98; 8:45 am]

BILLING CODE 6718-02-P

**FEDERAL EMERGENCY
MANAGEMENT AGENCY****[FEMA-1215-DR]****Tennessee; Amendment No. 3 to
Notice of a Major Disaster Declaration****AGENCY:** Federal Emergency
Management Agency (FEMA).**ACTION:** Notice.**SUMMARY:** This notice amends the notice of a major disaster for the State of Tennessee, (FEMA-1215-DR), dated April 20, 1998, and related determinations.**EFFECTIVE DATE:** April 27, 1998.**FOR FURTHER INFORMATION CONTACT:** Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.**SUPPLEMENTARY INFORMATION:** The notice of a major disaster for the State of Tennessee, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 20, 1998:

Hawkins and Jefferson Counties for Individual Assistance and Public Assistance. Cheatham, Giles, Hardin, Macon, Monroe, Sumner, and Williamson Counties for Individual Assistance.

Grainger and Roane Counties for Public Assistance.

Knox, Loudon, Morgan, and Maury Counties for Public Assistance (already designated for Individual Assistance).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,*Executive Associate Director, Response and Recovery Directorate.*

[FR Doc. 98-11867 Filed 5-4-98; 8:45 am]

BILLING CODE 6718-02-P

**FEDERAL EMERGENCY
MANAGEMENT AGENCY****[FEMA-1215-DR]****Tennessee; Major Disaster and Related
Determinations****AGENCY:** Federal Emergency
Management Agency (FEMA).**ACTION:** Notice.**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of Tennessee (FEMA-1215-DR), dated April 20, 1998, and related determinations.**EFFECTIVE DATE:** April 20, 1998.**FOR FURTHER INFORMATION CONTACT:** Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, in a letter dated April 20, 1998, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Tennessee, resulting from severe storms, tornadoes and flooding beginning on April 16, 1998 and continuing is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. 93-288, as amended ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of Tennessee.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance, Public Assistance, and Hazard Mitigation in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Michael J. Polny of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Tennessee to have been affected adversely by this declared major disaster:

Campbell, Davidson, Lawrence, Maury, Pickett, and Wayne Counties for Individual Assistance.

Davidson, Pickett, and Wayne Counties for Public Assistance.

All counties within the State of Tennessee are eligible to apply for

assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,*Director.*

[FR Doc. 98-11868 Filed 5-4-98; 8:45 am]

BILLING CODE 6718-02-P

**FEDERAL EMERGENCY
MANAGEMENT AGENCY****Open meeting of the Federal
Interagency Committee on Emergency
Medical Services (FICEMS)****AGENCY:** Federal Emergency
Management Agency (FEMA).**ACTION:** Notice of open meeting.**SUMMARY:** FEMA announces the following open meeting.**NAME:** Federal Interagency Committee on Emergency Medical Services (FICEMS).**DATE OF MEETING:** June 4, 1998.**PLACE:** Room N-309, Building N, National Emergency Training Center (NETC), 16825 South Seton Avenue in Emmitsburg, Maryland 21727.**TIME:** 10:00 a.m.**PROPOSED AGENDA:** Review and submission for approval of previous FICEMS Committee Meeting Minutes; Ambulance Design Subcommittee and Technology Subcommittee Reports; presentation of member agency reports; reports of other interested parties.**SUPPLEMENTARY INFORMATION:** This meeting will be open to the public with limited seating available on a first-come, first-served basis. Members of the general public who plan to attend the meeting should contact William Troup, United States Fire Administration, 16825 South Seton Avenue, Emmitsburg, Maryland 21727, (301) 447-1231, on or before Monday, June 1, 1998.

Minutes of the meeting will be prepared and will be available upon request 30 days after they have been approved at the next FICEMS Committee Meeting on September 3, 1998.

Dated: April 28, 1998.

Carrye B. Brown,

U.S. Fire Administrator.

[FR Doc. 98-11860 Filed 5-4-98; 8:45 am]

BILLING CODE 6718-08-P

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984.

Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 962. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 203-010982-023.

Title: Florida-Bahamas Shipowners and Operators Association.

Parties: Tropical Shipping & Construction Co., Ltd., Pioneer Shipping Ltd., Savoy Shipping Company, Crowley American Transport, Inc., Arawak Bahamas Line, Ltd., Seaboard Marine, Ltd.

Synopsis: The proposed amendment would establish service contract rules for the Agreement.

By Order of the Federal Maritime Commission.

Dated: April 29, 1998.

Joseph C. Polking,

Secretary.

[FR Doc. 98-11826 Filed 5-4-98; 8:45 am]

BILLING CODE 6730-01-M

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 May 28, 1998.

A. Federal Reserve Bank of Minneapolis (Karen L. Grandstrand, Vice President) 90 Hennepin Avenue, P.O. Box 291, Minneapolis, Minnesota 55480-0291:

1. *FMB Bankshares, Inc.*, Madison, South Dakota; to merge with Canton Bancshares, Inc., Canton, South Dakota, and thereby indirectly acquire First American Bank, Canton, South Dakota.

In connection with this application, Applicant has also applied to acquire Fairview Insurance Agency, Canton, South Dakota; and thereby engage in general insurance activities in a place where the the bank holding company or a subsidiary of the bank holding company has a lending office and that has a population not exceeding 5,000, pursuant to § 225.28(b)(11)(iii)(A) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, April 29, 1998.

William W. Wiles,

Secretary of the Board.

[FR Doc. 98-11807 Filed 5-4-98; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[INFO-98-18]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To

request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639-7090.

Comments are invited on: (a) Whether the proposed 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 proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS-D24, Atlanta, GA 30333. Written comments should be received on or before July 6, 1998.

Proposed Projects

1. The purpose of this study is to evaluate the reliability and validity of existing instruments that measure stress and stressful life events in black women of reproductive age. Eligible subjects will be black women who live in the Atlanta metropolitan area. Subjects will be recruited from flyers, newspaper announcements, hospitals and clinics in the metropolitan Atlanta area. Subjects will be screened and selected based on age (18-30 or 31-45 years), years of education (12, 13-15, 16 or more), and pregnancy status (pregnant, not pregnant). A maximum of thirty women will be selected for each combination of age, education and pregnancy status. The minimum age for participation will be 18 to avoid the complications due to requirement of parental consent. Women will be excluded if they use illicit drugs, such as heroin, cocaine and marijuana because these substances may alter the metabolism of cortisol. The contact, timing and spacing of the interviews and laboratory collection are based on the methodology developed and used for conducting reliability and validity tests. Approximately one half of the women will be pregnant at the time of data collection.

Women enrolled in the study respond to a series of face-to-face and self-administered demographic and psychosocial questionnaires. Women are also asked to provide a saliva sample so that we can correlate reported levels of stress with biological measures of stress.

Participation in this study is voluntary and participants will receive compensation of \$35 for their time. A

written informed consent will be obtained and oversight will be provided by local institutional review board.

This project should take two years. One hundred fifteen (115) women will participate only in the validity study and thirty-nine (39) women will participate in the validity and reliability study. The validity study requires one interview and one salivary sample. The reliability study requires a second interview and a second salivary specimen, approximately two weeks after the first interview.

During the first three months of the study, the Project Director will set up the office, hire staff and student

assistants and provide interviewer and data entry training. The Project Director will also make contacts and explore potential sites for recruiting women for the study. During the next nine months, all of the interviews (approximately 115 validity subjects and 39 reliability subjects remaining) will be conducted and data entry of the quantitative instruments (i.e Demographic Lifestyle Questionnaire, Cohen Perceived Stress Scale, Life Experience Survey (LES), ARIC/BAECKE Questionnaire of Habitual Physical Activity, Center for Epidemiologic Studies Depression Scale (CES-D), Profile of Mood States, Multiple Affect Adjustive Checklist,

Speilberger Trait Anxiety Inventory-Self Evaluation Questionnaire) will be completed. Scoring for the qualitative instruments (i.e. Structured Event Probe and Narrative Rating Method (SEPARATE) and Life Events and Difficulties Schedule (LEDS) will be initiated during year 1, but the bulk of the qualitative scoring will be completed during Year 2. The data entry of the qualitative data will be completed during Year 2. Preliminary analyses will be conducted during Year 2, with the technical assistance of CDC. The total estimated cost to respondents is \$6,755 (39 reliability participants @ \$70 and 115 validity participants @ \$35).

Respondents	Number of respondents	Number of responses/respondent	Average burden/response (in hrs.)	Total burden (in hrs.)
Reliability Study Group:				
African-American women for the ages of 18 to 45	39	2	3	234
Validity Study Group:				
African-American women for the ages of 18 to 45	115	1	3	345
Total				579

2. Expanded National Surveillance for Antimicrobial Resistance, Pilot. The Hospital Infections Program, National Center for Infectious Diseases, Centers for Disease Control and Prevention (CDC), is proposing a surveillance system to identify patients with infections with antimicrobial resistant pathogens of critical public health importance. As a pilot project, we will first study glycopeptide intermediate-resistant *Staphylococcus aureus*. Approximately 1/3 of *S. aureus* infections are now resistant to multiple antibiotics leaving only vancomycin, the only Food and Drug Administration (FDA) approved glycopeptide antibiotic available in the United States, for treatment of these infected patients. CDC's Hospital Infections Program recommended that all staphylococci

possibly resistant to glycopeptides (minimum inhibitory concentration [MIC] ≥ 4 µg/mL) be sent to CDC if the MIC is unchanged or higher. The incidence of these resistant pathogens is thought to be rare, and to date only one additional glycopeptide intermediate-resistant *S. aureus* (GRS) has been identified. Clinicians caring for patients with infections due to GRS have extremely limited treatment options for their patients, and scientists are in need of adequate clinical specimens to create informed hypotheses about mechanisms of resistance to aid in drug discovery and treatment options.

To confirm and characterize GRS, we propose building on the existing Emerging Infections Network of the Infectious Disease Society of America (IDSA EIN, a pool of approximately 200 infectious disease specialists), clinical

microbiologists participating in CLINMICRONET (a pool of approximately 100 microbiologists), the infection control community, and industry, and CDC will serve as a reference laboratory. The objectives of this surveillance system are to (1) obtain epidemiologic and clinical data on patients with GRS infections so that risk factors for infection and clinical impact of infection can be studied, and (2) obtain GRS isolates to confirm identity and susceptibility, create library of molecular fingerprints (pulsed field gel electrophoresis [PFGE]), and study resistance mechanisms.

Number of respondents and burden to complete forms for possible isolates (number of respondents is estimated since the actual incidence of these pathogens is thought to be very low).

Form	Number of respondents	Number of responses/respondent	Average burden/respondent (in hrs.)	Total burden (in hrs.)
Emerging Infections Network	20	1	0.50	10
ClinMicronet	20	1	0.50	10
Industry/infection control community	40	1	0.50	20
Total				40

Charles W. Gollmar,

Acting Associate Director for Policy Planning and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 98-11823 Filed 5-4-98; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Disease Control and Prevention****Safety and Occupational Health Study Section NIOSH Meeting**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting:

Name: Safety and Occupational Health Study Section, National Institute for Occupational Safety and Health (NIOSH).

Times and dates: 8 a.m.-5:30 p.m., June 18, 1998. 8 a.m.-5:30 p.m., June 19, 1998.

Place: Embassy Suites Hotel, 1900 Diagonal Road, Alexandria, Virginia 22314.

Status: Open 8 a.m.-8:30 a.m., June 18, 1998; Closed 8:30 a.m.-5:30 p.m., June 18, 1998; Closed 8 a.m.-5:30 p.m., June 19, 1998.

Purpose: The Safety and Occupational Health Study Section will review, discuss, and evaluate grant application(s) in response to the Institute's standard grants review and funding cycles pertaining to research issues in occupational safety and health and allied areas.

It is the intent of NIOSH to support broad-based research endeavors in keeping with the Institute's program goals which will lead to improved understanding and appreciation for the magnitude of the aggregate health burden associated with occupational injuries and illnesses, as well as to support more focused research projects which will lead to improvements in the delivery of occupational safety and health services and the prevention of work-related injury and illness. It is anticipated that research funded will promote these program goals.

Matters to be discussed: The meeting will convene in open session from 8-8:30 a.m., on June 18, 1998, to address matters related to the conduct of Study Section business. The remainder of the meeting will proceed in closed session. The purpose of the closed sessions is for the Safety and Occupational Health Study Section to consider safety and occupational health related grant applications. These portions of the meeting will be closed to the public in accordance with provisions set forth in section 552(c) (4) and (6), title 5 U.S.C., and the Determination of the Associate Director for Management and Operations, CDC, pursuant to Public Law 92-463.

Agenda items are subject to change as priorities dictate.

Contact person for more information: Pervis C. Major, Ph.D., Scientific Review Administrator, Office of Extramural

Coordination and Special Projects, Office of the Director, NIOSH, 1095 Willowdale Road, Morgantown, West Virginia 26505. Telephone 304/285-5979.

Dated: April 28, 1998.

Nancy C. Hirsch,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 98-11820 Filed 5-4-98; 8:45 am]

BILLING CODE 4163-19-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration**

[Docket No. 96F-0348]

MacMillan Bloedel, Ltd.; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a food additive petition (FAP 6B4520) proposing that the food additive regulations be amended to provide for the safe use of ethylene glycol as a component of a pulp bleaching medium used in the manufacture of paper and paperboard intended for use in contact with food.

FOR FURTHER INFORMATION CONTACT:

Andrew J. Zajac, Center for Food Safety and Applied Nutrition (HFS-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3095.

SUPPLEMENTARY INFORMATION: In a notice published in the *Federal Register* of October 7, 1996 (61 FR 52454), FDA announced that a food additive petition (FAP 6B4520) had been filed by MacMillan Bloedel, Ltd., c/o Camplong & Associates, Inc., P.O. Box 238, Schomberg, ON L0G 1T0, Canada. The petition proposed to amend the food additive regulations in § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) to provide for the safe use of ethylene glycol as a pulp bleaching agent for paper and paperboard intended for use in contact with food. Upon further review, FDA has determined that the petition proposed the use of ethylene glycol as a component of a pulp bleaching medium used in the manufacture of food-contact paper and paperboard. MacMillan Bloedel, Ltd., has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: April 10, 1998.

Laura M. Tarantino,

Acting Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 98-11805 Filed 5-4-98; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration****Vaccines and Related Biological Products 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). At least one portion of the meeting may be closed to the public.

Name of Committee: Vaccines and Related Biological Products 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 May 26 and 27, 1998, 8 a.m. to 5:45 p.m.

Location: Holiday Inn, Versailles Ballrooms I and II, 8120 Wisconsin Ave., Bethesda, MD.

Contact Person: Nancy T. Cherry or Denise H. Royster, Center for Biologics Evaluation and Research (HFM-21), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301-827-0314, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area), code 12391. Please call the Information Line for up-to-date information on this meeting.

Agenda: The committee will: (1) Consider the safety and efficacy of a new vaccine from SmithKline for the prevention of Lyme disease; (2) consider the safety and efficacy of a live, oral, attenuated vaccine for the prevention of cholera; and (3) discuss issues relating to the potential inclusion of a boxed warning on the package insert for live polio virus vaccine.

Procedure: On May 26 and 27, 1998, from 9 a.m. to 5:45 p.m., the meeting is open to the public. 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 May 19, 1998. Oral

presentations from the public will be scheduled between approximately 9 a.m. and 9:15 a.m., and between approximately 3:30 p.m. and 3:45 p.m., on May 26, 1998, and between approximately 9 a.m. and 9:15 a.m., and between approximately 1:30 p.m. and 1:45 p.m., and between approximately 3:30 p.m. and 3:45 p.m., on May 27, 1998. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before May 19, 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.

Closed Committee Deliberations: On May 26 and 27, 1998, from 8 a.m. to 9 a.m., the meeting will be closed to permit discussion and review of trade secret and/or confidential information (5 U.S.C. 552b(c)(4)). These portions of the meeting will be closed to discuss pending investigational new drug applications or pending product licensing applications.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: April 28, 1998.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 98-11806 Filed 5-4-98; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98D-0149]

Guidance for Industry on National Uniformity for Nonprescription Drugs—Ingredient Listing for OTC Drugs; Availability; Clarification

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; clarification.

SUMMARY: The Food and Drug Administration (FDA) is clarifying an administrative error relating to a notice that appeared in the **Federal Register** of April 9, 1998 (63 FR 17429). The notice announced the availability of a guidance for industry entitled "National Uniformity for Nonprescription Drugs—Ingredient Listing for OTC Drugs." The agency displayed the incorrect draft of the guidance. This document clarifies that error.

FOR FURTHER INFORMATION CONTACT: Thomas C. Kuchenberg, Center for Drug

Evaluation and Research (HFD-7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-594-2041.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 9, 1998 (63 FR 17429), FDA published a notice announcing the availability of a guidance for industry entitled "National Uniformity for Nonprescription Drugs—Ingredient Listing for OTC Drugs." The agency, however, inadvertently put on display a working draft of the guidance dated February 1998, rather than the version the agency intends to implement, which is dated April 1998. This notice clarifies that error by announcing the availability of the April 1998 version of the guidance document and by withdrawing the February 1998 draft. Additionally, on February 19, 1998, FDA inadvertently put the working draft dated February 1998 on the Internet at <http://www.fda.gov/cder/guidance/index.htm>. The agency intends to replace the working draft that is on the Internet with the April 1998 version in the near future.

Dated: April 27, 1998.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 98-11841 Filed 5-4-98; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; Responsibility of Applicants for Promoting Objectivity in Research for Which Public Health Service (PHS) Funding is Sought

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the Office of the Director (OD), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection

Title: Responsibility of Applicants for Promoting Objectivity in Research for Which Public Health Service (PHS) Funding is Sought: 42 CFR Part 50; 45 CFR Part 94. **Type of Information Collection Request:** Extension of OMB No. 0925-0417, expiration date 09/30/98. **Need and Use of Information Collection:** This is a request for OMB

approval for the information collection and recordkeeping requirements contained in the final rule 42 CFR Part 50 and 45 CFR Part 94. The purpose of the regulations is to protect the objectivity with which PHS-funded research is conducted. The regulations require disclosure of financial interests related to PHS-funded research by personnel who have decision-making responsibilities that could affect the outcome of the research. **Frequency of Response:** On occasion. **Affected Public:** Individuals or households; Business or other for-profit; Not-for-profit institutions; State, Local or Tribal Government. **Type of Respondents:** Any public or private entity or organization. The annual reporting burden is as follows: **Estimated Number of Respondents:** 57,235; **Estimated Number of Responses per Respondent:** 10; **Average Burden Hours per Response:** 20; and **Estimated Total Annual Burden Hours Requested:** 171,110. The annualized costs to respondents is estimated at: \$5,068,850. There are no Capital Costs, Operating Costs and/or Maintenance Costs to report.

Request For Comments

Written comments and/or 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 function 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 the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT:

To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Thomas F. McCormack, Ph.D., Assistant Grant's Policy Officer, Office of Extramural Research, Office of Policy for Extramural Research Administration, 6701 Rockledge Drive, Bethesda, MD 20892, or call non-toll-free number (301) 435-0935 or E-mail your request,

including your address to:
TM102d@NIH.gov

Comments Due Date

Comments regarding this information collection are best assured of having their full effect if received on or before July 8, 1998.

Dated: April 28, 1998.

Geoffrey Grant,

Director, Office of Policy for Extramural
Research Administration

[FR Doc. 98-11931 Filed 5-4-98; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; Hazardous Waste Worker Training

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Institute of Environmental Health Sciences (NIEHS), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection

Title: Hazardous Waste Worker Training—42 CFR part 65. *Type of Information Collection Request:* Revision of OMB No. 0925-0348, expiration date 09/30/98. *Need and Use of Information Collection:* This request for OMB review and approval of the information collection is required by regulation 42 CFR part 65(a)(6). The National Institute of Environmental Health Sciences (NIEHS) has been given major responsibility for initiating a worker safety and health training program under Section 126 of the Superfund Amendments and Reauthorization Act of 1986 (SARA) for hazardous waste workers and emergency responders. A network of non-profit organizations that are committed to protecting workers and their communities by delivering high-quality, peer-reviewed safety and health curricula to target populations of hazardous waste workers and emergency responders has been developed.

During the first ten years of the NIEHS Worker Training program (FY 1987-97), the NIEHS has successfully supported 20 primary grantees who have trained

over 1,140,000 workers across the country and presented nearly 60,000 classroom and hands-on training courses, which have accounted for almost 20 million contact hours of actual training. Generally, the grant will initially be for one year, and subsequent continuation awards are also for one year at a time.

Grantees must submit a separate application to have the support continued for each subsequent year. Grantees are to provide information in accordance with S65.4 (a), (b), (c), and 65.6(a) on the nature, duration, and purpose of the training, selection criteria for trainees' qualifications, and competency of the project director and staff, cooperative arrangements in the case of joint applications, the adequacy of training plans and resources, including budget and response to meeting training criteria in OSHA's Hazardous Waste Operations and Emergency Response Regulations (29 CFR 1910.120 and 29 CFR 1910.121). The information collection is used by the Director through officers, employees, experts, and consultants to evaluate applications based on technical merit to determine whether to make awards. *Frequency of Response:* Biannual. *Affected Public:* Non-profit organizations. *Type of Respondents:* Grantees. The annual reporting burden is as follows: *Estimated Number of Responses per Respondent:* 2; *Average Burden Hours per Response:* 8; and *Estimated Total Annual Burden Hours Requested:* 320. The annualized costs to respondents is estimated at: \$7,000. There are no Capital Costs, Operating Costs and/or Maintenance Costs to report.

Request for Comments

Written comments and/or 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 function 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 the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Joseph T. Hughes, Jr., Director, Worker Education and Training Program, Division of Extramural Research and Training, NIEHS, P.O. Box 12233, Research Triangle Park, NC 27709 or call non-toll-free number (919) 541-0217 or E-mail your request, including your address to hughes3@niehs.nih.gov.

COMMENTS DUE DATE: Comments regarding this information collection are best assured of having their full effect if received on or before July 6, 1998.

Dated: April 22, 1998.

Samuel Wilson,

Deputy Director, NIEHS.

[FR Doc. 98-11932 Filed 5-4-98; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request: Human Research Subjects Payment Survey

SUMMARY: In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, which provides for an opportunity for public comment on proposed data collection projects, the Department of Clinical Bioethics (DCB), National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection

The Department of Clinical Bioethics, Warren Grant Magnuson Clinical Center (CC), National Institutes of Health (NIH), intends to seek approval to conduct a survey aimed at payers of human research subjects, including drug companies, medical device manufacturers and academic research institutions, concerning the amount they pay to subjects of human medical research and what factors they consider in determining how much to pay subjects. Data collected will be used to assess methods for the determination of payments to research subjects. Results of the survey will be reported confidentially, in the aggregate and stripped of individual identifiers.

Estimate of burden: Public reporting burden for this collection of information is estimated to average 30 minutes per respondent.

Respondents: United States payers of human medical research subjects, including drug companies, medical device manufacturers and academic research institutions.

Estimated number of respondents: 30.

Estimated total annual burden on respondents: 15 hours.

Request for Comments

Comments are invited on: (a) whether the proposed collection is necessary, including whether the information has practical use; (b) ways to enhance the clarity, quality, and use of the information to be collected; (c) the accuracy of the agency estimate of burden of the proposed collection; and (d) ways to minimize the collection burden of the respondents. Send written comments to David Wendler, Department of Clinical Bioethics, Clinical Center, National Institutes of Health, 10 Center Drive, Building 10, Room 1C124, Bethesda, MD 20892. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

For Further Information

To request more information on the proposed collection or to obtain a copy of data collection plans and the survey instrument, contact David Wendler at the address above or call (non-toll-free number) 301-435-8726.

Comments Due Date

Comments regarding this information collection should be submitted on or before July 6, 1998.

Dated: April 28, 1998.

David K. Henderson,

Deputy Director for Clinical Care, Warren Grant Magnuson Clinical Center.

[FR Doc. 98-11934 Filed 5-4-98; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request: Organ Procurement Survey

SUMMARY: In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, which provides for an opportunity for public comment on proposed data collection projects, the Department of Clinical Bioethics (DCB), National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection

The Department of Clinical Bioethics, Warren Grant Magnuson Clinical Center (CC), National Institutes of Health (NIH), intends to seek approval to conduct a survey aimed at United States organ procurement organizations and transplant surgeons. The survey asks for information about procedures used for organ donation and implementation of wishes specified in advance care directives. The data collected will help the NIH to serve patients and research subjects who are enrolled in protocols at the CC and are interested in the option of organ donation and the impact of including organ donation provisions in advance care directives. The data collected will also assist the respondents in understanding the practice of organ donation nationwide. The results of the survey will be reported confidentially, in the aggregate and stripped of individual identifiers.

Estimate of burden: Public reporting burden for this collection of information is estimated to average 30 minutes per respondent:

Respondents: United States organ procurement organization and transplant surgeons.

Estimated number of respondents: 198.

Estimated total annual burden on respondents: 99 hours.

Request for Comments

Comments are invited on: (a) whether the proposed collection is necessary, including whether the information has practical use; (b) ways to enhance the clarity, quality, and use of the information to be collected; (c) the accuracy of the agency estimate of burden of the proposed collection; and (d) ways to minimize the collection burden of the respondents. Send written comments to David Wendler, Department of Clinical Bioethics, Clinical Center, National Institutes of Health, 10 Center Drive, Building 10, Room 1C124, Bethesda, MD 20892. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

For Further Information

To request more information on the proposed collection or to obtain a copy of data collection plans and the survey instrument, contact David Wendler at the address above or call (non-toll-free number) 301-435-8726.

Comments Due Date

Comments regarding this information collection should be submitted on or before July 6, 1998.

Dated: April 28, 1998.

David K. Henderson,

Deputy Director for Clinical Care, Warren Grant Magnuson Clinical Center.

[FR Doc. 98-11936 Filed 5-4-98; 8:45 am]

BILLING CODE 4140-41-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Center for Scientific Review Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.

Name of SEP: Behavioral and Neurosciences.

Date: May 4, 1998.

Time: 12:30 p.m.

Place: NIH, Rockledge 2, Room 5192 Telephone Conference.

Contact Person: Dr. David Simpson, Scientific Review Administrator, 6701 Rockledge Drive, Room 5192, Bethesda, Maryland 20892, (301) 435-1278.

This notice is being published less than 15 days prior to the above meeting due to the urgent need to meet timing limitations imposed by the grant review and funding cycle.

Name of SEP: Multidisciplinary Sciences.

Date: June 10-12, 1998.

Time: 6:00 p.m.

Place: Sage Howard Johnson Motel, Cambridge, MA.

Contact Person: Dr. Bill Bunnag, Scientific Review Administrator, 6701 Rockledge Drive, Room 5212, Bethesda, Maryland 20892, (301) 435-1177.

The meetings 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 April 28, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98-11926 Filed 5-4-98; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****Center for Scientific Review; Notice of Closed Meetings**

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as

amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings that are being held to review grant applications:

Study section/Contact person	June-July 1998 meetings	Time	Location
BIOBEHAVIORAL AND SOCIAL SCIENCES INITIAL REVIEW GROUP			
Behavioral Medicine, Ms. Carol Campbell, 301-435-1257.	June 24-25	8:30 a.m	Holiday Inn, Chevy Chase, MD.
Community Prevention & Control, Dr. Robert Weller, 301-435-1259.	June 11-12	8:00 a.m	Governor's House Hotel, Washington, DC.
Human Development & Aging—1, Dr. Anita Miller Sostek, 301-435-1260.	June 11-12	9:00 a.m	Embassy Suites Hotel, Chevy Chase Pavilion, Washington, DC.
Human Development & Aging—2, Dr. Michael Micklin, 301-435-1258.	June 24-25	8:30 a.m	Holiday Inn, Chevy Chase, MD.
Human Development & Aging—3, Dr. Anita Miller Sostek, 301-435-1260.	June 25-26	9:00 a.m	Embassy Suites Hotel, Chevy Chase Pavilion, Washington, DC.
Social Sciences & Population, Dr. Robert Weller, 301-435-1259.	June 18-19	8:00 a.m	Governor's House Hotel, Washington, DC.
BIOCHEMICAL SCIENCES INITIAL REVIEW GROUP			
Biochemistry, Dr. Chhanda Ganguly, 301-435-1739.	June 25-26	8:30 a.m	Georgetown Holiday Inn, Washington, DC.
Medical Biochemistry, Dr. Alexander Liacouras, 301-435-1740.	June 16-17	8:30 a.m	Wyndham Bristol Hotel, Washington, DC.
Pathobiochemistry, Dr. Zakir Bengali, 301-435-1742.	June 5-6	8:30 a.m	Holiday Inn, Bethesda, MD.
Physiological Chemistry, Dr. Richard Panniers, 301-435-1741.	June 11-12	8:00 a.m	Wyndham Bristol Hotel, Washington, DC.
BIOPHYSICAL AND CHEMICAL SCIENCES INITIAL REVIEW GROUP			
Bio-Organic & Natural, Products Chemistry, Dr. Harold Radtke, 301-435-1728.	June 25-26	9:00 a.m	Holiday Inn, Chevy Chase, MD.
Biophysical Chemistry, Dr. Donald Schneider, 301-435-1727.	June 18-19	8:30 a.m	Holiday Inn, Silver Spring, MD.
Medicinal Chemistry, Dr. Ronald Dubois, 301-435-1722.	June 24-26	8:30 a.m	Holiday Inn, Chevy Chase, MD.
Metallobiochemistry, Dr. John Bowers, 301-435-1725.	June 25-26	8:30 a.m	St. James Hotel, Washington, DC.
Molecular & Cellular Biophysics, Dr. Nancy Lamontagne, 301-435-1726.	June 11-12	8:30 a.m	Holiday Inn, Chevy Chase, MD.
Physical Biochemistry, Dr. Gopa Rakhit, 301-435-1721.	June 29-30	8:30 a.m	DoubleTree Hotel, Rockville, MD.
CARDIOVASCULAR SCIENCES INITIAL REVIEW GROUP			
Cardiovascular, Dr. Gordon Johnson, 301-435-1212.	June 8-10	8:00 a.m	Holiday Inn, Silver Spring, MD.
Cardiovascular & Renal, Dr. Anthony Chung, 301-435-1213.	July 7-8	8:30 a.m	Georgetown Holiday Inn, Washington, DC.
Experimental Cardiovascular, Sciences, Dr. Anshumali Chaudhari, 301-435-1210.	June 15-16	8:00 a.m	DoubleTree Hotel, Rockville, MD.
Hematology—1, Dr. Robert Su, 301-435-1195	June 4-5	8:00 a.m	Holiday Inn, Chevy Chase, MD.
Hematology—2, Dr. Jerrold Fried, 301-435-1777.	June 17-18	8:30 a.m	Holiday Inn, Bethesda, MD.
Pathology A, Dr. Larry Pinkus, 301-435-1214	June 2-3	8:30 a.m	Georgetown Holiday Inn, Washington, DC.
Pharmacology, Dr. Jeanne Ketley, 301-435-1789.	June 25-26	8:00 a.m	American Inn, Bethesda, MD.
CELL DEVELOPMENT AND FUNCTION INITIAL REVIEW GROUP			
Biological Sciences—2, Dr. Anthony Carter, 301-435-1024.	June 29-30	8:30 a.m	Holiday Inn-Old Town, Alexandria, VA.
Cellular Biology and Physiology—1, Dr. Gerald Greenhouse, 301-435-1023.	June 3-4	8:00 a.m	Sheraton Reston Hotel, Reston, VA.

Study section/Contact person	June–July 1998 meetings	Time	Location
Cellular Biology and Physiology—2, Dr. Gerhard Ehrenspeck, 301–435–1022.	June 10–11	8:30 a.m	Holiday Inn, Chevy Chase, MD.
Human Embryology & Development—2, Dr. Sherry Dupere, 301–435–1021.	June 4–5	8:30 a.m	Georgetown Holiday Inn, Washington, DC.
International & Cooperative Projects, Dr. G. B. Warren, 301–435–1019.	July 27	8:30 a.m	Embassy Suites Hotel, Chevy Chase Pavilion, Washington, DC.
Molecular Biology, Dr. Anthony Carter, 301–435–1024.	June 11–12	8:30 a.m	Holiday Inn-Old Town, Alexandria, VA.
Molecular Cytology, Dr. Ramesh Nayak, 301–435–1026.	June 4–5	8:00 a.m	Holiday Inn, Chevy Chase, MD.

ENDOCRINOLOGY AND REPRODUCTIVE SCIENCES INITIAL REVIEW GROUP

Biochemical Endocrinology, Dr. Michael Knecht, 301–435–1046.	June 11–12	8:30 a.m	Embassy Suites Hotel, Chevy Chase Pavilion, Washington, DC.
Endocrinology, Dr. Syed Amir, 301–435–1043	June 22–23	8:30 a.m	New Orleans Marriott, New Orleans, LA.
Human Embryology & Development—1, Dr. Michael Knecht, 301–435–1046.	June 25–26	8:30 a.m	Ramada Inn, Bethesda, MD.
Reproductive Biology, Dr. Dennis Leszczynski, 301–435–1044.	June 8–9	8:30 a.m	Washington Plaza Hotel, Washington, DC.
Reproductive Endocrinology, Dr. Abubakar Shaikh, 301–435–1042.	June 8–9	8:00 a.m	Embassy Square Suites, Washington, DC.

GENETIC SCIENCES INITIAL REVIEW GROUP

Biological Sciences—1, Dr. Nancy Pearson, 301–435–1047.	June 8–10	9:00 a.m	St. James Hotel, Washington, DC.
Genetics, Dr. David Remondini, 301–435–1038.	June 11–12	9:00 a.m	Georgetown Holiday Inn, Washington, DC.
Genome, Dr. Cheryl Corsaro, 301–435–1045	June 25–26	9:00 a.m	Holiday Inn-Old Town, Alexandria, VA.
Mammalian Genetics, Dr. Camilla Day, 301–435–1037.	June 16–17	8:30 a.m	Wyndham Bristol Hotel, Washington, DC.

HEALTH PROMOTION AND DISEASE PREVENTION INITIAL REVIEW GROUP

Epidemiology & Disease, Control—1, Dr. Scott Osborne, 301–435–1782.	June 17–19	8:30 a.m	Holiday Inn, Chevy Chase, MD.
Epidemiology & Disease, Control—2, Dr. H. Mac Stiles, 301–435–1785.	June 29–July 2	8:30 a.m	Georgetown Holiday Inn, Washington, DC.
Nursing Research, Dr. Gertrude McFarland, 301–435–1784.	June 8–9	8:30 a.m	DoubleTree Hotel, Rockville, MD.

IMMUNOLOGICAL SCIENCES INITIAL REVIEW GROUP

Allergy & Immunology, Dr. Gene Zimmerman, 301–435–1220.	June 18–19	8:30 a.m	Holiday Inn, Silver Spring, MD.
Experimental Immunology, Dr. Calbert Laing, 301–435–1221.	June 11–12	8:30 a.m	Georgetown Holiday Inn, Washington, DC.
Immunobiology, Dr. Betty Hayden, 301–435–1223.	June 17–19	8:30 a.m	Holiday Inn, Chevy Chase, MD.
Immunological Sciences, Dr. Calbert Laing, 301–435–1221.	June 17–19	8:30 a.m	Holiday Inn, Chevy Chase, MD.

INFECTIOUS DISEASES AND MICROBIOLOGY INITIAL REVIEW GROUP

Bacteriology & Mycology—1, Dr. Timothy Henry, 301–435–1147.	June 18–19	8:30 a.m	Marriott Residence Inn, Bethesda, MD.
Bacteriology & Mycology—2, Dr. William Branche, Jr., 301–435–1148.	June 17–18	8:00 a.m	Holiday Inn, Chevy Chase, MD.
Experimental Virology, Dr. Garrett Keefer, 301–435–1152.	June 22–23	8:30 a.m	Holiday Inn, Chevy Chase, MD.
Microbial Physiology & Genetics—1, Dr. Martin Slater, 301–435–1149.	June 10–12	8:30 a.m	DoubleTree Hotel, Rockville, MD.
Microbial Physiology & Genetics—2, Dr. Gerald Liddel, 301–435–1150.	June 10–11	8:30 a.m	Holiday Inn, Bethesda, MD.
Tropical Medicine & Parasitology, Dr. Jean Hickman, 301–435–1146.	June 11–12	8:30 a.m	Holiday Inn, Bethesda, MD.
Virology, Dr. Rita Anand, 301–435–1151	June 22–23	8:30 a.m	Georgetown Holiday Inn, Washington, DC.

MUSCULOSKELETAL AND DENTAL SCIENCES INITIAL REVIEW GROUP

General Medicine A—1, Dr. Harold Davidson, 301–435–1776.	June 8–9	8:30 a.m	Georgetown Holiday Inn, Washington, DC.
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Study section/Contact person	June–July 1998 meetings	Time	Location
General Medicine B, Dr. Shirley Hilden, 301–435–1198.	June 16–17	8:00 a.m	Holiday Inn, Chevy Chase, MD.
Geriatrics & Rehabilitative Medicine, Ms. Jo Pelham, 301–435–1786.	June 16–17	8:00 a.m	The Georgetown Inn, Washington, DC.
Oral Biology & Medicine–1, Dr. Priscilla Chen, 301–435–1787.	June 16–17	8:30 a.m	Holiday Inn–Old Town, Alexandria.
Oral Biology & Medicine–2, Dr. Priscilla Chen, 301–435–1787.	June 1–2	8:30 a.m	Holiday Inn–Old Town, Alexandria.
Orthopedics & Musculoskeletal, Dr. Daniel McDonald, 301–435–1215.	June 22–23	8:00 a.m	Holiday Inn, Chevy Chase, MD.
NUTRITIONAL AND METABOLIC SCIENCES INITIAL REVIEW GROUP			
Metabolism, Dr. Krish Krishnan, 301–435–1041.	July 1–2	8:30 a.m	Georgetown Holiday Inn, Washington, DC.
Nutrition, Dr. Sooja Kim, 301–435–1780	June 18–19	8:30 a.m	Holiday Inn, Bethesda, MD.
ONCOLOGICAL SCIENCES INITIAL REVIEW GROUP			
Chemical Pathology, Dr. Edmund Copeland, 301–435–1715.	June 17–19	8:00 a.m	Holiday Inn, Chevy Chase, MD.
Experimental Therapeutics–1, Dr. Philip Perkins, 301–435–1718.	June 25–26	8:30 a.m	Hyatt Hotel, Key Bridge, Arlington, VA.
Experimental Therapeutics–2, Dr. Marcia Litwack, 301–435–1719.	July 1–3	8:30 a.m	Embassy Suites Hotel, Chevy Chase Pavilion, Washington, DC.
Metabolic Pathology, Dr. Marcelina Powers, 301–435–1720.	June 29–July 1	8:00 a.m	Holiday Inn–Old Town, Alexandria, VA.
Pathology B, Dr. Martin Padarathsingh, 301–435–1717.	June 17–19	8:00 a.m	Georgetown Holiday Inn, Washington, DC.
Radiation, Dr. Paul Strudler, 301–435–1716 ...	June 15–17	8:30 a.m	Embassy Suites Hotel, Chevy Chase Pavilion, Washington, DC.
PATHOPHYSIOLOGICAL SCIENCES INITIAL REVIEW GROUP			
General Medicine A–2, Dr. Mushtaq Khan, 301–435–1778.	June 15–16	8:30 a.m	ANA Hotel, Washington, DC.
Lung Biology & Pathology, Dr. Andrea Harabin, 301–435–1017.	June 17–18	8:00 a.m	St. James Hotel, Washington, DC.
Respiratory & Applied Physiology, Dr. Everett Sinnett, 301–435–1016.	June 22–23	8:30 a.m.	ANA Hotel, Washington, DC.
SENSORY SCIENCES INITIAL REVIEW GROUP			
Hearing Research, Dr. Joseph Kimm, 301–435–1249.	June 8–9	8:00 a.m	One Washington Circle Hotel, Washington, DC.
Visual Sciences A, Dr. Luigi Giacometti, 301–435–1246.	June 18–19	8:30 a.m	Holiday Inn, Bethesda, MD.
Visual Sciences B, Dr. Leonard Jakubczak, 301–435–1247.	June 17–18	8:30 a.m	Radisson Barcelo Hotel, Washington, DC.
Visual Sciences C, Dr. Carole Jelsema, 301–435–1248.	June 10–11	8:00 a.m	Georgetown Suites Hotel, Washington, DC.
SURGERY, RADIOLOGY AND BIOENGINEERING INITIAL REVIEW GROUP			
Diagnostic Radiology, Dr. Eileen Bradley, 301–435–1178.	June 24–25	8:00 a.m	Georgetown Holiday Inn, Washington, DC.
Surgery & Bioengineering, Dr. Lee Rosen, 301–435–1171.	June 15–16	8:00 a.m	Georgetown Holiday Inn, Washington, DC.
Surgery, Anesthesiology & Trauma, Dr. Gerald Becker, 301–435–1750.	June 22–23	1:00 p.m	Georgetown Holiday Inn, Washington, DC.

The meetings 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: April 28, 1998.

LaVerne Y. Stringfield,
Committee Management Officer, NIH.
[FR Doc. 98–11937 Filed 5–4–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of Child Health and Human Development; 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 National Institute of Child Health and Human Development Special Emphasis Panel (SEP) meeting:

Name of SEP: Specialized Clinical Fellowship and Mentored Specialized Clinical Investigator Award (Teleconference).

Date: May 12, 1998.

Time: 4:30 p.m.—adjournment.

Place: 6100 Executive Boulevard, 6100 Building, Room 5E01, Rockville, Maryland 20852.

Contact Person: Gopal Bhatnagar, Ph.D., Scientific Review Administrator, NICHD, 6100 Executive Boulevard, Room 5E01, Rockville, MD 20852, Telephone: 301-496-1485.

Purpose/Agenda: To evaluate and review research grant applications.

This 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. The discussion 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.

(Catalog of Federal Domestic Assistance Program Nos. [93.864, Population Research and No. 93.865, Research for Mothers and Children], National Institute of Health, HHS)

Dated: April 28, 1998.

LaVerne Y. Stringfield,

Committee Management Office, NIH.

[FR Doc. 98-11925 Filed 5-4-98; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting**

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel meeting:

Name of Sep: ZDK1 GRB-6 (01 P).

Date: June 8-10, 1998.

Time: 6:00 PM.

Place: Omni New Haven Hotel, 155 Temple Street, New Haven, Connecticut 06510, Telephone: (203) 772-6664.

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 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 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: April 29, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98-11927 Filed 5-4-98; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute on Aging; Amended Notice of Meeting of the National Advisory Council on Aging**

Notice is hereby given of a change in the agenda for the meeting of the National Advisory Council on Aging, National Institute on Aging, May 21-22, 1998, to be held at the National Institutes of Health, Building 31, Conference Room 6, Bethesda, Maryland published in the **Federal Register** on April 21, 1998, (63 FR 19737). This meeting was scheduled to be open to the public on Thursday, May 21, from 1:30 to 4:15 p.m. and Friday, May 22, from 8:00 a.m. until adjournment. The meeting was scheduled to be closed on Thursday, May 21 from 4:15 p.m. to recess.

The meeting will now be closed to the public on Thursday, May 21, from 2:30 p.m. until recess. The meeting will be open on Friday, May 22 from 8:00 a.m. to adjournment.

Dated: April 29, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98-11928 Filed 5-4-98; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting**

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel meeting.

Name of SEP: ZDK1 GRB-8 03 P.

Date: May 27-29, 1998.

Time: 6:00 PM.

Place: Union Station Hotel, 1001 Broadway, Nashville, Tennessee 37203, Telephone: (615) 726-1001.

Contact: Roberta Haber, Ph.D., Scientific Review Administrator, Review Branch, DEA, NIDDK, Natcher Building, Room 6AS-25N, National Institutes of Health, Bethesda, Maryland 20892-6600, Phone: (301) 594-8898.

Purpose/Agenda: To review and evaluate grant applications.

This 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 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: April 29, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98-11929 Filed 5-4-98; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institutes of Allergy and Infectious Diseases; Notice of Meeting: Allergy, Immunology, and Transplantation Research Committee**

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Allergy, Immunology, and Transplantation Research Committee on June 3-5, 1998, at the Historic Inns of Annapolis Maryland Inn, 58 State Circle, Annapolis, Maryland.

The meeting will be open to the public from 8:30 a.m. to 9:30 a.m. on

June 3 to discuss administrative details relating to committee business and program review, and for a report from the Director, Division of Extramural Activities, which will include a discussion of budgetary matters. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and sections 10(d) of Public Law 92-463, the meeting will be closed to the public for the review, discussion, and evaluation of individual grant applications and contract proposals from 9:30 a.m. on June 3 until adjournment on June 5. These applications, 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 proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Claudia Goad, Committee Management Officer, National Institute of Allergy and Infectious Diseases, Solar Building, Room 3C26, National Institutes of Health, Bethesda, Maryland 20892, 301-496-7601, will provide a summary of the meeting and a roster of committee members upon request. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Goad in advance of the meeting.

Dr. Kevin M. Callahan, Scientific Review Administrator, Allergy, Immunology, and Transplantation Research Committee, NIAID, NIH, Solar Building, Room 4C20, Bethesda, Maryland, telephone 301-496-8424, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 93-855, Immunology, Allergic and Immunologic Diseases Research, National Institutes of Health.)

Dated: April 28, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98-11930 Filed 5-4-98; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Highly Informative Microsatellite Repeat Polymorphic DNA Markers

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This is a notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i), that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of an exclusive license in the United States to practice the inventions embodied in U.S. Patent Application Serial No. 07/799,828 (issued as Patent No. 5,378,602 on January 3, 1995), entitled "Twenty-Seven Highly Informative Microsatellite Repeat Polymorphic DNA Markers"; U.S. Patent Application Serial No. 07/922,723 (issued as Patent No. 5,369,004 on November 29, 1994), entitled "Five Highly Informative Microsatellite Repeat Polymorphic DNA Markers"; U.S. Patent Application Serial No. 07/952,277, entitled "Eleven Highly Informative Microsatellite Repeat Polymorphic DNA Markers"; U.S. Patent Application Serial No. 08/074,275 (issued as Patent No. 5,468,610 on November 21, 1995), entitled "Three Highly Informative Microsatellite Repeat Polymorphic DNA Markers"; and U.S. Patent Application Serial No. 08/480,366 (issued as Patent No. 5,721,100 on February 24, 1998), entitled, "Three Highly Informative Microsatellite Repeat Polymorphic DNA Markers" to Lifecodes Corporation, having a place of business in Stamford, Connecticut. The patent rights in these inventions have been assigned to the United States of America.

The field of use would be DNA profiling assays for detecting polymorphisms of forensic and medical samples including blood, semen, tissue hair, saliva, urine, and mixtures of body fluids.

DATES: Only written comments and/or applications for a license which are received by the NIH Office of Technology Transfer on or before July 6, 1998, will be considered.

ADDRESSES: Requests for a copy of the patents, patent application, inquiries, comments and other materials relating to the contemplated license should be directed to: Charles Maynard, M.P.H., Technology Licensing Specialist, Office of Technology Transfer, National

Institutes of Health, 6011 Executive Boulevard, Box 13, Rockville, MD 20852-3804; Telephone: (301) 496-7735, ext. 243; Facsimile: (301) 402-0220. Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. A signed Confidential Disclosure Agreement will be required to receive a copy of the patent application.

SUPPLEMENTARY INFORMATION: A novel group of microsatellite repeat polymorphic deoxyribonucleic acid (DNA) markers is valuable for rapidly identifying and differentiating between individual human DNA sequences for forensic, genetic, and human DNA mapping studies. These nucleotides can also be used for paternity and prenatal screening, and genetic mapping. These new microsatellite DNA markers can be used as primers for rapid polymerase chain reaction (PCR) amplification of unique human DNA polymorphisms, which are naturally occurring mutations in DNA sequences that are often unique on the basis of as little as a single nucleotide sequence. Assays using these nucleotides are based on PCR and therefore need only small amounts of test DNA. The assays are easy to perform and relatively inexpensive and results can be obtained in less than 24 hours, compared with 3 or 4 days for other similar tests. Accordingly, the invention also relates to an improved PCR procedure and a PCR assay kit which comprise nucleotides according to the invention. The invention describes a method of the steps involved in extracting DNA from a sample to be tested, amplifying the extracted DNA and identifying the amplified extension products for each different sequence. Each different sequence is differentially labeled. The method is applicable to a wide variety of forensic and medical samples as stated above.

DNA identity testing has revolutionized the field of forensic analysis of biological materials. The forensic test compares the genetic material in biologic specimens from a crime scene to that taken from a suspect. DNA testing transforms the DNA found in blood, serum, or other tissue from a crime scene or an individual into a unique genetic profile. The profile may serve as a means of making a positive identification in a rape, murder, or other violent crime. A number of loci in this application may also be useful in identity testing by discerning a DNA pattern that is unique to an individual.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C.

209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within 60 days from the date of this published Notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Applications for a license in the exclusive field of use filed in response to this notice will be treated as objections to the grant of the contemplated licenses. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: April 9, 1998.

Jack S. Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer.

[FR Doc. 98-11933 Filed 5-4-98; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of Draft Management Objectives for the Endangered Fishes of the Upper Colorado River for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The Fish and Wildlife Service (Service) announces the availability for public review of Draft Interim Management Objectives for the Endangered Fishes of the Upper Colorado River and supporting draft document "Modeling population dynamics of Colorado squawfish, razorback sucker, and humpback chub: for management objective development." These interim management objectives serve as the first step in determining recovery goals by identifying approximate minimum population sizes for current and restored stocks of endangered fish in order to achieve recovery. The Service solicits review and comment from the public on this draft interim management objectives and supporting modeling document.

DATES: Comments on the draft management objectives must be received on or before June 4, 1998 to ensure they receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft management objectives may

obtain a copy by contacting the Associate Manager Utah, Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Written comments and materials regarding this plan should be sent to the Associate Manager Utah at the Denver address given above. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Larry Shanks, Fish and Wildlife Associate Manager (see **ADDRESSES** above), at telephone (303) 236-8154.

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the Service's endangered species program. To help guide the recovery effort of Upper Colorado River endangered fishes, the Recovery Implementation Program, with the Service as a participant, is determining interim management objectives to guide the development of recovery goals. This first step is to determine the necessary minimum numbers in a population of endangered Upper Colorado River fishes to maintain quantifiable genetic integrity. The interim management objective documents the methods used to determine effective population size, sex ratios and numbers of fish that would successfully contribute their genetics to the next spawning population.

Biologists have been charged with developing quantifiable recovery objectives that are scientifically based. Generally, there is a lack of sufficient information on species habitat needs, population genetics, and population demographics to establish sound quantifiable objectives. Where scientists have attempted to establish quantifiable objectives for recovery, they have tended to be relatively conservative. For these reasons, and others, quantifiable recovery objectives have never been established for endangered fish in the Upper Colorado River Basin.

In the Upper Basin, four endemic fish species are federally listed as endangered: Colorado squawfish (*Ptychocheilus lucius*), humpback chub (*Gila cypha*), razorback sucker (*Xyrauchen texanus*), and bonytail (*Gila elegans*). The original draft recovery plan for Colorado squawfish written in 1978 called for the development of quantifiable recovery

objectives. Following the establishment of the Upper Basin Recovery Implementation Program in 1986, the need for quantification of objectives for each species was reiterated. The current recovery plans for all four endangered Colorado River fish, however, still call for the establishment of quantifiable objectives. Additionally, quantifiable management objectives are needed by the Upper Basin Recovery Implementation Program to evaluate actions taken to recover endangered fish in the Upper Basin.

The purpose of the draft document is to outline quantifiable interim management objectives for all Colorado River endangered fish and to describe how the interim management objectives were developed. Interim management objectives are based on a minimum genetic effective population size (N_e) and population demographic parameters described in the model developed by Crowl and Bouwes (1997). Their achievement is dependent upon a multitude of environmental conditions and management actions. The term "interim" is being used because they will require refinement at regular intervals as new information is obtained. The application of interim management objectives will be primarily within the Upper Basin Recovery Implementation Program to evaluate progress towards recovery of these endangered fish. In this light, the interim management objectives will provide a framework for prioritizing short-term actions needed for recovery and guidelines for obtaining the information needed to define quantifiable long-term recovery objectives.

Public Comments Solicited

The Service solicits written comments on the draft interim management objectives described above. All comments received by the date specified in the **DATES** section above will be considered prior to approval of the interim management objectives.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: April 24, 1998.

Terry Terrel,

Regional Director, Denver, Colorado.

[FR Doc. 98-11609 Filed 5-4-98; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of a Habitat Conservation Plan and Receipt of an Application for an Incidental Take Permit for the Maxwell Irrigation District Canal Relocation Project, Colusa County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and receipt of application.

SUMMARY: This notice advises the public that the Maxwell Irrigation District (District) has applied to the Service for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The proposed permit would authorize the incidental take of the giant garter snake (*Thamnophis gigas*), federally listed as threatened, and modification of its habitat during construction of a new water conveyance canal and associated facilities in Colusa County, California. The permit would be in effect for 2 years.

The Service announces the receipt of the District's incidental take permit application and the availability of the proposed Canal Relocation Habitat Conservation Plan (Plan), which accompanies the incidental take permit application, for public comment. The Plan fully describes the proposed project and the measures the District would undertake to minimize and mitigate project impacts to the giant garter snake. The Service has determined that the District's Plan qualifies as a "low-effect" Habitat Conservation Plan as defined by the Service's Habitat Conservation Planning Handbook (November 1996). The Service has further determined that approval of the Plan qualifies as a categorical exclusion under the National Environmental Policy Act, as provided by the Department of Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). This notice is provided pursuant to section 10(c) of the Act.

DATES: Written comments on the permit application and Plan should be received on or before June 4, 1998.

ADDRESSES: Comments regarding the permit application or the Plan should be addressed to the Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 3310 El Camino Avenue, Suite 130, Sacramento, California 95821-6340. Individuals wishing copies of the application and the Plan for review should immediately contact the above office. Documents also will be available

for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Lori Rinek or Mr. William Lehman, Sacramento Fish and Wildlife Office; telephone (916) 979-2129.

SUPPLEMENTARY INFORMATION: Section 9 of the Act and Federal regulation prohibit the "take" of a species listed as endangered or threatened, respectively (take is defined under the Act, in part, as to kill, harm, or harass). However, the Service, under limited circumstances, may issue permits to authorize "incidental take" of listed species (defined by the Act as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity). Regulations governing permits for threatened species are promulgated in 50 CFR 17.32; regulations governing permits for endangered species are promulgated in 50 CFR 17.22.

Background

The District proposes to construct a new 2,500-foot long conveyance canal adjacent to an existing District canal and the Colusa Basin Drain (Colusa Drain), and a new siphon running underneath the Colusa Drain, to provide water for distribution directly to the District's service area. Currently, the District's existing canal runs west from its Sacramento River diversion for approximately 2.5 miles, where it meets the Colusa Drain. The District's water is then discharged into the Colusa Drain from the existing District canal, where it is co-mingled with water drained from approximately 450,000 acres of non-District agricultural lands; the water is then pumped from the Colusa Drain into the District's distribution system and then to its service area. As a result of irrigating with the co-mingled fresh and drain water from the Colusa Drain, crop productivity (mostly rice) on agricultural lands served by the District has declined due to warm water temperatures and poor water quality. The purpose of the proposed project is to permit the District to convey water directly to its service area without going through the Colusa Drain. The proposed project is located in Colusa County approximately 9.5 miles north of the town of Colusa and approximately two miles west of the Sacramento River and State Highway 45. The project site is bordered on the north, south, and east by private agricultural lands (rice farming) and on the west by the Delevan National Wildlife Refuge.

The new canal will convey water at 80 cubic feet per second and will end at the new siphon structure. The siphon

structure will convey the water from the new District canal, beneath the Colusa Drain, to the existing District canal opposite the Colusa Drain. The proposed project will enhance crop productivity by ensuring high quality water for approximately 6,275 acres of agriculture in the District's service area. The proposed project would also provide a more reliable water supply.

In May, 1997, the proposed project area was surveyed for potential habitat for rare, threatened, or endangered species and other biological features that could be affected by the project. Only one federally listed species, the threatened giant garter snake, has the potential to occur on the project site and to be directly impacted by the proposed project. The District has agreed to implement the following measures to minimize and mitigate impacts that may result from incidental take of the giant garter snake: (1) Conduct construction activities during time periods when take of the giant garter snake is less likely to occur; (2) ensure that a qualified biologist is present to monitor for snakes, and, if necessary, to remove from the project site any snakes encountered during construction; (3) ensure that dewatered channels remain dry for at least 15 consecutive days prior to any construction activity; (4) ensure that construction personnel receive worker awareness training; (5) install silt screens and fences to prevent erosion; (6) ensure that all excavated materials are prevented from washing into any watercourses; and (7) ensure that construction equipment disturbance will be minimized.

The Service has determined that the Plan qualifies as a "low-effect" Habitat Conservation Plan as defined by the Service's Habitat Conservation Planning Handbook (November 1996). Low-effect Habitat Conservation Plans are those involving: (1) Minor or negligible effects on federally listed and candidate species and their habitats, and (2) minor or negligible effects on other environmental values or resources. The Plan qualifies as a low-effect Habitat Conservation Plan for the following reasons:

1. Approval of the Plan would result in minor or negligible effects on the giant garter snake and its habitat. The Service does not anticipate significant direct or cumulative effects to the giant garter snake resulting from construction of the new conveyance canal.

2. Approval of the Plan would not have adverse effects on unique geographic, historic or cultural sites, or involve unique or unknown environmental risks.

3. Approval of the Plan would not result in any cumulative or growth inducing impacts and, therefore, would not result in significant adverse effects on public health or safety.

4. The project does not require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act, nor does it threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment.

5. Approval of the Plan would not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

The Service has therefore determined that approval of the Plan qualifies as a categorical exclusion under the National Environmental Policy Act, as provided by the Department of the Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). No further National Environmental Policy Act documentation will therefore be prepared.

This notice is provided pursuant to section 10(c) of the Act. The Service will evaluate the permit application, the Plan, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act. If it is determined that those requirements are met, a permit will be issued for the incidental take of the giant garter snake during the District's canal relocation project. The final permit decision will be made no sooner than 30 days from the date of this notice.

Dated: April 28, 1998.

Thomas J. Dwyer,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 98-11821 Filed 5-4-98; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Public Involvement Opportunities for the Modification of the Habitat Conservation Plan on Lands Administered by Plum Creek Timber Company in the State of Washington

AGENCY: Fish and Wildlife Service, Interior; National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice of public meetings.

SUMMARY: This notice advises the public that the Fish and Wildlife Service and National Marine Fisheries Service

(hereinafter "the Services") will conduct meetings with the U.S. Forest Service regarding the potential land exchange in the Interstate-90 corridor of Washington. The U.S. Forest Service will address the potential land exchange, and the Services will provide information and receive comments or questions regarding a potential modification to the Plum Creek Timber Company's Habitat Conservation Plan. On June 27, 1996, Plum Creek Timber Company, L.P., was issued Permit PRT-808398 which authorizes the take of federally listed species, under the provisions of section 10(a)(1)(B) of the Endangered Species Act. If the proposed land exchange takes place, Plum Creek Timber Company would likely request to amend their Habitat Conservation Plan to reflect the change in land base.

DATES: Public meetings will be held from 7:00 to 9:00 p.m. on May 13, 14, 20, and 21, 1998.

ADDRESSES: Public meetings will be held at the following locations: May 13, Hal Holmes Community Center, 201 North Ruby, Ellensburg, Washington; May 14, Cavanaugh's at Yakima Center, 607 East Yakima Avenue, Yakima, Washington; May 20, Mount Si High School, 8651 Meadow Brook Way, S.E., Snoqualmie, Washington; May 21, Cowlitz Valley Ranger Station, 10024 U.S. Highway 12, Randle, Washington.

FOR FURTHER INFORMATION CONTACT: William Vogel, Wildlife Biologist, Western Washington Fish and Wildlife Office, 510 Desmond Drive, Suite 101, Lacey, Washington 98503, (360) 753-4367; or Matt Longenbaugh, Fishery Biologist, National Marine Fisheries Service, at the same address.

Interested parties may contact the Services at the address listed above to receive additional information, including a map for the public meeting location.

Dated: April 29, 1998.

Thomas J. Dwyer,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 98-11824 Filed 5-4-98; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved Tribal-State Compact.

SUMMARY: Pursuant to Section 11 of the Indian Gaming Regulatory Act of 1988,

Pub. L. 100-497, 25 U.S.C. 2710, the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the Tribal-State Compact Between the State of California and the Pala Band of Mission Indians which was executed on March 6, 1998.

DATES: This action is effective May 5, 1998.

FOR FURTHER INFORMATION CONTACT:

Nancy J. Pierskalla, Acting Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, D.C. 20240, (202) 219-4068.

Dated: April 25, 1998.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 98-11895 Filed 5-4-98; 8:45 am]

BILLING CODE 4310-02-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA-060-07-1210-00]

Meeting of the California Desert District Advisory Council

SUMMARY: Notice is hereby given, in accordance with Public Laws 92-463 and 94-579, that the California Desert District Advisory Council to the Bureau of Land Management, U.S. Department of the Interior, will participate in a field tour of BLM-administered public lands near Blythe, California on Thursday, June 11, 1998, from 7:30 a.m. to 3 p.m., and meet in formal session on Friday, June 12 from 8 a.m. to 5 p.m., and Saturday, June 13 from 8 a.m. to 11:30 a.m. The Friday and Saturday public meetings will be held in the Blythe City Council Chambers, located at 220 North Spring Street, Blythe, California.

The Council and members of the public will assemble for the field tour at The Hampton Inn parking lot at 7:15 a.m., and depart at 7:30 a.m. The Hampton Inn is located at 9000 West Hubson Way, Blythe, California. The tour will focus on the southeastern portion of the proposed Chuckwalla Desert Wildlife Management Area within the Northern and Eastern Colorado Desert (NECO) Coordinated Management Planning Area. Presentations will include discussions on routes of travel, checkerboard land ownership, recreation, and plant and wildlife biological values.

The public is welcome to participate in the field tour, but should dress

appropriately and plan on providing their own transportation, food, and beverage. Anyone interested in participating in the field tour should contact BLM public affairs at (909) 697-5217/5220 for more information.

Agenda topics will include briefings and discussions on the NECO Plan, budget, the Northern and Eastern Mojave Planning Effort, rangeland standards and guidelines, the California Desert District pilot recreation fee program, and a review of wilderness boundary maps.

All Desert District Advisory Council meetings are open to the public. Time for public comment may be made available by the Council Chairman during the presentation of various agenda items, and is scheduled at the end of the meeting for topics not on the agenda.

Written comments may be filed in advance of the meeting for the California Desert District Advisory Council, c/o Bureau of Land Management, Public Affairs Office, 6221 Box Springs Boulevard, Riverside, California 92507-0714. Written comments also are accepted at the time of the meeting and, if copies are provided to the recorder, will be incorporated into the minutes.

FOR FURTHER INFORMATION CONTACT: Carole Levitzky at (909) 697-5217 or Doran Sanchez at (909) 697-5220, BLM California Desert District Public Affairs.

Dated: April 28, 1998.

Carole Levitzky,

Assistant District Manager, External Affairs.

[FR Doc. 98-11822 Filed 5-4-98; 8:45 am]

BILLING CODE 4310-40-M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects from Southern Arizona in the Possession of the California Department of State Parks, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the California Department of State Parks, Sacramento, CA.

A detailed assessment of the human remains was made by California

Department of Parks and Recreation (DPR) professional staff in consultation with representatives of the Ak-Chin Indian Community of Papago Indians of the Maricopa, the Gila River Pima-Maricopa Indian Community of the Gila River Indian Reservation, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community of the Salt River Reservation, the Hopi Tribe, and the Tohono O'odham Nation.

In 1963, human remains representing one individual were purchased as part of a large Native American collection from John M. Sheedy by the DPR. No known individuals were identified. The five associated funerary objects include an cremation olla and pieces of charcoal.

The majority of the collection of which these human remains were a part was collected between 1880-1915 by Charles Wilcomb from several museums. The remainder of the collection were collected by various members of the Hall and Sheedy family. Donor information indicates this olla with human remains was collected at an unknown site in Southern Arizona. Based on manner of interment, these human remains have been identified as Native American. The form and style of the olla is consistent with Hohokam practice in Southern Arizona during 300 B.C. to 1450 A.D. Consultation evidence provided by the Ak-Chin Indian Community of Papago Indians of the Maricopa, the Gila River Pima-Maricopa Indian Community of the Gila River Indian Reservation, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community of the Salt River Reservation, the Hopi Tribe, and the Tohono O'odham Nation indicates these Indian tribes are the present-day descendants of the Hohokam in Southern Arizona.

Based on the above mentioned information, officials of the California Department of Parks and Recreation have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of the California Department of Parks and Recreation have also determined that, pursuant to 43 CFR 10.2 (d)(2), the five objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the California Department of Parks and Recreation have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains

and associated funerary objects and the Ak-Chin Indian Community of Papago Indians of the Maricopa, the Gila River Pima-Maricopa Indian Community of the Gila River Indian Reservation, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community of the Salt River Reservation, the Hopi Tribe, and the Tohono O'odham Nation.

This notice has been sent to officials of the Ak-Chin Indian Community of Papago Indians of the Maricopa, the Gila River Pima-Maricopa Indian Community of the Gila River Indian Reservation, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community of the Salt River Reservation, the Hopi Tribe, and the Tohono O'odham Nation.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Robert M. Wood, NAGPRA Coordinator, California Department of Parks and Recreation, 1416 9th Street, Room 1431, Sacramento, CA 95814; telephone (916) 653-7976; before June 4, 1998. Repatriation of the human remains and associated funerary objects to the culturally affiliated tribes may begin after that date if no additional claimants come forward.

Dated: April 29, 1998.

Francis P. McManamon,

*Departmental Consulting Archeologist,
Manager, Archeology and Ethnography
Program.*

[FR Doc. 98-11838 Filed 5-4-98; 8:45 am]

BILLING CODE 4310-70-F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects from Patrick's Point State Park, Humboldt County, CA in the Possession of the California Department of Parks and Recreation, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the California Department of Parks and Recreation, Sacramento, CA.

A detailed assessment of the human remains was made by California Department of Parks and Recreation

professional staff in consultation with representatives of the Big Lagoon Rancheria of Smith River Indians, the Cher-Ae Heights Indian Community of the Trinidad Rancheria, and the Yurok Tribe of the Yurok Reservation.

In 1948, human remains representing one individual were recovered from site CA-HUM-118 during excavations conducted by the Archaeological Research Facility, University of California-Berkeley under the direction of Robert F. Heizer. The resulting collections from site CA-HUM-118 were returned to Patrick's Point State Park in 1949. In 1981, the human remains and associated funerary objects were turned over to local Yurok people for reburial. In 1992, additional human remains from the individual, and funerary objects were found in an artifact tray with DPR's Archaeology Lab. No known individuals were identified. The two associated funerary objects are an olivella bead and a silicate cobble.

Based on material culture, site CA-HUM-118 has been identified as a Gunther Pattern (ancestral Yurok) occupation dating from after 1310 A.D. to possibly as late as the 1850s. Archeological evidence indicates Yurok presence in this area since about 1100 A.D.

Based on the above mentioned information, officials of the California Department of Parks and Recreation have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of the California Department of Parks and Recreation have also determined that, pursuant to 43 CFR 10.2 (d)(2), the two objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the California Department of Parks and Recreation have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and associated funerary objects and the Big Lagoon Rancheria of Smith River Indians, the Cher-Ae Heights Indian Community of the Trinidad Rancheria, and the Yurok Tribe of the Yurok Reservation.

This notice has been sent to officials of the Big Lagoon Rancheria of Smith River Indians, the Cher-Ae Heights Indian Community of the Trinidad Rancheria, and the Yurok Tribe of the Yurok Reservation. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these

human remains and associated funerary objects should contact Robert M. Wood, NAGPRA Coordinator, California Department of Parks and Recreation, 1416 9th Street, Room 1431, Sacramento, CA 95814; telephone (916) 653-7976; before June 4, 1998.

Repatriation of the human remains and associated funerary objects to the Big Lagoon Rancheria of Smith River Indians, the Cher-Ae Heights Indian Community of the Trinidad Rancheria, and the Yurok Tribe of the Yurok Reservation may begin after that date if no additional claimants come forward. Dated: April 29, 1998.

Francis P. McManamon,

*Departmental Consulting Archeologist,
Manager, Archeology and Ethnography
Program.*

[FR Doc. 98-11839 Filed 5-4-98; 8:45 am]

BILLING CODE 4310-70-F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains From New York in the Possession of the University of Pennsylvania Museum of Archaeology and Anthropology, Philadelphia, PA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains in the possession of the University of Pennsylvania Museum of Archaeology and Anthropology, Philadelphia, PA.

A detailed assessment of the human remains was made by University of Pennsylvania Museum professional staff in consultation with representatives of the Cayuga Nation of New York. Requests by phone and correspondence for consultation with the Seneca-Cayuga Tribe of Oklahoma have not been successful.

In 1997, the control of human remains representing one individual was transferred from the Academy of Natural Sciences, Philadelphia, PA to the University of Pennsylvania Museum. Based on archival documentation, this individual has been identified as "Wan-Yun-ta, Chief of the Cayuga Tribe" from New York State. Currently, no lineal descendants have been identified by the Cayuga Nation of New York. No associated funerary objects are present.

Based on accession information, this individual has been identified as Native American. Archival information from the Academy of Natural Sciences indicates these remains were collected by Dr. Z. Pitcher during the 19th century in New York State.

In 1997, the control of human remains representing one individual was transferred from the Academy of Natural Sciences, Philadelphia, PA to the University of Pennsylvania Museum. No known individual was identified. No associated funerary objects are present.

Based on accession information, this individual has been identified as Native American. Archival information from the Academy of Natural Sciences indicates these remains were excavated from a burial of a "young Cayuga Iroquois chief" near Union Springs, Cayuga County, NY in 1894 by William W. Adams.

Based on the above mentioned information, officials of the University of Pennsylvania Museum have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of two individuals of Native American ancestry. Officials of the University of Pennsylvania Museum have also determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and the Cayuga Nation of New York.

This notice has been sent to officials of the Cayuga Nation of New York and the Seneca-Cayuga Tribe of Oklahoma. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Dr. Jeremy Sabloff, the Charles K. Williams II Director, University of Pennsylvania Museum of Archaeology and Anthropology, 33rd and Spruce Streets, Philadelphia, PA 19104-6324; telephone: (215) 898-4051, fax (215) 898-0657, before June 4, 1998. Repatriation of the human remains to the Cayuga Nation of New York may begin after that date if no additional claimants come forward.

The National Park Service is not responsible for the determinations within this notice.

Dated: April 29, 1998.

Francis P. McManamon,

*Departmental Consulting Archeologist,
Manager, Archeology and Ethnography
Program.*

[FR Doc. 98-11837 Filed 5-4-98; 8:45 am]

BILLING CODE 4310-70-F

FOREIGN CLAIMS SETTLEMENT COMMISSION**Sunshine Act Meeting**

[F.C.S.C. Meeting Notice No. 9-98]

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date and Time: Tuesday, May 12, 1998, 1:30 p.m.

Subject Matter: Proposed Decisions on claims against Albania

Status: Open.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street, N.W., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 600 E Street, NW., Room 6002, Washington, DC 20579. Telephone: (202) 616-6988.

Dated at Washington, DC, May 1, 1998.

Judith H. Lock,

Administrative Officer.

[FR Doc. 98-12009 Filed 5-1-98; 12:09 pm]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR**Employment and Training Administration**

[TA-W-34,163]

Coast Converters Inc., Los Angeles, CA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on January 20, 1998 in response to a worker petition which was filed on January 2, 1998 on behalf of workers at Coast Converters Inc., located in Los Angeles, California.

The petitioners requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 8th day of April, 1998.

Grant D. Beale,

Acting, Office of Trade Adjustment Assistance.

[FR Doc. 98-11908 Filed 5-4-98; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR**Employment and Training Administration**

[TA-W-34, 278 and TA-W-34, 278A]

Georgia Pacific Pulp & Paper Mill and Georgia Pacific CNS, Woodland, ME; Notice of Termination of investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 2, 1998 in response to a worker petition which was filed on behalf of workers at Georgia Pacific Pulp and Paper Mill, and Georgia Pacific CNS, Woodland, Maine.

The petitioners have requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC this 21st day of April 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98-11902 Filed 5-4-98; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR**Employment and Training Administration**

[TA-W-34,369]

Heritage Hills Tustin, California; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 30, 1998 in response to a worker petition which was filed on March 13, 1998, on behalf of workers at Heritage Hills, Tustin, California. The subject firm is a division of Kimball International.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 8th day of April, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98-11907 Filed 5-4-98; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR**Employment and Training Administration****Levi Strauss & Company; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on August 7, 1997, applicable to workers of Levi Strauss and Company, located in El Paso, Texas. The notice was published in the **Federal Register** on September 17, 1997 (62 FR 48888). The certification was subsequently amended to include the subject firm workers at El Paso Field Headquarters in El Paso, Texas. The amendment was issued on September 14, 1997, and published in the **Federal Register** on September 30, 1997 (62 FR 51155). The certification was subsequently amended to include the subject firm workers at facilities in Fayetteville and Harrison, Arkansas and the Dallas, Texas Regional Levi Strauss Office. This amendment was issued on December 9, 1997 and published in the **Federal Register** on December 18, 1997 (62 FR 66393).

At the request of the company, the Department reviewed the certification for workers of the subject firm. New information received by the company shows that worker separations for those workers engaged in the manufacture of Dockers have also occurred, as well as separations from companies doing contract work at these Levi Strauss locations. Based on this new information, the Department is amending the certification to cover the subject firm' Docker workers as well as contract workers at the approved Levi Strauss facilities.

The intent of the Department's certification is to include all workers of Levi Strauss and Company, as well as contract workers, who were adversely affected by increased imports.

The amended notice applicable to TA-W-33,513 is hereby issued as follows:

All workers of Levi Strauss and Company, including Dockers and temporary or contract workers at the following facilities, who became totally or partially separated from employment on or after May 13, 1996 through August 7, 1999 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974:

TA-W-33,513P Centerville Plant and Adams Janitorial Services, Centerville, TN 37033 and Franks Vending Services, Pulaski, TN

TA-W-33,513Q Knoxville Sewing Plant, Canteen Food Services, and Guardsmark, Inc., Knoxville, TN 37917 and IH Services, Inc., Greenville, SC

TA-W-33,513R Knoxville Finishing Plant, Canteen Food Services, and Master America, Knoxville, TN 37917 and Guardsmark, Memphis, TN

TA-W-33,513S Mountain City Plant, Mountain City, TN 37683

TA-W-33,513T Powell Plant, Powell, TN 37849

Signed in Washington, D.C. this 15th day of April, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98-11899 Filed 5-4-98; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

Levi Strauss & Company; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

Texas

TA-W-33,513
Goodyear Cutting Facility
1440 Goodyear
El Paso, TX 79936

TA-W-33,513A
Pellicano Finishing Facility
11460 Pellicano Dr.
El Paso, TX 79936

TA-W-33,513B
Lomaland Plant,
Window Pros,
Guardsmark, Inc.
and Independent EAP Counselor
El Paso, TX 79935
and Judith's Cafeteria
Clint, TX 79836

TA-W-33,513C
Eastside Plant
and Texas Commission for the Blind
El Paso, TX 79915

TA-W-33,513D
Cypress Plant
2101 Cypress Ave
El Paso, TX 79905

TA-W-33,513E
Airway Plant,
Texas Commission for the Blind
Office of Janitorial Services, and
Independent EAP Counselor
1633 Airway Blvd.
El Paso, TX 79935

TA-W-33,513F
Amarillo Finishing Plant
4724 24th St., NE
Amarillo, TX 79107

TA-W-33,513G
Brownsville Plant
2500 Billy Mitchell Blvd
Brownsville, TX 78521

TA-W-33,513H
Harlingen Plant

Industrial Air Plant
Harlingen, TX 78550

TA-W-33,513I
San Angelo Plant and
Classic Food Service
1500 U.S. Highway 67
San Angelo, TX 76905

TA-W-33,513J
San Antonio Finishing Center
San Antonio, TX 78227

TA-W-33,513V
San Antonio Plant
San Antonio, TX 78227

TA-W-33,513W
Kastrin Street Plant
El Paso, TX 79907

TA-W-33,513X
San Benito Plant
San Benito, TX 78586

TA-W-33,513AA
Dallas CF Regional Office
Dallas, TX 75252

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on August 7, 1997, applicable to workers of Levi Strauss and Company, located in El Paso, Texas. The notice was published in the **Federal Register** on September 17, 1997 (62 FR 48888). The certification was subsequently amended to include the subject firm workers at El Paso Field Headquarters in El Paso, Texas. The amendment was issued on September 14, 1997, and published in the **Federal Register** on September 30, 1997 (62 FR 51155). The certification was subsequently amended to include the subject firm workers at facilities in Fayetteville and Harrison, Arkansas and the Dallas, Texas Regional Levi Strauss Office. This amendment was issued on December 9, 1997 and published in the **Federal Register** on December 18, 1997 (62 FR 66393).

At the request of the company, the Department reviewed the certification for workers of the subject firm. New information received by the company shows the worker separations for those workers engaged in the manufacture of Dockers have also occurred, as well as separations from companies doing contract work at these Levi Strauss locations. Based on this new information, the Department is amending the certification to cover the subject firm Docker workers as well as contract workers at the approved Levi Strauss facilities.

The intent of the Department's certification is to include all workers of Levi Strauss and Company, as well as contract workers, who were adversely affected by increased imports.

The amended notice applicable to TA-W-33,513 is hereby issued as follows:

All workers of Levi Strauss and Company, including Dockers and temporary or contract workers at the following facilities, who became totally or partially separated from employment on or after May 13, 1996 through August 7, 1999 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974:

TA-W-33,513 Goodyear Cutting Facility, El Paso, TX 79936

TA-W-33,513A Pellicano Finishing Facility, El Paso, TX 79936

TA-W-33,513B Lomaland Plant, including Window Pros, Guardsmark, Inc., EAP Independent Counselor, and Judith's Cafeteria, El Paso, TX 79935

TA-W-33,513C Eastside Plant, including Texas Commission for the Blind, El Paso, TX 79915

TA-W-33,513D Cypress Plant, El Paso, TX 79905

TA-W-33,513E Airway Plant, including Texas Commission for the Blind, Office of Janitorial Services, and Independent EAP Counselor, El Paso, TX 79925

TA-W-33,513F Amarillo Finishing Plant, Amarillo, TX 79107

TA-W-33,513G Brownsville Plant, Brownsville, TX 78521

TA-W-33,513H Harlingen Plant, Harlingen, TX 78550

TA-W-33,513I San Angelo Plant including Classic Food Service, San Angelo, TX 76905

TA-W-33,513J San Antonio Finishing Center, San Antonio, TX 78227

TA-W-33,513V San Antonio Plant, San Antonio, TX 78227

TA-W-33,513W Kastrin Street Plant, El Paso, TX 79907

TA-W-33,513X San Benito Plant, San Benito, TX 78586

TA-W-33,513AA Dallas CF Regional Office, Dallas, TX 75252.

Signed in Washington, DC, this 14th day of April 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98-11901 Filed 5-4-98; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

Levi Strauss & Company; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

California

TA-W-33,513K
San Francisco Plant
250 Valencia St
San Francisco, CA 94103

Georgia

TA-W-33,513L
Blue Ridge Plant
215 Industrial Blvd
Blue Ridge, GA 30513
TA-W-33,513M

Valdosta Plant
2220 East Hill Ave
Valdosta, GA 31601

New Mexico

TA-W-33,513N
Roswell Plant and
Ron's Place
3701 S. Main St
Roswell, NM 88201

TA-W-33,513O
Albuquerque Plant and
The Pit Stop
8725 Pan American Freeway, NE
Albuquerque, NM 87113

Virginia

TA-W-33,513U
Warsaw Plant
15683 History Land Highway
Warsaw, VA 22572

Arkansas

TA-W-33,513Y
Fayetteville Plant and
Lifestyles
1800 Stirman Avenue
Fayetteville, AR 72701, and
Office for the Blind & Visually
Impaired
of the State of Arkansas
Little Rock, AR
TA-W-33,513Z
Harrison Plant and
Stan Partridge Cafeteria
Services
608 Highway 6265 North
Harrison, AR 72601

Florida

TA-W-33,513AB
Levi Strauss Print Shop
5979 N.W. 151 St.
Miami Lakes, FL 33014

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on August 7, 1997, applicable to workers of Levi Strauss and Company, located in El Paso, Texas. The notice was published in the **Federal Register** on September 17, 1997 (62 FR 48888). The certification was subsequently amended to include the subject firm workers at El Paso Field Headquarters in El Paso, Texas. The amendment was issued on September 14, 1997, and published in the **Federal Register** on September 30, 1997 (62 FR 51155). The certification was subsequently amended to include the subject firm workers at facilities in Fayetteville and Harrison, Arkansas and the Dallas, Texas Regional Levi Strauss Office. This amendment was issued on December 9, 1997 and published in the **Federal Register** on December 18, 1997 (62 FR 66393).

At the request of the company, the Department reviewed the certification for workers for the subject firm. New information received by the company shows that worker separations for those workers engaged in the manufacture of Dockers have also occurred, as well as

separations from companies doing contract work at these Levi Strauss locations. Based on this new information, the Department is amending the certification to cover the subject firm's Dockers workers as well as contract workers at the approved Levi Strauss facilities.

The intent of the Department's certification is to include all workers of Levi Strauss and Company, as well as contract workers, who were adversely affected by increased imports.

The amended notice applicable to TA-W-33,513 is hereby issued as follows:

All workers of Levi Strauss and Company, including Dockers and temporary or contract workers at the following facilities, who became totally or partially separated from employment on or after May 13, 1996 through August 7, 1999 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974:

TA-W-33,513K San Francisco Plant, San Francisco, CA 94103
TA-W-33,513L Blue Ridge Plant, Blue Ridge, GA 30513
TA-W-33,513M Valdosta Plant, Valdosta, GA 31601
TA-W-33,513N Roswell Plant including Ron's Place, Roswell, NM 88201
TA-W-33,513O Albuquerque Plant including The Pit Stop, Albuquerque, NM 87113
TA-W-33,513U Warsaw Plant, Warsaw, VA 22572.
TA-W-33,513Y Fayetteville Plant including Lifestyles, and Office for the Blind & Visually Impaired of the State of Arkansas, Fayetteville AR
TA-W-33,513Z Harrison Plant including Stan Partridge Cafeteria Services, Harrison, AR
TA-W-33,513AB Levi Strauss Print Shop, Miami Lakes, FL.

Signed in Washington, D.C. this 15th day of April, 1998

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98-11904 Filed 5-4-98; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

Levi Strauss & Company; Notice of Termination of Investigation

Tennessee

TA-W-34,101
Mountain City Plant
Cold Springs Road, Route #1
Mountain City, Tennessee 37683
TA-W-34,101A
Powell Plant
2307 Beaver Creek Drive
Powell, Tennessee 37849

TA-W-34,101B
Knoxville Laundry Facility
2700 Hoitt Avenue
Knoxville, Tennessee 37917

Texas

TA-W-34,101C
Harlingen Plant
Industrial Air Park
Harlingen, Texas 78553
TA-W-34,101D
Amarillo Finishing Center
4724 N.E. 24th Street
Amarillo, Texas 78553
TA-W-34,101E
San Antonio Finishing Center
5827 Highway 90 West
San Antonio, Texas 78227

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 15, 1997 in response to a worker petition which was filed September 9, 1997 on behalf of workers at Levi Strauss in Mountain City, TN (TA-W-34,101), Powell, TN (TA-W-34,101A), Knoxville, TN (TA-W-34,101B), Harlingen, TX (TA-W-34,101C), Amarillo, TX (TA-W-34,101D), and San Antonio, TX (TA-W-34,101E).

The petitioning group of workers are covered under an existing Trade Adjustment Assistance certification (TA-W-34,513). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 15th day of April, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98-11909 Filed 5-4-98; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-33,779, Caguas, TA-W-33,779B, Anasco, TA-W-33,779C, Rincon, TA-W-33,779D, Mayaguez, and TA-W-33,779E, Juana Diaz, Puerto Rico]

Maidenform, Worldwide, Inc.; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department Labor issued a Certification of Eligibility to Apply for Adjustment Assistance on February 2, 1998, applicable to all workers of Maidenform, Inc., located in Caguas, Puerto Rico. The notice was published in the **Federal Register** on March 16, 1998 (63 FR 12831).

At the request of the petitioners, the Department reviewed the certification for workers of the subject firm. The company reports that Maidenform's production facilities in Puerto Rico are known as "Maidenform Worldwide, Inc.". Worker separations have occurred at the following Puerto Rico locations: Anasco, Rincon, Mayagues and Juana Diaz. Separations at these locations began in early 1998 and will continue through April 1998. The workers are engaged in employment related to the production of women's intimate apparel.

The intent of the Department's certification is to include all workers of Maidenform Worldwide, Inc. adversely affected by increased imports of women's intimate apparel.

The amended notice applicable to TA-W-33,779 is hereby issued as follows:

All workers of Maidenform Worldwide, Inc., Caguas, Puerto Rico (TA-W-33,779) Anasco, Puerto Rico (TA-W-33,779B), Rincon, Puerto Rico (TA-W-33-779C), Mayagues, Puerto Rico (TA-W-33-779D) and Juana Diaz, Puerto Rico (TA-W-33,779E) engaged in employment related to the production, production control or warehousing of women's intimate apparel who became totally or partially separated from employment on or after August 21, 1996 through February 2, 2000 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington DC, this 16th day of April 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98-11900 Filed 5-4-98; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-34,142 and TA-W-34,142A]

Red Kap Industries, Ripley, MS and Tompkinsville, KY; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on February 6, 1998, applicable to all workers of Red Kap Industries located in Ripley, Mississippi. The notice was published in the **Federal Register** on March 16, 1998 (63 FR 12831).

At the request of petitioners, the Department reviewed the certification

for workers of the subject firm. New findings show that worker separations will occur at the subject firm's Tompkinsville, Kentucky plant. The workers are engaged in employment related to the production of work uniforms and jeans.

The intent of the Department's certification is to include all workers of Red Kap Industries who were affected by increased imports. Accordingly, the Department is amending the worker certification to include the workers of Red Kap Industries in Tompkinsville, Kentucky.

The amended notice applicable to TA-W-34,142 is hereby issued as follows:

"All workers of Red Kap Industries, Ripley, Mississippi (TA-W-34,142) and Tompkinsville, Kentucky (TA-W-34,142A) who became totally or partially separated from employment on or after December 18, 1996 through February 6, 2000, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, D.C. this 16th day of April, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98-11905 Filed 5-4-98; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-33,747 and TA-W-33,747A]

Stuffed Shirt, Inc., Slidell, LA and Pass Christian, MS; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on September 11, 1997, applicable to all workers of Stuffed Shirt, Inc. located in Slidell, Louisiana. The notice was published in the **Federal Register** on October 14, 1997 (62 FR 53348).

At the request of petitioners, the Department reviewed the certification for workers of the subject firm. New findings show that worker separations will occur at the subject firm's Pass Christian, Mississippi location. The workers are engaged in employment related to the production of denim garments.

The intent of the Department's certification is to include all workers of Stuffed Shirt, Inc. who were affected by increased imports. Accordingly, the

Department is amending the worker certification to include the workers of Stuffed Shirt, Inc. in Pass Christian, Mississippi.

The amended notice applicable to TA-W-33,747 is hereby issued as follows:

"All workers of Stuffed Shirt, Inc., Slidell, Louisiana (TA-W-33,747) and Pass Christian, Mississippi (TA-W-33,747A) who became totally or partially separated from employment on or after July 24, 1996 through September 11, 1999, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, DC, this 16th day of April 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98-11903 Filed 5-4-98; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

Levi Strauss & Company; Notice of Termination of Investigation

Tennessee

NAFTA-02075
Mountain City Plant
Cold Springs Road, Route #1
Mountain City, Tennessee
37683

NAFTA-02075A
Powell Plant
2307 Beaver Creek Drive
Powell, Tennessee 37849

NAFTA-02075B
Knoxville Laundry Facility
2700 Hoitt Avenue
Knoxville, Tennessee
37917

Texas

NAFTA-02075C
Harlingen Plant
Industrial Air Park
Harlingen, Texas
78553

NAFTA-02075D
Amarillo Finishing Center
4724 N.E., 24th Street
Amarillo, TX
78553

NAFTA-02075E
San Antonio Finishing Center
5827 Highway 90 West
San Antonio, Texas
78227

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 15, 1997 in response to a worker petition which was filed December 9, 1997 on behalf of workers at Levi Strauss in Mountain City, TN (NAFTA-02075), Powell, TN (NAFTA-02075A), Knoxville, TN

(NAFTA-02075B), Harlingen, TX (NAFTA-02075C), Amarillo, TX (NAFTA-02075C), Amarillo, TX (NAFTA-02075D), and San Antonio, TX (NAFTA-02075E).

The petitioning group of workers are covered under an existing NAFTA-TAA certification (NAFTA-01807). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, D.C., this 15th day of April 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98-11906 Filed 5-4-98; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL GAMBLING IMPACT STUDY COMMISSION

Notice of Public Meeting

AGENCY: National Gambling Impact Study Commission.

ACTION: Notice of public meeting.

DATES: Wednesday, May 20, 1998, 8:30 a.m. to 5:30 p.m. and Thursday, May 21, 1998, 8:00 a.m. to 6:15 p.m.

ADDRESSES: The meeting site will be: James R. Thompson Center, Auditorium, Concourse Level, 100 West Randolph, Chicago, IL 60601.

Written comments can be sent to the Commission at 800 North Capitol Street, N.W., Suite 450, Washington, D.C. 20002.

STATUS: The meeting will be open to the public both days. However, the Commission will enter executive session during its lunch period from 12:00 p.m. to 2:30 p.m. on Thursday, May 21.

SUMMARY: At its third on-site meeting the National Gambling Impact Study Commission, established under Pub. L. 104-169, dated August 3, 1996, will hear presentations from invited panels of speakers, conduct site visits, receive public comment, and conduct its normal meeting business.

CONTACT PERSONS: For further information contact Amy Ricketts at (202) 523-8217 or write to 800 North Capitol St., N.W., Suite 450, Washington, D.C. 20002.

SUPPLEMENTARY INFORMATION: The meeting agenda will include presentations from State and local officials; staff briefings on riverboat gambling and Internet gambling; testimony from invited panels of speakers on riverboat gambling, the regulatory structure of financial markets, and Internet gambling; normal

meeting business; executive session; and an open forum period for public comment.

An open forum for public participation will be held from 4:00 p.m. to 5:30 p.m. on May 20 on issues relevant to the Commission's work. Anyone wishing to make an oral presentation at the meeting must contact Dr. Timothy Kelly by telephone only at (202) 523-8217 no later than 5:00 p.m., May 14, 1998. No requests will be accepted before 9:00 a.m. (EST) the day this notice appears in the **Federal Register**.

Open forum participants will be asked to provide name, organization (if applicable), address, and daytime telephone number. No requests will be accepted via mail, facsimile, e-mail, or voice mail. A waiting list will be compiled once the allotted number of slots becomes filled. Oral presentations will be limited to three (3) minutes per speaker. If this is not enough time to complete comments, please restrict to three minutes a summary of your comments and bring a typed copy of full comments to file with the Commission. Persons speaking at the forum are requested, but not required, to supply twenty (20) copies of their written statements to the registration desk prior to the afternoon session on May 20. Members of the public, on the waiting list or otherwise, are always invited to send written comments to the Commission at any time. However, if individuals wish to have their written comments placed into the official record of the meeting, the Commission must receive them by June 10, 1998. Each speaker is kindly asked to be prepared prior to their presentation; to refrain from any use of profanity, vulgar language, or obscene signage; to refrain from making any comments or disrupting sounds during the presentation of another speaker; and to remain seated. If visual aids are necessary during the course of a speaker's presentation, each speaker is responsible for providing the equipment to run the visual aid. A complete list of guidelines is available on the Commission's web site: www.ngisc.gov.

Nancy Mohr Kennedy,

Executive Director.

[FR Doc. 98-11896 Filed 5-4-98; 8:45 am]

BILLING CODE 6802-ET-P

NUCLEAR REGULATORY COMMISSION

Detroit Edison Company Notice of Withdrawal of Application for Amendment to Facility Operating License

[Docket No. 50-341]

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Detroit Edison Company (the licensee) to withdraw its July 29, 1993, application for proposed amendment to Facility Operating License No. NPF-43 for the Fermi 2 facility located in Monroe County, Michigan.

The proposed amendment would have revised the technical specifications to extend certain instrumentation calibration intervals.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on June 6, 1995 (60 FR 29873). However, by letter dated July 30, 1996, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated July 29, 1993, as supplemented November 7, 1995, and the licensee's letter dated July 30, 1996, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Dated at Rockville, Maryland, this 28th day of April 1998.

For The Nuclear Regulatory Commission.

Andrew J. Kugler,

Project Manager, Project Directorate III-1, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 98-11912 Filed 5-4-98; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70-1374]

Consideration of License Renewal Request for the Idaho State University, Pocatello, Idaho, and Opportunity for Hearing

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of Consideration of License Renewal Request for the Idaho

State University and Opportunity for Hearing.

The U.S. Nuclear Regulatory Commission (NRC) is considering a license renewal of Special Nuclear Material License SNM-1373, issued to Idaho State University (ISU). Renewal will allow ISU to continue to receive and use uranium-235 in the form of fuel plates and foils. Work performed under this license includes the study of subcritical assembly and nondestructive assay. The work is conducted for education and research to strengthen the existing undergraduate and graduate programs in the area of nuclear science and engineering.

Prior to approving the renewal application, NRC will have made findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations. These findings will be documented in a Safety Evaluation Report. The licensing of the ISU activities is for research and education purposes, therefore, in accordance with 10 CFR Section 51.22(c)(14)(v), neither an Environmental Assessment nor an Environmental Impact Statement is warranted for this action. The renewal of the license will be documented in the issuance of a renewed SNM-1373 license.

The NRC hereby provides notice that this is a proceeding on an application for renewal of a license falling within the scope of Subpart L, "Informal Hearing Procedure for Adjudication in Materials Licensing Proceedings," of NRC's rules and practice for domestic licensing processing in 10 CFR Part 2. Pursuant to Section 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing in accordance with Section 2.1205(d). A request for a hearing must be filed within thirty (30) days of the date of publication of the **Federal Register** notice.

The request for a hearing must be filed with the Office of Secretary either:

1. By delivery to the Docketing and Service Branch of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738; or
2. By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Docketing and Services Branch.

In addition to meeting other applicable requirements of 10 CFR Part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

1. The interest of the requester in the proceeding;

2. How that interest may be affected by the results of the proceeding, including the reasons why the requester should be permitted a hearing, with particular reference to the factors set out in Section 2.1205(h).

3. The requester's areas of concern about the licensing activity that is the subject matter of the proceeding; and

4. The circumstances establishing that the request for a hearing is timely in accordance with Section 2.1205(d).

In accordance with 10 CFR Section 2.1205(f), each request for a hearing must also be served, by delivering it personally or by mail to:

1. The applicant, Idaho State University, College Of Engineering, ISU Box 8060, Pocatello, Idaho, 83209; Attention: Dr. John S. Bennion, Reactor Administrator; and

2. The NRC staff, by delivering to the Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, or by mail, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Any hearing that is requested and granted will be held in accordance with the NRC's Informal Hearing Procedures for Adjudications in Materials Licensing Proceedings in 10 CFR Part 2, Subpart L.

For further details with respect to this action, the license renewal application dated September 30, 1997, is available for inspection at the NRC's Public Document Room, 2120 L Street N.W., Washington, DC 20555. Questions should be referred to NRC's project manager for the Idaho State University, Edwin Flack, at (301) 415-8115.

Dated at Rockville, Maryland, this 26th day of April 1998.

For the Nuclear Regulatory Commission.

Michael F. Weber,

Chief, Licensing Branch, Division of Fuel Cycle Safety and Safeguards, NMSS.

[FR Doc. 98-11916 Filed 5-4-98; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030-17711-EA; ASLBP No. 98-739-02-EA]

NDT Services, Inc.; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 F.R. 28710 (1972), and Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, 2.721, and 2.772(j) of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being

established to preside over the following proceeding.

NDT Services, Inc.

Order Suspending License (Effective Immediately)

[EA 98-108]

In accordance with 10 C.F.R. § 202, this Board is established as a result of an April 14, 1998, request by the petitioner, NDT Services, Inc. of Caguas Puerto Rico, for a hearing on a March 27, 1998, NRC Order. That Order, *inter alia*, suspended, effective immediately, NDT Services's authority to perform radiographic operations under License No. 52-19438-01.

The Board is comprised of the following administrative judges: Peter B. Bloch, Chairman, Atomic Safety and Licensing Board Panel, U.S.

Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Charles N. Kelber, Atomic Safety and Licensing Board Panel, U.S.

Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Jerry R. Kline, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

All correspondence, documents and other materials in this proceeding shall be filed with the Judges in accordance with 10 C.F.R. 2.701.

Issued at Rockville, Maryland, this 28th day of April 1998.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 98-11897 Filed 5-4-98; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Northeast Nuclear Energy Company; Establishment of Atomic Safety and Licensing Board

[Docket No. 50-423-LA; ASLBP No. 98-740-02-LA]

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 F.R. 28710 (1972), and Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to preside over the following proceeding:

Northeast Nuclear Energy Company

Millstone Nuclear Power Station, Unit No. 3

This Board is being established pursuant to a petition to intervene

submitted by the Citizens Regulatory Commission. The petition to intervene was filed in response to a notice of a proposed determination by the NRC staff that the issuance of a license amendment to the Northeast Nuclear Energy Company for the Millstone Nuclear Power Station, Unit No. 3 would involve no significant hazards considerations. The amendment would eliminate the requirement to have the recirculation spray system directly inject into the reactor coolant system following a design basis accident. The notice was published in the **Federal Register** at 63 Fed. Reg. 14482, 14487 (March 25, 1998).

The Board is comprised of the following administrative judges:

Thomas S. Moore, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555
 Dr. Richard F. Cole, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555
 Dr. Charles N. Kelber, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

All correspondence, documents and other materials shall be filed with the Judges in accordance with 10 C.F.R. 2.701.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel

Issued at Rockville, Maryland, this 29th day of April 1998.

[FR Doc. 98-11898 Filed 5-4-98; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-423]

Northeast Nuclear Energy Company; Notice of Withdrawal of Application for Amendment to Facility Operating License

By letter dated October 15, 1997, as supplemented by letter dated December 17, 1997, Northeast Nuclear Energy Company (NNECO) proposed to amend the Millstone Nuclear Power Station, Unit 3, Operating License No. NPF-49. The proposed amendment would have revised Technical Specification 3/4.4.3, "Pressurizer," to replace the pressurizer maximum water inventory requirement with a pressurizer maximum indicated level requirement. The proposed amendment would have also made editorial changes and modifications to the associated Bases section.

Subsequently, by letter dated April 7, 1998, NNECO superseded its original amendment request with a new request. Therefore, the Commission has approved the withdrawal of NNECO's October 15, 1997, application, as supplemented December 17, 1997, for proposed amendment.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on December 3, 1997 (62 FR 63979).

For further details with respect to this action, see the application for amendment dated October 15, 1997, as supplemented December 17, 1997, and NNECO's letter dated April 7, 1998, which superseded the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, Connecticut, and at the Waterford Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, Connecticut.

Dated at Rockville, Maryland, this 27th day of April 1998.

For the Nuclear Regulatory Commission.

James W. Andersen,

Project Manager, Special Projects Office—Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 98-11915 Filed 5-4-98; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 70-7001, and 70-7002]

United States Enrichment Corporation, Paducah and Portsmouth Gaseous Diffusion Plants, Notice of Receipt of Application for Certification Renewal For the Gaseous Diffusion Plants and Notice of Public Comment Period

I. Receipt of Application and Availability of Documents

Notice is hereby given that the U. S. Nuclear Regulatory Commission (NRC or the Commission) has received by letters dated April 15, 1998, applications from the United States Enrichment Corporation (USEC) for the renewal of the certification of the gaseous diffusion plants (GDPs) located near Paducah, Kentucky and Piketon, Ohio. The NRC issued the initial certification for the GDPs on November 26, 1996 and assumed regulatory

oversight for the GDPs on March 3, 1997. The USEC renewal requests are for a five-year period. The USEC applications for renewal do not contain any changes to the existing documentation; previous applications, statements, and reports are incorporated by reference into the renewal application. The USEC application for the renewal of the Paducah Gaseous Diffusion Plant is based on USEC's previous Application, as revised through Revision 24 dated April 15, 1998, and USEC's previous Compliance Plan, as revised through Revision 7 dated March 20, 1998. No additional changes to the application or Compliance Plan are being requested. The USEC application for the renewal of the Portsmouth Gaseous Diffusion Plant is based on USEC's previous application, as revised through Revision 19 dated April 15, 1998, and USEC's previous Compliance Plan, as revised through Revision 6 dated March 12, 1998. No additional changes to the Application or Compliance Plan are being requested.

Copies of the renewal application for certification (except for classified and proprietary portions which are withheld in accordance with 10 CFR 2.790, "Availability of Public Records") are available for public inspection and copying at the Commission's Public Document Room (PDR) in the Gelman Building, 2120 L Street, NW, Washington, DC 20555 and in the Local Public Document Rooms (LPDRs) established for these facilities. A copy of the application for the Paducah plant is available at the Paducah Public Library, 555 Washington Street, Paducah, Kentucky 42003. A copy of the application for the Portsmouth plant is available at the Portsmouth Public Library, 1220 Gallia Street, Portsmouth, Ohio 45662. Copies of related correspondence and staff evaluations (except for portions withheld in accordance with 10 CFR 2.790) will also be made available at these public document rooms.

II. Notice of Comment Period

Any interested party may submit written comments on the renewal application for certification for either the Paducah plant or the Portsmouth plant for consideration by the staff. To be certain of consideration, comments must be received by June 19, 1998.

Comments received after the due 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. Written comments on the application should be mailed to the Chief, Rules Review and

Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, or may be hand delivered to 11545 Rockville Pike, Rockville, MD 20852 between 7:45 a.m. and 4:15 p.m. Federal workdays. Comments should be legible and reproducible, and include the name, affiliation (if any), and address of the commentor. All comments received by the Commission will be made available for public inspection at the Commission's Document Room located in Washington, DC and the Local Public Document Rooms located in Paducah, Kentucky and Portsmouth, Ohio. In accordance with 10 CFR 76.62 and 76.64, a member of the public must submit written comments to petition the Commission requesting review of the Director's decision on certification renewal.

FOR FURTHER INFORMATION CONTACT: Ms. Merri Horn, (301) 415-8126 or Mr. Yawar Faraz, (301) 415-8113; Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Dated at Rockville, Maryland, this 28th day of April 1998.

For the Nuclear Regulatory Commission.

Carl J. Paperiello,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 98-11913 Filed 5-4-98; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of May 4, 11, 18, and 25, 1998.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of May 4

Wednesday, May 6

1:30 p.m.

Affirmation Session (PUBLIC MEETING) (if needed)

Week of May 11—Tentative

Wednesday, May 13

10:30 a.m.

Affirmation Session (PUBLIC MEETING) (if needed)

Week of May 18—Tentative

Thursday, May 21

11:30 a.m.

Affirmation Session (PUBLIC

MEETING) (if needed)

Week of May 25—Tentative

There are no meetings the week of May 25.

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415-1292. Contact person for more information: Bill Hill (301) 415-1661.

ADDITIONAL INFORMATION:

By a vote of 4-0 on April 30, the Commission determined pursuant to U.S.C. 552b(c)(1) and 10 CFR Sec. 9.104(a)(1) of the Commission's rules that "Affirmation of LOUISIANA ENERGY SERVICES (CLAIRBORNE ENRICHMENT CENTER): APPLICANT'S MOTION TO WITHDRAW ITS LICENSE APPLICATION AND TERMINATE THE PROCEEDING" be held on April 30, and on less than one week's notice to the public.

By a vote of 4-0 on April 30, the Commission determined pursuant to U.S.C. 552b(c)(1) and 10 CFR Sec. 9.104(a)(1) of the Commission's rules that "Affirmation of REVISED DRAFT OF INTERNATIONAL URANIUM ORDER" be held on April 30, and on less than one week's notice to the public.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at:

<http://www.nrc.gov/SECY/smj/schedule.htm>

* * * * *

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301-415-1661). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmh@nrc.gov or dkw@nrc.gov.

* * * * *

William M Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 98-12047 Filed 5-1-98; 2:20 pm]

BILLING CODE 7590-01-M

NUCLEAR REGULATORY COMMISSION

Draft Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a guide planned for its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, DG-1078 (which should be mentioned in all correspondence concerning this draft guide), is titled "Standard Format and Content of License Termination Plans for Nuclear Power Reactors." The guide is intended for Division 1, "Power Reactors." This draft guide is being developed to provide guidance on developing license termination plans for nuclear power reactor licensees who wish to terminate their licenses and release their sites.

The draft guide has not received complete staff review and does not represent an official NRC staff position.

Public comments are being solicited on Draft Regulatory Guide DG-1078. Comments may be accompanied by additional relevant information or supporting data. Written comments may be submitted to the Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies of comments received may be examined at the NRC Public Document Room, 2120 L Street NW., Washington, DC. Comments will be most helpful if received by June 30, 1998.

You may also provide comments via the NRC's interactive rulemaking website 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 website, contact Ms. Carol Gallagher, (301) 415-5905; e-mail CAG@nrc.gov.

Although a time limit is given for comments on this draft guide, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public

Document Room, 2120 L Street NW., Washington, DC. Requests for single copies of draft or final guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Reproduction and Distribution Services Section; or by fax at (301) 415-5272. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 23rd day of April 1998.

For the Nuclear Regulatory Commission.

John W. Craig,

Director, Division of Regulatory Applications, Office of Nuclear Regulatory Research.

[FR Doc. 98-11914 Filed 5-4-98; 8:45 am]

BILLING CODE 7590-01-P

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Comment Request for Reclearance of an Information Collection: Form RI 20- 80

AGENCY: Office of Personnel
Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104-13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget a request for reclearance of an information collection. RI 20-80, Alternative Annuity Election, is used for individuals who are eligible to elect whether to receive a reduced annuity and a lump-sum payment equal to their retirement contributions (alternative form of annuity) or an unreduced annuity and no lump sum.

Comments are particularly invited on: whether this information is necessary for the proper performance of functions of the Office of Personnel Management, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Approximately 200 RI 20-80 forms are completed annually. We estimate it takes approximately 20 minutes to complete the form. The annual burden is 67 hours. For copies of this proposal, contact Jim Farron on (202) 418-3208, or E-mail to jmfarron@opm.gov

DATES: Comments on this proposal should be received by July 6, 1998.

ADDRESSES: Send or deliver comments to—Lorraine E. Dettman, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3349, Washington, DC 20415.

FOR INFORMATION REGARDING

ADMINISTRATIVE COORDINATION CONTACT: Mary Beth Smith-Toomey, Budget & Administrative Services Division, (202) 606-0623.

U.S. Office of Personnel Management.

Janice R. Lachance,

Director.

[FR Doc. 98-11845 Filed 5-4-98; 8:45 am]

BILLING CODE 6325-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 23162; 812-10690]

Brinson Supplementary Trust, et al.; Notice of Application

April 29, 1998.

AGENCY: Securities and Exchange
Commission ("SEC").

ACTION: Notice of application for an order under sections 6(c) and 17(b) of the Investment Company Act of 1940 (the "Act") for an exemption from section 17(a) of the Act, and under section 17(d) of the Act and rule 17d-1 under the Act to permit certain joint transactions.

SUMMARY OF APPLICATION: Applicants request an order to permit The Brinson Funds, the Brinson Relationship Funds (the "Relationship Funds") Fort Dearborn Income Securities, Inc. ("Ft. Dearborn," together with The Brinson Funds, and the Relationship Funds, the "Funds"), private accounts ("Private Accounts") managed by Brinson Partners, Inc. (the "Adviser"), and collective trusts ("Collective Trusts") which have Brinson Trust Company as a trustee to (a) use cash collateral received from the borrowers of their portfolio securities to purchase shares ("Shares") of the Brinson Supplementary Trust (the "Trust"), an affiliated private investment company, and (b) use uninvested cash to purchase Shares of Trust.

APPLICANTS: Funds, Trust, and the Adviser.

FILING DATES: The application was filed on June 3, 1997, and amended on February 20, 1998. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 26, 1998, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, 209 South LaSalle Street, Chicago, IL 60604-1295.

FOR FURTHER INFORMATION CONTACT: Kathleen L. Knisely, Staff Attorney, at (202) 942-0517, or Nadya B. Roytblat, Assistant Director, at (202) 942-0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth Street, N.W., Washington, D.C. 20549 (tel. 202-942-8090).

Applicants' Representations

1. The Brinson Funds and the Relationship Funds are registered under the Act as open-end management investment companies and are organized as Delaware business trusts. The Brinson Funds currently offers eight series. The Relationship Funds currently offers sixteen series.¹

2. Ft. Dearborn is registered under the Act as a closed-end management investment company and is incorporated under Illinois law. Shares of Ft. Dearborn are listed on the New York Stock Exchange ("NYSE").

¹ The Relationship Funds currently offers a money market fund series, Brinson U.S. Cash Management Prime Fund, which is not included as an applicant and does not intend to rely upon the order.

3. The Collective Trusts are collective investment trusts for which Brinson Trust Company serves as trustee. The Collective Trusts contain exclusively assets of public and private employee pension plans. The Collective Trusts have been established in accordance with section 3(c)(11) under the Act.

4. The Adviser, a Delaware corporation, is registered under the Investment Advisers Act of 1940. The Adviser serves as investment adviser to the Funds. The Adviser also manages the daily investment and business affairs of the Collective Trusts and Private Accounts. The Adviser is entitled to receive monthly management fees from the Funds, other than the Relationship Funds, (the "Advisory Fees") but has agreed irrevocably to waive the Advisory Fees and reimburse expenses of certain of The Brinson Funds so that the total annual operating expenses of each of these Funds will not exceed a certain percentage of such Fund's average daily net assets.

5. The Trust is organized as a Delaware business trust and will initially consist of two series: The Brinson Supplementary Trust-U.S. Cash Management Mutual Fund Trust (the "Mutual Fund Series") and the Brinson Supplementary Trust-U.S. Cash Management Fund (the "Cash Fund Series"). The Trust will be a private investment company relying on section 3(c)(7) of the Act. At all times at least 40% of the board of trustees of the Trust ("Board") will not be "interested persons," as defined in section 2(a)(19) of the Act ("Independent Trustees"). The Trust currently has three trustees, all of whom are Independent Trustees.

6. The Trust will retain the Adviser to manage the investments of the Cash Fund Series and the Mutual Fund Series. The Adviser will receive no compensation for managing the assets of the Cash Fund Series, but will receive a monthly fee at the annual rate of .0025% of the average daily net assets of the Mutual Fund Series for its services with respect to that series ("Trust Management Fee").

7. The Funds, Collective Trusts, and Private Accounts may have uninvested cash ("Uninvested Cash"). Such Uninvested Cash may result from a variety of sources, including reserves held for temporary defensive purposes, pending investment in securities or debt obligations, to cover an obligation or commitment of a Fund to purchase securities or other assets at a later date, or to be invested on a strategic investment management basis.

8. The Funds, Collective Trusts, and Private Accounts may also participate in a securities lending program

("Program") to increase their income by lending portfolio securities to registered broker-dealers or institutional investors deemed by the Adviser to be qualified. The Funds, Collective Trusts, and Private Accounts may have cash collateral ("Cash Collateral") posted by borrowers in connection with the Program.

9. Applicants seek an order under the Act to permit the Funds² to use Uninvested Cash and Cash Collateral to purchase and redeem Shares of the Trust. By investing in Shares, applicants anticipate that the Funds will be able to reduce transaction costs, create more liquidity, enjoy greater returns on the Uninvested Cash and Cash Collateral, and achieve greater diversification with respect to investment of Uninvested Cash and Cash Collateral.

10. It is currently anticipated that Shares of the Mutual Fund Series will be sold to The Brinson Funds and Ft. Dearborn and Shares of the Cash Fund Series will be sold to the Relationship Funds, Collective Trusts, and Private Accounts. The Trust will offer redemption of its Shares at the current net asset value per Share on each business day on which the NYSE is open. Each of the Trust Series which will sell its Shares to investment companies registered under the Act will comply with all requirements of rule 2a-7 under the Act and will use the amortized cost method of valuation to determine its net asset value per share.

Applicants' Legal Analysis

1. Sections 17(a)(1) and 17(a)(2) of the Act make it unlawful for any affiliated person of a registered investment company, acting as principal, to sell or purchase any security to or from the company. Section 17(d) of the Act and rule 17d-1 under the Act prohibit any affiliated person of a registered investment company, or an affiliated person of such person, acting as principal, from participating in any joint enterprise or arrangement in which the investment company is a participant, unless the SEC has issued an order authorizing the arrangement.

2. Section 2(a)(3) of the Act defines an affiliated person of an investment

² Applicants also request relief for registered management investment companies and series thereof (except for an investment company or series thereof that holds itself out as a money market fund) that in the future are advised by the Adviser or any person controlling, controlled by, or under common control with the Adviser. Each registered investment company that currently intends to rely on the order has been named as an applicant. Any registered investment company that in the future seeks to rely on the order will do so only in accordance with the terms and conditions of the application.

company to include, among others: (i) Any person that owns 5% or more of the outstanding voting securities of the investment company; (ii) any investment adviser of the investment company; and (iii) any person directly or indirectly controlling, controlled by, or under common control with that person. The Funds and the Trust share a common investment adviser and thus may be deemed to be under common control. The Trust also may be considered an affiliated person of a Fund to the extent that a Fund owns 5% or more of the Shares. As a result, section 17(a) would prohibit the sale of Shares to the Funds, and the redemption of the Shares by the Trust. Applicants also believe that the Funds, Collective Trusts, and Private Accounts by purchasing Shares of the Trust; the Adviser, by managing the Funds, Collective Trusts, and Private Accounts; and the Trust, by selling Shares to and redeeming Shares from the Funds, Collective Trusts, and Private Accounts could be deemed to be "joint participants" in a "joint enterprise or joint arrangement" within the meaning of section 17(d) of the Act and rule 17d-1 under the Act.

3. Section 17(b) of the Act authorizes the SEC to exempt a transaction for section 17(a) if the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policy of each investment company concerned and with the general purposes of the Act. Section 6(c) of the Act permits the SEC to exempt persons or transactions from any provision of the act, if the exemption is necessary or appropriate in the public interests and consistent with the protection of investors and the purposes of fairly intended by the policy and provisions of the Act. Applicants submit, for the reasons discussed below, that their request for relief satisfies these standards.

4. Applicants state that the Funds will be treated like all other shareholders of the Trust and will purchase and redeem Shares on the same terms and on the same basis as Shares are purchased and redeemed by all other shareholders of the Trust, including the Private Accounts and Collective Trusts.

5. Applicants further state that shareholders of the Funds will not be subject to duplicative management fees. As long as the Trust Management Fee is charged, an amount of Advisory Fee equal to the net asset value of Shares of the Mutual Fund Series that are held by a Fund multiplied by the applicable

Trust Management Fee rate charged by the Adviser, will be waived in the calculation of the overall advisory fees paid by such Fund.³

6. The Trust will comply with the prohibitions on affiliated transactions set forth in sections 17(a), (d), and (e) of the Act, except to the extent necessary to permit the Funds to invest Uninvested Cash and Cash Collateral in the Trust as described in the application. The Trust will also comply with the prohibitions against leveraging and issuing senior securities set forth in section 18 of the Act and the requirements of section 22(e) of the Act which governs rights of redemption. Applicants thus argue that permitting the Funds to invest Uninvested Cash and Cash Collateral in Shares of the Trust will enable the Funds to invest in a vehicle that is similar to a registered investment company in terms of liquidity, diversity, and quality of its investments at a cost that is expected to be significantly lower than the cost typically incurred when investing in a registered investment company.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. A majority of the board of directors or trustees of a Fund (including a majority of the directors or trustees who are not "interested persons" of the Fund within the meaning of section 2(a)(19) of the Act) will initially and at least annually thereafter determine that the investment of Uninvested Cash and Cash Collateral in Shares of the Trust is in the best interests of the Fund and its shareholders.

2. With respect to any Fund that invests in the Trust, the Adviser will reduce its Advisory Fees⁴ charged to such Fund by an amount (the "Reduction Amount") equal to the net asset value of such Fund's holdings in the Trust multiplied by the rate at which advisory fees are charged by the Adviser to the Trust. Any fees remitted or waived pursuant to this condition will not be subject to recoupment by the Adviser or its affiliated persons at a later date.

3. If the Adviser waives any portion of its fees or bears any portion of the expenses of a Fund (an "Expense Waiver"), the adjusted fees for such Fund (gross fees less Expense Waiver) will be calculated with reference to the

Reduction Amount. Adjusted fees then will be reduced by the Reduction Amount. If the Reduction Amount exceeds adjusted fees, the Adviser will reimburse such Fund in an amount equal to such excess.

4. Investment in Shares will be in accordance with each Fund's respective investment restrictions and will be consistent with its policies as recited in its registration statement and prospectus.

5. Each Fund will invest Uninvested Cash in, and hold Shares of, the Trust only to the extent that the Fund's aggregate investment of Uninvested Cash in the Trust does not exceed 25% of the Fund's total assets.

6. The Trust will comply with the requirements of sections 17(a), 17(d), and 18 of the Act as if the Trust were a registered open-end management investment company. With respect to all redemption requests made by a Fund, the Trust will comply with section 22(e) of the Act. The Trust's Board will adopt procedures designed to ensure that the Trust complies with sections 17(a), 17(d), 17(e), 18, and 22(e) of the Act. The Trust's Board will also periodically review and periodically update as appropriate such procedures and will maintain books and records describing such procedures, and maintain the records required by rules 31a-1(b)(1), 31a-1(b)(2)(ii), and 31a-1(b)(9) under the Act. All books and records required to be made pursuant to this condition will be maintained and preserved for a period of not less than six years from the end of the fiscal year in which any transaction occurred, the first two years in an easily accessible place, and will be subject to examination by the SEC and its staff.

7. Each of the Trust Series which will sell its Shares to investment companies registered under the Act will comply with rule 2a-7 under the Act. For each such Trust Series, the Trust will value the Shares, as of the close of business on each business day, using the "amortized cost method," as defined in rule 2a-7 under the Act, to determine the net asset value per share of such Trust Series. For each such Trust Series, the Trust will, subject to approval by the Board, adopt the monitoring procedures described in rule 2a-7(c)(6) under the Act and the Adviser will comply with such procedures and take such other actions as are required to be taken pursuant to such procedures.

8. The Shares will not be subject to a sales load, redemption fee, asset-based sales charge, or service fee (as defined in rule 2830(b)(9) of the Conduct Rules of the National Association of Securities Dealers, Inc.).

9. Each Fund will purchase and redeem Shares of a Trust Series as of the same time and at the same price, and will receive dividends and bear its proportionate share of expenses on the same basis, as other shareholders of the Trust Series. A separate account will be established in the shareholder records of the Trust for the account of each Fund.

10. Each Fund, the Trust, and any future registered management investment company that may rely on the order will be advised by the Adviser or a person controlling, controlled by, or under common control with the Adviser.

11. A majority of the directors or trustees of each Fund will not be "interested persons" as that term is defined in section 2(a)(19) of the Act.

12. The Trust will not acquire securities of any other investment company in excess of the limits contained in section 12(d)(1)(A) of the Act.

13. The securities lending program of each Fund will comply with all present and future applicable SEC and SEC staff positions regarding securities lending arrangements (including, without limitation, the type and amount of collateral, voting of loaned securities, limitations on the percentage of portfolio securities on loan, prospectus disclosure, termination of loans, receipt of dividends or other distributions, and compliance with fundamental policies).⁵

14. The net asset value per share with respect to Shares of the Trust will be determined separately for each Trust Fund Series, less the liabilities of the Trust Series, by the number of Shares outstanding with respect to Trust.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98-11847 Filed 5-4-98; 8:45 am]

BILLING CODE 8010-01-M

SOCIAL SECURITY ADMINISTRATION

Information Collection Activities; Comment Requests

This notice lists information collection packages that will require submission to the Office of Management and Budget (OMB), as well as information collection packages submitted to OMB for clearance, in compliance with PL. 104-13 effective October 1, 1995, The Paperwork Reduction Act of 1995. The information

⁵ See, e.g., SIFE Trust Fund (pub. avail. Feb. 17, 1982).

³ The Relationship Funds do not pay any advisory fees and no calculation will be necessary for such Funds.

⁴ The Relationship Funds do not pay any advisory fees and no calculation will be necessary for such Funds.

collection(s) listed below have been submitted to OMB:

1. Nursing Home Reporting Requirements Related to Supplemental Security Income (SSI) Recipients—0960—New. Public Law 103-387 requires long term, intermediate care and nursing home administrators to report SSI recipient admissions to SSA. SSA uses the information to determine whether SSI benefits should be reduced. The respondents are long term, intermediate care and nursing home administrators.

Number of Respondents: 16,000.

Frequency of Response: 2 per year.

Average Burden Per Response: 15 minutes.

Estimated Annual Burden: 8,000 hours.

2. Survey of Interest in International Social Security Agreements—0960—NEW. Section 233 of the Social Security Act authorizes the U.S. to enter into agreements with foreign countries for the purpose of eliminating double social security coverage and taxation and closing gaps in benefit protection for workers who have divided their careers between the U.S. and another country. SSA negotiates these agreements for the U.S. SSA is now planning its agreement negotiating agenda for the next several years. Since U.S. businesses with overseas operations are primary stakeholders in these agreements, SSA needs to survey these companies to determine which countries they believe would be good candidates for new Social Security agreements. SSA uses the information, together with estimates of potential foreign tax savings and benefit payments, to determine priorities for new Totalization agreement negotiations for fiscal years 1999 through 2003. The respondents are U.S. businesses with overseas operations who have requested certificates of U.S. coverage from SSA.

Number of Respondents: 600.

Frequency of Response: 1.

Average Burden Per Response: 15 minutes.

Estimated Annual Burden: 150 hours.

Written comments and recommendations regarding the information collection(s) should be directed within 30 days to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses:

(OMB) Office of Management and Budget, OIRA, Attn: Laura Oliven, New Executive Office Building, Room 10230, 725 17th St., NW, Washington, D.C. 20503, and

(SSA) Social Security Administration, DCFAM, Attn: Nicholas E. Tagliareni, 1-A-21 Operations Bldg., 6401 Security Blvd., Baltimore, MD 21235.

To receive a copy of any of the forms or clearance packages, call the SSA Reports Clearance Officer on (410) 965-4125 or write to him at the address listed above.

Dated: April 27, 1998.

Nicholas E. Tagliareni,
Reports Clearance Officer, Social Security Administration.

[FR Doc. 98-11944 Filed 5-4-98; 8:45 am]

BILLING CODE 4190-29-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG-1998-3797]

Office of Vessel Traffic Management

AGENCY: Coast Guard, DOT.

ACTION: Notice of public meeting.

SUMMARY: The Coast Guard is holding a public meeting to invite ideas, comments, questions, and interest by individuals and operations on the Port and Waterways Safety Systems (PAWSS) port risk analyses, Vessel Traffic Service (VTS) using Automatic Identification Systems (AIS), and public-private partnerships for operating VTS's. The first public meetings on these topics were held from January to March of 1997. This additional meeting is meant to discuss progress to date and future plans for the PAWSS project.

DATES: The meeting will be held on May 20, 1998, from 9 a.m. to 5 p.m.; however, the meeting may be concluded early if its business is finished. Anyone planning to attend the meeting and intending to express views is encouraged to arrive early and make that intention known to Mr. Mike Sollosi at the telephone number or address provided under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Marine Board of the National Academy of Sciences, 2001 Wisconsin Avenue, NW., Washington, DC 20007.

The Docket Management Facility maintains the public docket for this notice. Comments and documents as indicated in this notice, will become part of this docket and will be available for inspection or copying at room PL-401, located on the Plaza Level of the Nassif Building at 400 Seventh Street SW., Washington, DC 20590-0001 between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may electronically access the public docket for this notice on the Internet at <<http://dms.dot.gov>>.

FOR FURTHER INFORMATION CONTACT:

For information concerning PAWSS or VTS, contact Mr. Mike Sollosi, Coast Guard Office of Vessel Traffic Management, telephone 202-267-1539. You may also contact Mr. Peter Johnson, Marine Board, National Academy of Sciences, about the meeting, telephone 202-334-3157. For questions on the public docket for this notice, contact Ms. Carol Kelly, Coast Guard Dockets Team Leader, or Ms. Paulette Twine, Chief, Documentary Services Division, Department of Transportation, telephone 202-366-9329.

SUPPLEMENTARY INFORMATION:

Background Information

As a part of its Ports and Waterways Safety System (PAWSS) project, the Coast Guard is developing a port risk assessment tool to determine which ports require a Vessel Traffic Service (VTS) and to identify the minimum capabilities a VTS must have to meet the needs of a given port or waterway. This port analysis tool is intended to evaluate various risk criteria such as traffic density, prevailing weather, port geography, and environmental concerns. The tool will also evaluate the effectiveness of risk mitigation factors, such as VTS.

The PAWSS project is based on a VTS that uses the automatic identification system (AIS) and that takes advantage of readily available, off-the-shelf and open architecture systems that are inexpensive and easy to build and operate. Further, the Coast Guard is developing a proposal for public-private partnerships in the VTS/Vessel Traffic Information Service arena. The Coast Guard is seeking stakeholder validation before this proposal is published in a notice of proposed rulemaking.

Public Meeting

Attendance is open to the public. With advance notice, and as time permits, members of the public may make oral presentations during the meeting. Persons wishing to make oral presentations should notify the persons listed under **FOR FURTHER INFORMATION CONTACT** no later than the day before the meeting.

Information on Service for Individuals with Disabilities

For information on facilities or services for individuals with disabilities, or to request special assistance at the meeting, contact Mr. Mike Sollosi at the address or phone number under **FOR FURTHER INFORMATION CONTACT** as soon as possible.

Dated: April 29, 1998.

R.C. North,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 98-11854 Filed 5-4-98; 8:45 am]

BILLING CODE 4910-15-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-97-7]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Ch. I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before May 26, 1997.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC-200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591

Comments may also be sent electronically to the following internet address: 9-NPRM-CMTS@faa.dot.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT: Tawana Matthews (202) 267-9783 or Terry Stubblefield (202) 267-7624

Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC., on April 29, 1998.

Joseph A. Conte,

Acting Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 144CE.

Petitioner: Sino Swearingen Aircraft Company.

Sections of the FAR Affected: 14 CFR 23.35; 23.29; 23.235; 23.471; 23.473; 23.477; 23.479; 23.481; 23.483; 23.485; 23.493; 23.499; 23.723; 23.725; 23.726; 23.727; 23.959; 23.1583(c)(1), (2), Appendix C23, and Appendix D23.1.

Description of Relief Sought: To permit Sino Swearingen Aircraft Company to modify the SJ30-2 airplane landing gear loads and associated airframe loads.

Docket No.: 29175.

Petitioner: Associated Air Center.

Regulations Affected: § 25.813(e).

Description of Petition: To exempt Associated Air Center from the requirements of 14 CFR 25.813(e), to permit installation of doors between passenger compartments on a Boeing 737-39A Airplane intended for non-revenue use only.

Docket No.: 29192.

Petitioner: Air Transport Association.

Regulations Affected: 119.21(a)(1).

Description of Petition: The Air Transport Association requests an exemption on behalf of Hawaii Airlines, Aloha Airlines, and Aloha Islandair from § 119.21(a)(1) of Title 14, Code of Federal Regulations to allow those air carriers to conduct inter-island flights within the State of Hawaii as flag operations, rather than conducting those flights as domestic operations under subpart U of part 121.

Dispositions of Petitions

Docket No.: 28881.

Petitioner: Douglas Aircraft Company, McDonnell Douglas Corporation.

Sections of the FAR Affected: 14 CFR 25.785(d), 25.807(c)(1), 25.857(e), and 25.1447(c)(1).

Description of Relief Sought/Disposition: To permit type certification of the DC-10 freighter aircraft with a Class E cargo compartment, with accommodation for up to four supernumeraries immediately aft of the cockpit, in the two configurations

proposed, when the airplane is equipped with two floor-level emergency exits with escape slide/rafts within the immediate vicinity of the occupied area, subject to certain conditions.

GRANT, April 21, 1998, Exemption No. 6752.

Docket No.: 29057.

Petitioner: McDonnell Douglas Corporation.

Sections of the FAR Affected: 14 CFR 25.785(d), 25.807(c)(1), 25.857(e), and 25.1447(c)(1).

Description of Relief Sought/Disposition: To permit type certification of the MD-11 freighter aircraft with a Class E cargo compartment, with accommodation for up to five supernumeraries immediately aft of the cockpit, in the configuration proposed, when the airplane is equipped with two floor-level emergency exits with escape slide/rafts within the immediate vicinity of the occupied area, subject to certain conditions..

GRANT, April 21, 1998, Exemption No. 6753.

Docket No.: 29129.

Petitioner: Ilyushin Aviation Complex.

Sections of the FAR Affected: 14 CFR 25.1435(b)(1).

Description of Relief Sought/Disposition: To permit type certification of the Model IL-96T by conducting a test of the complete hydraulic system at 240±5 atm (the system relief pressure), all hydraulic components testing at 1.5 times the operating pressure (315 atm) per the current § 25.1435(a)(2), and a test of the complete hydraulic system during flight and ground tests at operating pressure.

GRANT, April 21, 1998, Exemption No. 6754.

Docket No.: 581.

Petitioner: Department of the Air Force.

Sections of the FAR Affected: 14 CFR 91.159(c).

Description of Relief Sought/Disposition: To permit the USAF to operate its U-2 aircraft at or above flight level 600 without maintaining the appropriate cruising altitudes as required under 91.159(c).

GRANT, April 23, 1998, Exemption No. 130D.

Docket No.: 581.

Petitioner: Department of the Air Force.

Sections of the FAR Affected: 14 CFR 91.159.

Description of Relief Sought/Disposition: To permit the USAF to conduct nontraining photographic reconnaissance missions that require

flying a series of tracks at a constant altitude, without maintaining the appropriate cruising altitude required under 91.159.

GRANT, April 23, 1998, Exemption No. 134I.

Docket No.: 28454.

Petitioner: Civil Air Patrol.

Sections of the FAR Affected: 14 CFR part 91, subpart F.

Description of Relief Sought/

Disposition: To permit Civil Air Patrol (CAP) to operate small aircraft under subpart F of part 91 and receive limited reimbursement for certain flights within the scope of and incidental to the CAP's corporate purposes and U.S. Air Force Auxiliary status.

GRANT, April 13, 1998, Exemption No. 6485A.

Docket No.: 27577.

Petitioner: Availl.

Sections of the FAR Affected: 14 CFR 145.445(f).

Description of Relief Sought/

Disposition: To permit Availl to maintain one copy of its repair station Inspection Procedures Manual (IPM) at each facility, rather than give a copy of the IPM to each of its supervisory and inspection personnel.

GRANT, April 8, 1998, Exemption No. 5940B.

Docket No.: 28479.

Petitioner: Strong Enterprises, Inc.

Sections of the FAR Affected: 14 CFR 105.43(a).

Description of Relief Sought/

Disposition: To permit Strong Enterprises, Inc., and Strong Certified Tandem Instructors to conduct parachute jumps while wearing a dual-harness, dual-parachute pack, having at least one main parachute and one auxiliary parachute. This exemption also authorizes the pilot-in-command of aircraft involved in these operations to allow such persons to make tandem parachute jumps.

GRANT, April 8, 1998, Exemption No. 6474B.

Docket No.: 29092.

Petitioner: Pratt & Whitney Engine Services, Inc..

Sections of the FAR Affected: 14 CFR 145.45(f).

Description of Relief Sought/

Disposition: To permit the petitioner to assign copies of its Inspection Procedures Manual (IPM) to key individuals within its departments and key areas within its shop and functionally place an adequate number of IPM's for access to all employees, rather than provide a copy of the IPM for each of its Supervisory and inspection personnel.

GRANT, April 13, 1998, Exemption No. 6750.

Docket No.: 28144.

Petitioner: Perris Valley Skydiving.

Sections of the FAR Affected: 14 CFR 105.43(a).

Description of Relief Sought/

Disposition: To permit nonstudent parachutist who are foreign nationals to participate in PVS-sponsored events without complying with the parachute equipment and packing requirements of the Federal Aviation Regulations.

GRANT, March 23, 1998, Exemption No. 6745.

GRANT, April 13, 1998, Exemption No. 64750.

Docket No.: 29108.

Petitioner: Skydrive Dallas, Inc.

Sections of the FAR Affected: 14 CFR 105.43(d).

Description of Relief Sought/

Disposition: To permit nonstudent parachutist who are foreign nationals to participate in Skydive Dallas-sponsored events without complying with the parachute equipment and packing requirements of 105.43(a).

GRANT, March 23, 1998, Exemption No. 6744.

Docket No.: 28628.

Petitioner: Mr. William W. Webb.

Sections of the FAR Affected: 14 CFR 91.109(a).

Description of Relief Sought/

Disposition: To permit Mr. Webb to conduct certain flight instruction in Beechcraft Bonanza airplanes equipped with a functioning throwover control wheel instead of functioning dual controls.

GRANT, April 24, 1998, Exemption No. 6544A

[FR Doc. 98-11858 Filed 5-4-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Transfer of Federally Assisted Land or Facility

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of intent to transfer Federally assisted land or facility.

SUMMARY: 49 U.S.C. Section 5334(g) (formerly Section 12(k)) of the Federal Transit Act, as amended) permits the Administrator of the Federal Transit Administration (FTA) to authorize a recipient of FTA funds to transfer land or a facility to a local public body for any public purpose with no further obligation to the Federal Government if, among other things, no Federal agency is interested in acquiring the asset for Federal use. Accordingly, FTA is

issuing this Notice to advise Federal agencies that the Tri-County Metropolitan Transportation District of Oregon (Tri-Met) intends to transfer railroad right-of-way (RROW) between N.W. Division Street and Spring Water Trail (formerly Linneman Junction) in the City Of Gresham, Oregon. The RROW has been abandoned and declared surplus.

EFFECTIVE DATE: Any Federal agency interested in acquiring the land or facility must notify the FTA Region 10 Office of its interest, by June 4, 1998.

ADDRESSES: Interested parties should notify the Regional Office by writing FTA Region 10, 915 Second Avenue, Room 3142, Seattle, Washington 98174-1002.

FOR FURTHER INFORMATION CONTACT: Michael J. Williams, Regional Engineer at (206) 220-7965; or Pat Berkley, FTA Headquarters Office of Program Management at (202) 366-6470.

SUPPLEMENTARY INFORMATION:

Background

49 U.S.C. Section 5334(g) provides guidance on the transfer of capital assets. Specifically, if a recipient of FTA assistance decides an asset acquired under this chapter, at least in part with that assistance, is no longer needed for the purpose for which it was acquired, the Secretary of Transportation may authorize the recipient to transfer the asset to a local governmental authority to be used for a public purpose with no further obligation to the Government.

Determinations

The Secretary may authorize a transfer to a local governmental authority for a public purpose other than mass transportation only if the Secretary decides—

(A) The asset will remain in public use for not less than 5 years after the date of the transfer;

(B) There is no purpose eligible for assistance under this chapter for which the asset should be used;

(C) The overall benefit of allowing the transfer is greater than the interest of the Government in liquidation and return of the financial interest of the Government in the asset, after considering fair market value and other factors; and

(D) Through an appropriate screening or survey process, that there is interest in acquiring the asset for Government use if the asset is a facility or land.

Federal Interest in Acquiring Land or Facility

This document implements the requirements of 49 U.S.C. Section 5334(g) (formerly Section 12(k)) of the

Federal Transit Act, as amended). Accordingly, FTA hereby provides notice of the availability of the land or facility further described below. Any Federal agency interested in acquiring the affected land or facility should promptly notify the FTA.

If no Federal agency is interested in acquiring the existing land or facility, FTA will make certain that the other requirements specified in 49 U.S.C. Section 5334(g)(1)(A) through (1)(D) are met before permitting the asset to be transferred.

Additional Description of Land or Facility

The property is a portion of the RROW originally acquired as part of the Banfield Light Rail Project. The RROW consists of six (6) contiguous parcels totaling 14.232 acres, more or less, along 6,400 linear feet, between N.W. Division Street and Spring Water Trail in the City of Gresham, Oregon. Tri-Met purchased this property on December 13, 1983, from the Southern Pacific Railroad Company and the Union Pacific Railroad Company.

Issed: April 22, 1998.

Helen M. Knoll,

Regional Administrator.

[FR Doc. 98-11852 Filed 5-4-98; 8:45 am]

BILLING CODE 4910-57-U

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-402 (Sub-No. 5X)]

Fox Valley & Western Ltd.— Abandonment Exemption—in Kewaunee County, WI

On April 15, 1998, Fox Valley & Western Ltd. (FVW),¹ filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a line of railroad, known as the Luxemburg-Kewaunee Line, extending from milepost 18.9 near Luxemburg to milepost 35.6 at the end of the line near Kewaunee, a distance of 16.7 miles, in Kewaunee County, WI. The line traverses U.S. Postal Service ZIP Codes 54205, 54216, and 54217, and includes the stations of Casco Junction at milepost 23.3 and Kewaunee at milepost 34.0.

The line does not contain federally granted rights-of-way. Any documentation in the railroad's

possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by August 3, 1998.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$1,000 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than May 26, 1998. Each trail use request must be accompanied by a \$150 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-402 (Sub-No. 5X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001; and (2) Michael J. Barron, Jr., Fox Valley & Western Ltd., 6250 N. River Road, Suite 9000, Rosemont, IL 60018.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1545. [TDD for the hearing impaired is available at (202) 565-1695.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Decided: April 27, 1998.

By the Board, David M. Konschnik,
Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 98-11871 Filed 5-4-98; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-290 (Sub-No. 198X)]

Norfolk and Western Railway Company—Abandonment Exemption— in Lynchburg, VA

Norfolk and Western Railway Company (NW) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 0.74-mile line of its railroad between milepost L-0.20 and milepost L-0.94 in Lynchburg, VA. The line traverses United States Postal Service Zip Code 24501.

NW has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on June 4, 1998, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to

¹ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-*

¹ FVW is a wholly owned subsidiary of Wisconsin Central Transportation Corporation.

file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking requests under 49 CFR 1152.29 must be filed by May 15, 1998. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 26, 1998, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: James R. Paschall, General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

NW has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by May 8, 1998. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565-1545. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), NW shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by NW's filing of a notice of consummation by May 5, 1999, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Decided: April 23, 1998.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 98-11518 Filed 5-4-98; 8:45 am]

BILLING CODE 4910-00-P

of-Service Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

² Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$1000. See 49 CFR 1002.2(f)(25).

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-541X]

Portland & Western Railroad, Inc.— Abandonment Exemption—In Washington County, OR

On April 15, 1998, Portland & Western Railroad, Inc. (P&W) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon three segments of its line of railroad extending: (1) from milepost 20.05 to milepost 21.09, a distance of 1.04 miles; (2) from milepost 21.09 to milepost 21.26, a distance of 0.17 mile; and (3) from milepost 21.50 to milepost 22.0, a distance of 0.5 mile, all located at or near Hillsboro, in Washington County, OR.¹ The lines traverse U.S. Postal Service Zip Code 97124 and include the stations of Merle located near milepost 20.8 and Orenco Junction located near milepost 21.5.

The line does not contain federally granted rights-of-way. Any documentation in P&W's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by August 3, 1998.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each offer must be accompanied by a \$1,000 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of

¹ Abandonment authority for the segments from milepost 21.09 to milepost 21.26 (0.17 mile) and from milepost 21.50 to milepost 22.09 (0.5 mile) was previously granted to Burlington Northern Railroad Company (BNSF) in *Burlington Northern Railroad Company—Abandonment Exemption—In Washington County, OR*, Docket No. AB-6 (Sub-No. 363X) (ICC served Dec. 5, 1994). Thereafter, P&W filed a notice of exemption to acquire and operate all three segments proposed here to be abandoned in *Portland & Western Railroad, Inc.—Acquisition and Operation Exemption—The Burlington Northern and Santa Fe Railway Company*, STB Finance Docket No. 33502 (STB served Nov. 24, 1997). In that proceeding, P&W acquired the rail, track materials, and other personal property necessary for rail service and an exclusive rail easement over the underlying property; BNSF retained the real property with the intent to donate the property to the State of Oregon. P&W questions the need to seek abandonment authority for the segments previously abandoned by BNSF because P&W states that it never exercised its authority because of the absence of traffic.

rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than May 26, 1998. Each trail use request must be accompanied by a \$150 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-541X and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001, and (2) Sebastian Ferrer, Gollatz, Griffin & Ewing, P.C., 213 West Miner Street, P.O. Box 796, West Chester, PA 19381-0796. Replies to the P&W petition are due on or before May 26, 1998.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1545. [TDD for the hearing impaired is available at (202) 565-1695.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Decided: April 27, 1998.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 98-11872 Filed 5-4-98; 8:45 am]

BILLING CODE 4915-00-P

UNITED STATES INFORMATION AGENCY

AGENCY: United States Information Agency.

ACTION: Notice of meeting of the Cultural Property Advisory Committee.

In accordance with the provisions of the Convention on Cultural Property

Implementation Act (19 U.S.C. 2603 *et seq.*) there will be a meeting of the Cultural Property Advisory Committee on May 19, 1998, from approximately 9:30 AM to approximately 3:30 PM, at the United States Information Agency, Washington, D.C. A portion of the meeting, approximately 9:30 AM to 10:00 AM, will be closed pursuant to 5 U.S.C. 552b(c)(9)(B) and 19 U.S.C. 2605(h). The Committee will go into open session at approximately 10:00 AM until approximately 12:30 PM during which it will receive a briefing on the Agreement Between the Government of the United States of America and the Government of Canada concerning the Imposition of Import Restrictions on Certain Categories of Archaeological and Ethnological Material. The Committee will also be briefed by its Chairman on recent interactions with representatives of the

antiquities dealer community. The Committee will recess at approximately 12:30 PM and will reconvene in open session at approximately 1:30 PM to receive briefings from organizations regarding their work in cultural heritage preservation as it relates to Central America and the furtherance of provisions in bilateral cultural property agreements having to do with long-term strategies to protect cultural resources for scientific, educational and cultural purposes.

Seating is limited. Persons wishing to attend open portions of the meeting must notify Cultural Property staff at (202) 619-6612 by 12:00 Noon (EST), May 18, 1998, to arrange for admission.

Dated: April 30, 1998.

Penn Kemble,

Deputy Director, United States Information Agency.

Determination to Close a Portion of the Meeting of the Cultural Property Advisory Committee

May 19, 1998.

In accordance with 5 U.S.C. 552b(c)(9)(B) and 19 U.S.C. 2605(h), I hereby determine that a portion of the Cultural Property Advisory Committee meeting on May 19, 1998, during which there will be discussions involving information the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action, will be closed.

Dated: April 30, 1998.

Penn Kemble,

Deputy Director, United States Information Agency.

[FR Doc. 98-11859 Filed 5-4-98; 8:45 am]

BILLING CODE 8230-01-M

Corrections

Federal Register

Vol. 63, No. 86

Tuesday, May 5, 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.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[Docket No. OR-1-0001; FRL-5852-3]

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

Correction

In rule document 97-18082, beginning on page 36995, in the issue of Thursday, July 10, 1997, make the following correction:

§ 62.9505 [Corrected]

On page 36997, in the third column, in the undesignated center heading, in the third line "Frp," should read "From".

BILLING CODE 1505-01-D

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4340-N-01]

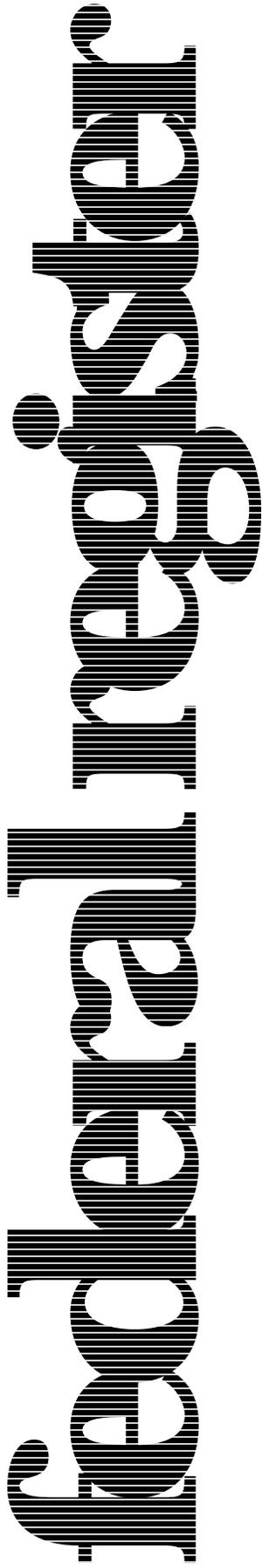
Super Notice of Funding Availability (SuperNOFA) for Housing and Community Development Programs

Correction

In notice document 98-8102 beginning on page 15490 in the issue of Tuesday, March 31, 1998, make the following corrections:

1. On page 15587, in the first column, in paragraph (c)(iii), in the second line "24,000" should read "25,000".
2. On the same page, in the second column, in the first line "\$250,000 per unit" should read "\$250.00 per unit".

BILLING CODE 1505-01-D



Tuesday
May 5, 1998

Part II

**Department of
Housing and Urban
Development**

**24 CFR Part 888
Fair Market Rents for the Section 8
Housing Assistance Payments Program—
Fiscal Year 1999; Proposed Rule**

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

24 CFR Part 888

[Docket No. FR-4362-N-01]

**Fair Market Rents for the Section 8
Housing Assistance Payments
Program—Fiscal Year 1999**

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of proposed fiscal year (FY) 1999 Fair Market Rents (FMRs).

SUMMARY: Section 8(c)(1) of the United States Housing Act of 1937 requires the Secretary to publish FMRs annually to be effective on October 1 of each year. FMRs are used for the Section 8 Rental Certificate Program (including space rentals by owners of manufactured homes under that program); the Moderate Rehabilitation Single Room Occupancy program; housing assisted under the Loan Management and Property Disposition programs; payment standards for the Rental Voucher program; and any other programs whose regulations specify their use. Today's notice proposes revised FMRs that reflect estimated 40th percentile rent levels trended to April 1, 1999.

DATES: *Comments due date:* July 6, 1998.

ADDRESSES: Interested persons are invited to submit comments regarding HUD's estimates of the FMRs as published in this Notice to the Office of the General Counsel, Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410. Communications should refer to the above docket number and title and should contain the information specified in the "Request for Comments" section. To ensure that the information is fully considered by all of the reviewers, each commenter is requested to submit two copies of its comments, one to the Rules Docket Clerk and the other to the Economic and Market Analysis Staff in the appropriate HUD Field Office. A copy of each communication submitted will be available for public inspection and copying during regular business hours (7:30 a.m.-5:30 p.m. Eastern Time) at the above address.

FOR FURTHER INFORMATION CONTACT: Gerald Benoit, Operations Division, Office of Rental Assistance, telephone (202) 708-0477. For technical information on the development of schedules for specific areas or the method used for the rent calculations, contact Alan Fox, Economic and Market Analysis Division, Office of Economic

Affairs, telephone (202) 708-0590, Extension 5863 (e-mail: alan_fox@hud.gov.). Hearing- or speech-impaired persons may use the Telecommunications Devices for the Deaf (TTY) by contacting the Federal Information Relay Service at 1-800-877-8339. (Other than the "800" TTY number, telephone numbers are not toll free.)

SUPPLEMENTARY INFORMATION: Section 8 of the United States Housing Act of 1937 (the Act) (42 U.S.C. 1437f) authorizes housing assistance to aid lower income families in renting decent, safe, and sanitary housing. Assistance payments are limited by FMRs established by HUD for different areas. In general, the FMR for an area is the amount that would be needed to pay the gross rent (shelter rent plus utilities) of privately owned, decent, safe, and sanitary rental housing of a modest (non-luxury) nature with suitable amenities.

Publication of FMRs

Section 8(c) of the Act requires the Secretary of HUD to publish FMRs periodically, but not less frequently than annually. The Department's regulations provide that HUD will develop FMRs by publishing proposed FMRs for public comment and, after evaluating the public comments, publish the final FMRs (see 24 CFR 888.115). Schedule B of the proposed FY 1999 FMR schedules at the end of this document lists the FMR levels for Section 8 existing housing. Schedule D lists FMRs for the rental of manufactured home spaces in the Section 8 certificate program in areas where modifications based on public comments have been approved for FMRs greater than 30 percent of the 2-bedroom FMR.

Method Used To Develop FMRs

FMR Standard

FMRs are gross rent estimates; they include shelter rent and the cost of utilities, except telephone. HUD sets FMRs to assure that a sufficient supply of rental housing is available to program participants. To accomplish this objective, FMRs must be both high enough to permit a selection of units and neighborhoods and low enough to serve as many families as possible. The level at which FMRs are set is expressed as a percentile point within the rent distribution of standard quality rental housing units. The current definition used is the 40th percentile rent, the dollar amount below which 40 percent of the standard quality rental housing units rent. The 40th percentile rent is

drawn from the distribution of rents of units which are occupied by recent movers (renter households who moved into their unit within the past 15 months). Newly built units less than two years old are excluded, and adjustments have been made to correct for the below market rents of public housing units included in the data base.

Data Sources

HUD used the most accurate and current data available to develop the FMR estimates. The sources of survey data used for the base-year estimates are:

(1) The 1990 Census, which provides statistically reliable rent data for all FMR areas;

(2) The Bureau of the Census' American Housing Surveys (AHSs), which are used to develop between-Census revisions for the largest metropolitan areas and which have accuracy comparable to the decennial Census; and

(3) Random Digit Dialing (RDD) telephone surveys of individual FMR areas, which are based on a sampling procedure that uses computers to select statistically random samples of rental housing.

The base-year FMRs are updated using trending factors based on Consumer Price Index (CPI) data for rents and utilities or HUD regional rent change factors developed from RDD surveys. Annual average CPI data are available individually for 99 metropolitan FMR areas. RDD regional rent change factors are developed annually for the metropolitan and nonmetropolitan parts of each of the 10 HUD regions. The RDD factors are used to update the base year estimates for all FMR areas that do not have their own local CPI survey.

State Minimum FMRs

FMRs are established at the higher of the local 40th percentile rent level or the Statewide average of nonmetropolitan counties, subject to a ceiling rent cap. The State minimum also affects a small number of metropolitan areas whose rents would otherwise fall below the State minimum.

Bedroom Size Adjustments

FMRs have been calculated separately for each bedroom size category. For areas whose FMRs are based on the State minimums, the rents for each bedroom size are the higher of the rent for the area or the Statewide average of nonmetropolitan counties for that bedroom size. For all other FMR areas, the bedroom intervals are based on data

for the specific area. Exceptions have been made for some areas with local bedroom size rent intervals below an acceptable range. For those areas the intervals selected were the minimums determined after outliers had been excluded from the distribution of bedroom intervals for all metropolitan areas. Higher ratios continue to be used for three-bedroom and larger size units than would result from using the actual market relationships. This is done to assist the largest, most difficult to house families in finding program-eligible units. The FMRs for unit sizes larger than 4 bedroom are calculated by adding 15 percent to the 4 bedroom FMR for each extra bedroom. For example, the FMR for a 5 bedroom unit is 1.15 times the 4 bedroom FMR, and the FMR for a 6 bedroom unit is 1.30 times the 4 bedroom FMR. FMRs for single-room-occupancy (SRO) units are 0.75 times the 0 bedroom FMR.

RDD Surveys

RDD surveys are used to obtain statistically-reliable FMR estimates for selected FMR areas. This survey technique involves drawing random samples of renter units occupied by recent movers. RDD surveys exclude public housing units, units built in the past two years, seasonal units, non-cash rental units, and those owned by relatives. A HUD analysis has shown that the slight downward RDD survey bias caused by including some rental units that are in substandard condition is almost exactly offset by the slight upward bias that results from surveying only units with telephones.

Approximately 8,000–12,000 telephone numbers need to be contacted to achieve the target survey sample level of 200 eligible recent mover responses. RDD surveys have a high degree of statistical accuracy; there is a 95 percent likelihood that the recent mover rent estimates developed using this approach are within 3 to 4 percent of the actual rent value. Virtually all of the estimates are within 5 percent of the actual value.

Today's notice proposes FMRs based on RDD surveys conducted in late-1997 and early-1998 for the following areas:

Proposed FMR Increase Above Normal Update Factor

Early-1998 RDD:

San Francisco, CA
San Jose, CA
Fulton County, IL
Champaign-Urbana, IL
Evansville-Henderson, IN–KY
Finney County, KS
Ford County, KS
Grant County, KS
Seward County, KS

Goodhue County, MN
Kandiyohi County, MN
McLeod County, MN
Meeker County, MN
Wabasha County, MN
Winona County, MN
Asheville, NC
Omaha, NE–IA
Dayton-Springfield, OH
Salt Lake City-Ogden, UT
Green Bay, WI
Morgan County, WV
Raleigh County, WV
Berkeley County, WV
Charleston, WV
Jefferson County, WV

Proposed FMR Decrease

Late-1997 RDD:

Chicago, IL
Bergen-Passaic, NJ
Newark, NJ
Buffalo-Niagara Falls, NY

Early-1998 RDD:

Fresno, CA
Santa Cruz-Watsonville, CA
Bridgeport, CT
Honolulu, HI
Jersey City, NJ
Newburgh, NY–PA
McAllen-Edinburg-Mission, TX

Proposed FMR Increase by Normal Update Factor

Late-1997 RDD:

Riverside-San Bernardino, CA
San Diego, CA
Louisville, KY–IN
Monmouth-Ocean, NJ
Syracuse, NY
Philadelphia, PA–NJ
Milwaukee-Waukesha, WI

Early-1998 RDD:

Oakland, CA
Vallejo-Fairfield-Napa, CA
Ventura, CA
Sarasota-Bradenton, FL
West Palm Beach-Boca Raton, FL
Boise City, ID
Mason County, IL
South Bend, IN
Stevens County, KS
Albany-Schenectady-Troy, NY
Hamilton-Middletown, OH
Tulsa, OK
Eugene-Springfield, OR
Bryan-College Station, TX

AHS Areas

AHSs cover the largest metropolitan areas on a four-year cycle. The 40th percentile rents for these areas are calculated from the distributions of two-bedroom units occupied by recent movers. Public housing units, newly constructed units, and units that fail a housing quality test are excluded from the rental housing distributions before the FMRs are calculated. The proposed

FY 1999 FMRs incorporate the results of the 1996 AHSs, as follows:

Proposed FMR Increase Above Normal Update Factor

Cleveland-Lorain-Elyria, OH
Oklahoma City, OK
Memphis, TN–AR–MS

Proposed FMR Decrease

Sacramento, CA

Proposed FMR Increase by Normal Update Factor

Hartford, CT
Atlanta, GA
Indianapolis, IN
St Louis, MO–IL
Seattle-Bellevue-Everett, WA

Manufactured Home Space FMRs

FMRs for the rental of manufactured home spaces are 30 percent of the applicable Section 8 existing housing program FMR for a two-bedroom unit. HUD accepts public comments requesting modifications of these FMRs where the 30 percent FMRs are thought to be inadequate. In order to be accepted as a basis for revising the FMRs, comments must contain statistically valid survey data that show the 40th percentile space rent (excluding the cost of utilities) for the entire FMR area. HUD uses the same FMR area definitions for manufactured home space rental in the Section 8 certificate program as are used to develop the FMRs for Section 8 existing housing (Schedule B.) Manufactured home space FMR revisions are published as final FMRs in Schedule D. Once approved, the revised manufactured home space FMRs establish new base year estimates that are updated annually using the same data used to update the Rental Certificate program FMRs.

FMRs for Federal Disaster Areas

Under the authority granted in 24 CFR part 899, the Secretary finds good cause to waive and hereby waives the regulatory requirements that govern requests for geographic area exception rents for areas that are declared disaster areas by the Federal Emergency Management Agency (FEMA). HUD is prepared to grant disaster-related exceptions up to 10 percent above the applicable FMRs in those areas. HUD field offices are authorized to approve such exceptions for: (1) single-county FMR areas and for individual county parts of multi-county FMR areas that qualify as disaster areas under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; if (2) the PHA certifies that damage to the rental housing stock as a result of the disaster

is so substantial that it has increased the prevailing rent levels in the affected area. Such exception rents must be requested in writing by the responsible PHAs. Exception rents approved by HUD during FY 1999 will remain in effect until superseded by the publication of the final FY 2001 FMRs.

Request for Comments

HUD seeks public comments on FMR levels for specific areas. Comments on FMR levels must include sufficient information (including local data and a full description of the rental housing survey methodology used) to justify any proposed changes. Changes may be proposed in all or any one or more of the bedroom-size categories on the schedule. Recommendations and supporting data must reflect the rent levels that exist within the entire FMR area.

HUD recommends use of professionally-conducted Random Digit Dialing (RDD) telephone surveys to test the accuracy of FMRs for areas where there is a sufficient number of Section 8 units to justify the survey cost of \$10,000–\$12,000. Areas with 500 or more program units usually meet this criterion, and areas with fewer units may meet it if actual two-bedroom rents are significantly different from the FMRs proposed by HUD. In addition, HUD has developed a version of the RDD survey methodology for smaller, nonmetropolitan PHAs. This methodology is designed to be simple enough to be done by the PHA itself, rather than by professional survey organizations, at a cost of \$5,000 or less.

PHAs in nonmetropolitan areas may, in certain circumstances, do surveys of groups of counties. All grouped county surveys must be approved in advance by HUD. PHAs are cautioned that the resulting FMRs will not be identical for the counties surveyed; each individual FMR area will have a separate FMR based on the relationship of rents in that area to the combined rents in the cluster of FMR areas. In addition, PHAs are advised that counties whose FMRs are based on the State minimum will not have their FMRs revised unless the grouped survey results show a revised FMR above the State minimum level.

PHAs that plan to use the RDD survey technique should obtain a copy of the appropriate survey guide. Larger PHAs should request HUD's survey guide entitled "Random Digit Dialing Surveys: A Guide to Assist Larger Public Housing Agencies in Preparing Fair Market Rent Comments." Smaller PHAs should obtain a guide entitled "Rental Housing Surveys: A Guide to Assist Smaller

Public Housing Agencies in Preparing Fair Market Rent Comments." These guides are available from HUD USER on 1–800–245–2691, or from HUD's Worldwide Web site, in WordPerfect format, at the following address: <http://www.huduser.org>.

HUD prefers, but does not mandate, the use of RDD telephone surveys, or the more traditional method described in the survey guide intended for small PHAs along with the simplified RDD methodology. Other survey methodologies are acceptable as long as the surveys submitted provide statistically reliable, unbiased estimates of the 40th percentile gross rent. Survey samples should preferably be randomly drawn from a complete list of rental units for the FMR area. If this is not feasible, the selected sample must be drawn so as to be statistically representative of the entire rental housing stock of the FMR area. In particular, surveys must include units of all rent levels and be representative by structure type (including single-family, duplex and other small rental properties), age of housing unit, and geographic location. The decennial Census should be used as a starting point and means to verify whether the sample is representative of the FMR area's rental housing stock.

Local rental housing surveys conducted with alternative methods must include the following documentation:

- Identification of the 40th percentile gross rent (gross rent is rent including the cost of utilities) and the actual distribution (or distributions if more than one bedroom size is surveyed) of the surveyed units, rank-ordered by gross rent.
- An explanation of how the rental housing sample was drawn and a copy of the survey questionnaire, transmittal letter, and any publicity materials.
- An explanation of how the contract rents of the individual units surveyed were converted to gross rents. (For RDD-type surveys, HUD requires use of the Section 8 utility allowance schedule.)
- An explanation of how the survey excluded units built within two years prior to the survey date.
- The date the rent data were collected so that HUD can apply a trending factor to update the estimate to the midpoint of the applicable fiscal year. If the survey has already been trended to this date, the date the survey was conducted and a description of the trending factor used.

—Copies of all survey sheets.

Since FMRs are based on standard quality units and units occupied by recent movers, both of which are difficult to identify and survey, HUD will accept surveys of all rental units and apply appropriate adjustments.

Most surveys cover only one- and two-bedroom units, in which case HUD will make the adjustments for other size units consistent with the differentials established on the basis of the 1990 Census data for the FMR area. When three- and four-bedroom units are surveyed separately to determine FMRs for these unit size categories, the commenter should multiply the 40th percentile survey rents by 1.087 and 1.077, respectively, to determine the FMRs. The use of these factors will produce the same upward adjustments in the rent differentials as those used in the HUD methodology.

Other Matters

A Finding of No Significant Impact with respect to the environment as required by the National Environmental Policy Act (42 U.S.C. 4321–4374) is unnecessary, since the Section 8 Rental Certificate program is categorically excluded from the Department's National Environmental Policy Act procedures under 24 CFR 50.19(c)(d).

The undersigned, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), hereby certifies that this Notice does not have a significant economic impact on a substantial number of small entities, because FMRs do not change the rent from that which would be charged if the unit were not in the Section 8 program.

The General Counsel, as the Designated Official under section 6(a) of Executive Order No. 12611, *Federalism*, has determined that this Notice will not involve the preemption of State law by Federal statute or regulation and does not have Federalism implications. The Fair Market Rent schedules do not have any substantial direct impact on States, on the relationship between the Federal government and the States, or on the distribution of power and responsibility among the various levels of government.

The Catalog of Federal Domestic Assistance program number is 14.156, Lower-Income Housing Assistance Program (section 8).

Accordingly, the Fair Market Rent Schedules, which will be codified in 24 CFR part 888, are amended as follows:

Dated: April 29, 1998.

Andrew Cuomo,
Secretary.

**Fair Market Rents for the Section 8
Housing Assistance Payments Program**

*Schedules B and D—General
Explanatory Notes*

1. Geographic Coverage

a. *Metropolitan Areas.*—FMRs are housing market-wide rent estimates that are intended to provide housing opportunities throughout the geographic area in which rental housing units are in direct competition. The FMRs shown in Schedule B are determined for the same areas as the Office of Management and Budget's (OMB) most current definitions of metropolitan areas, with the exceptions discussed in paragraph b. HUD uses the OMB Metropolitan Statistical Area (MSA) and Primary Metropolitan Statistical Area (PMSA) definitions for FMR areas because they closely correspond to housing market area definitions.

b. *Exceptions to OMB Definitions.*—The exceptions are counties deleted from several large metropolitan areas whose revised OMB metropolitan area definitions were determined by HUD to be larger than the housing market areas. The FMRs for the following counties (shown by the metropolitan area) are calculated separately and are shown in Schedule B within their respective States under the "Metropolitan FMR Areas" listing:

Metropolitan Area and Counties Deleted

Chicago, IL: DeKalb, Grundy and Kendall Counties
Cincinnati-Hamilton, OH-KY-IN: Brown County, Ohio; Gallatin, Grant and Pendleton Counties in Kentucky; and Ohio County, Indiana
Dallas, TX: Henderson County
Flagstaff, AZ-UT: Kane County, UT
New Orleans, LA: St. James Parish
Washington, DC: Berkeley and Jefferson Counties in West Virginia; and

Clarke, Culpeper, King George and Warren counties in Virginia

c. *Nonmetropolitan Area FMRs.*—

FMRs also are established for nonmetropolitan counties and for county equivalents in the United States, for nonmetropolitan parts of counties in the New England states, and for FMR areas in Puerto Rico, the Virgin Islands, and the Pacific Islands.

Nonmetropolitan area FMRs are set at the higher of the local 40th percentile rent level or the Statewide average of nonmetropolitan counties. (The State minimum also affects a small number of metropolitan areas whose rents would otherwise fall below the State minimum.)

d. *Virginia Independent Cities.*—FMRs for the areas in Virginia shown in the table below were established by combining the Census data for the nonmetropolitan counties with the data for the independent cities that are located within the county borders. Because of space limitations, the FMR listing in Schedule B includes only the name of the nonmetropolitan county. The complete definitions of these areas including the independent cities are as follows:

Virginia Nonmetropolitan County FMR Area and Independent Cities Included

County and Cities

Alleghany: Clifton Forge and Covington
Augusta: Staunton and Waynesboro
Carroll: Galax
Frederick: Winchester
Greensville: Emporia
Henry: Martinsville
Montgomery: Radford
Rockbridge: Buena Vista and Lexington
Rockingham: Harrisonburg
Southampton: Franklin
Wise: Norton

2. Bedroom Size Adjustments

Schedule B shows the FMRs for 0-bedroom through 4-bedroom units. The FMRs for unit sizes larger than 4 bedrooms are calculated by adding 15

percent to the 4-bedroom FMR for each extra bedroom. For example, the FMR for a 5-bedroom unit is 1.15 times the 4-bedroom FMR, and the FMR for a 6-bedroom unit is 1.30 times the 4-bedroom FMR. FMRs for single-room-occupancy (SRO) units are 0.75 times the 0 bedroom FMR.

3. FMRs for Manufactured Home Spaces

FMRs for Section 8 manufactured home spaces in the Section 8 certificate program are 30 percent of the two-bedroom Section 8 existing housing program FMRs, with the exception of the areas listed in Schedule D whose manufactured home space FMRs have been modified on the basis of public comments. Once approved, the revised manufactured home space FMRs establish new base-year estimates that are updated annually using the same data used to estimate the Section 8 existing housing FMRs. The FMR area definitions used for the rental of manufactured home spaces in the Section 8 certificate program are the same as the area definitions used for Section 8 existing FMRs.

4. Arrangement of FMR Areas and Identification of Constituent Parts

a. The FMR areas in Schedule B are listed alphabetically by metropolitan FMR area and by nonmetropolitan county within each State. The exception FMRs for manufactured home spaces in Schedule D are listed alphabetically by State.

b. The constituent counties (and New England towns and cities) included in each metropolitan FMR area are listed immediately following the listings of the FMR dollar amounts. All constituent parts of a metropolitan FMR area that are in more than one State can be identified by consulting the listings for each applicable State.

c. Two nonmetropolitan counties are listed alphabetically on each line of the nonmetropolitan county listings.

BILLING CODE 4210-62-P

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

A L A B A M A

METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Anniston, AL MSA.....	258	305	381	532	603	Calhoun
Birmingham, AL MSA.....	366	413	481	653	724	Blount, Jefferson, St. Clair, Shelby
Columbus, GA-AL MSA.....	348	387	464	607	658	Russell
Decatur, AL MSA.....	342	346	436	564	674	Lawrence, Morgan
Dothan, AL MSA.....	310	317	394	542	550	Dale, Houston
Florence, AL MSA.....	290	333	429	535	600	Colbert, Lauderdale
Gadsden, AL MSA.....	258	315	364	472	581	Etowah
Huntsville, AL MSA.....	359	421	518	690	822	Limestone, Madison
Mobile, AL MSA.....	377	421	482	649	762	Baldwin, Mobile
Montgomery, AL MSA.....	393	420	496	675	813	Autauga, Elmore, Montgomery
Tuscaloosa, AL MSA.....	339	363	482	663	701	Tuscaloosa

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

Barbour.....	245	291	347	450	516	Bibb.....	245	291	347	468	561
Bullock.....	245	291	347	450	516	Butler.....	245	291	347	450	516
Chambers.....	245	291	347	450	517	Cherokee.....	245	291	347	450	516
Chilton.....	253	291	347	450	516	Choctaw.....	245	291	347	450	516
Clarke.....	245	291	347	450	516	Clay.....	245	291	347	450	516
Cleburne.....	245	291	347	450	516	Coffee.....	245	344	447	622	698
Conecuh.....	245	291	347	450	516	Coosa.....	245	291	347	450	516
Covington.....	245	291	347	450	516	Crenshaw.....	245	291	347	450	516
Cullman.....	245	291	347	461	560	Dallas.....	245	291	347	450	516
Dekalb.....	245	291	347	450	516	Escambia.....	245	291	347	450	516
Fayette.....	245	291	347	450	516	Franklin.....	245	291	347	450	516
Geneva.....	245	291	347	450	516	Greene.....	245	291	347	450	516
Hale.....	245	291	347	450	516	Henry.....	245	291	347	450	516
Jackson.....	264	291	347	450	552	Lamar.....	245	291	347	450	516
Lee.....	258	361	463	602	761	Lowndes.....	245	291	347	450	516
Macon.....	267	300	400	501	561	Marengo.....	245	291	347	450	516
Marion.....	245	291	347	450	516	Marshall.....	281	291	354	490	580
Monroe.....	245	291	347	450	516	Perry.....	245	291	347	450	516
Pickens.....	245	291	347	450	516	Pike.....	250	291	347	450	524
Randolph.....	245	291	347	450	516	Sumter.....	245	291	347	450	516
Talladega.....	245	291	347	450	516	Tallapoosa.....	246	291	347	450	516
Walker.....	245	302	356	460	585	Washington.....	245	291	347	450	516
Wilcox.....	245	291	347	450	516	Winston.....	245	291	347	450	516

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. O32598

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

A L A S K A

METROPOLITAN FMR AREAS	O	BR 1	BR 2	BR 3	BR 4	O	BR 1	BR 2	BR 3	BR 4	BR	BR 1	BR 2	BR 3	BR 4	BR					
Anchorage, AK MSA.....	493	583	773	1075	1270	NONMETROPOLITAN COUNTIES										O	BR 1	BR 2	BR 3	BR 4	BR
NONMETROPOLITAN COUNTIES																O	BR 1	BR 2	BR 3	BR 4	BR
Aleutian East.....	518	584	659	822	1077	NONMETROPOLITAN COUNTIES										O	BR 1	BR 2	BR 3	BR 4	BR
Bethel.....	669	837	1060	1327	1485	NONMETROPOLITAN COUNTIES										O	BR 1	BR 2	BR 3	BR 4	BR
Dillingham.....	646	657	874	1094	1225	NONMETROPOLITAN COUNTIES										O	BR 1	BR 2	BR 3	BR 4	BR
Haines.....	482	597	680	925	952	NONMETROPOLITAN COUNTIES										O	BR 1	BR 2	BR 3	BR 4	BR
Kenai Peninsula.....	438	559	673	935	1104	NONMETROPOLITAN COUNTIES										O	BR 1	BR 2	BR 3	BR 4	BR
Kodiak Island.....	689	757	983	1230	1595	NONMETROPOLITAN COUNTIES										O	BR 1	BR 2	BR 3	BR 4	BR
Matanuska-Susitna.....	462	626	705	957	1130	NONMETROPOLITAN COUNTIES										O	BR 1	BR 2	BR 3	BR 4	BR
North Slope.....	773	792	979	1362	1587	NONMETROPOLITAN COUNTIES										O	BR 1	BR 2	BR 3	BR 4	BR
Pr. Wales-Outer Ketchikan	361	575	661	917	969	NONMETROPOLITAN COUNTIES										O	BR 1	BR 2	BR 3	BR 4	BR
Skagway-Yakutat-Angoon..	442	450	583	730	819	NONMETROPOLITAN COUNTIES										O	BR 1	BR 2	BR 3	BR 4	BR
Valdez-Cordova.....	541	663	736	940	1119	NONMETROPOLITAN COUNTIES										O	BR 1	BR 2	BR 3	BR 4	BR
Wrangell-Petersburg.....	394	581	706	899	987	NONMETROPOLITAN COUNTIES										O	BR 1	BR 2	BR 3	BR 4	BR

A R I Z O N A

METROPOLITAN FMR AREAS	O	BR 1	BR 2	BR 3	BR 4	O	BR 1	BR 2	BR 3	BR 4	BR	BR 1	BR 2	BR 3	BR 4	BR					
Flagstaff, AZ.....	423	458	594	797	957	NONMETROPOLITAN COUNTIES										O	BR 1	BR 2	BR 3	BR 4	BR
Las Vegas, NV-AZ MSA.....	491	582	693	965	1139	NONMETROPOLITAN COUNTIES										O	BR 1	BR 2	BR 3	BR 4	BR
Phoenix-Mesa, AZ MSA.....	417	505	634	882	1039	NONMETROPOLITAN COUNTIES										O	BR 1	BR 2	BR 3	BR 4	BR
Tucson, AZ MSA.....	365	438	582	810	956	NONMETROPOLITAN COUNTIES										O	BR 1	BR 2	BR 3	BR 4	BR
Yuma, AZ MSA.....	365	423	563	782	788	NONMETROPOLITAN COUNTIES										O	BR 1	BR 2	BR 3	BR 4	BR
NONMETROPOLITAN COUNTIES																O	BR 1	BR 2	BR 3	BR 4	BR
Apache.....	360	379	481	628	746	NONMETROPOLITAN COUNTIES										O	BR 1	BR 2	BR 3	BR 4	BR
Gila.....	360	379	481	628	746	NONMETROPOLITAN COUNTIES										O	BR 1	BR 2	BR 3	BR 4	BR
Greenlee.....	360	379	481	628	746	NONMETROPOLITAN COUNTIES										O	BR 1	BR 2	BR 3	BR 4	BR
Navajo.....	360	379	481	628	746	NONMETROPOLITAN COUNTIES										O	BR 1	BR 2	BR 3	BR 4	BR
Yavapai.....	383	399	532	742	817	NONMETROPOLITAN COUNTIES										O	BR 1	BR 2	BR 3	BR 4	BR

A R K A N S A S

METROPOLITAN FMR AREAS	O	BR 1	BR 2	BR 3	BR 4	O	BR 1	BR 2	BR 3	BR 4	BR	BR 1	BR 2	BR 3	BR 4	BR					
Fayetteville-Springdale-Rogers, AR MSA.....	306	385	506	684	708	NONMETROPOLITAN COUNTIES										O	BR 1	BR 2	BR 3	BR 4	BR
Fort Smith, AR-OK MSA.....	303	307	404	540	567	NONMETROPOLITAN COUNTIES										O	BR 1	BR 2	BR 3	BR 4	BR
Jonesboro, AR MSA.....	310	337	397	547	578	NONMETROPOLITAN COUNTIES										O	BR 1	BR 2	BR 3	BR 4	BR
Little Rock-North Little Rock, AR MSA.....	377	418	497	688	803	NONMETROPOLITAN COUNTIES										O	BR 1	BR 2	BR 3	BR 4	BR
Memphis, TN-AR-MS MSA.....	387	451	530	736	774	NONMETROPOLITAN COUNTIES										O	BR 1	BR 2	BR 3	BR 4	BR

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 032598

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

A R K A N S A S continued

METROPOLITAN FMR AREAS		O BR 1 BR 2 BR 3 BR 4 BR				Counties of FMR AREA within STATE					
Pine Bluff, AR MSA.....	288	342	450	568	737	Jefferson					
Texarkana, TX-Texarkana, AR MSA.....	307	375	458	604	641	Miller					
NONMETROPOLITAN COUNTIES		O BR 1 BR 2 BR 3 BR 4 BR				NONMETROPOLITAN COUNTIES					
Arkansas.....	260	282	361	493	535	Ashtley.....	237	282	361	478	566
Baxter.....	237	302	401	516	628	Boone.....	281	286	379	528	623
Bradley.....	237	282	361	478	535	Calhoun.....	237	282	361	478	535
Carroll.....	279	305	361	478	572	Chicot.....	237	282	361	478	535
Clark.....	260	282	366	478	578	Clay.....	237	282	361	478	535
Cleburne.....	269	282	361	478	542	Cleveland.....	237	282	361	478	535
Columbia.....	237	282	361	478	535	Conway.....	237	293	392	489	549
Cross.....	246	312	361	485	573	Dallas.....	237	282	361	478	535
Desha.....	237	282	361	478	535	Drew.....	237	307	410	567	577
Franklin.....	248	282	361	478	535	Fulton.....	245	282	361	478	535
Garland.....	237	302	404	564	666	Grant.....	246	293	361	478	540
Greene.....	254	282	361	478	535	Hempstead.....	237	282	361	478	535
Hot Spring.....	237	282	361	478	535	Howard.....	237	282	361	478	535
Independence.....	249	289	361	478	535	Izard.....	237	282	361	478	535
Jackson.....	245	282	361	478	535	Johnson.....	237	282	361	478	535
Lafayette.....	248	282	361	478	535	Lawrence.....	237	282	361	478	535
Lee.....	261	282	361	478	535	Lincoln.....	256	282	367	490	535
Little River.....	237	282	367	509	600	Logan.....	248	282	361	478	535
Madison.....	271	282	367	478	535	Marion.....	237	282	361	478	535
Mississippi.....	270	293	392	517	580	Monroe.....	241	282	361	478	535
Montgomery.....	237	282	361	478	535	Nevada.....	237	282	361	494	535
Newton.....	237	282	361	478	535	Duachita.....	277	282	361	498	588
Perry.....	237	282	361	478	535	Phillips.....	237	282	361	478	535
Pike.....	237	282	361	478	535	Poinsett.....	237	282	361	478	535
Polk.....	237	282	361	478	535	Pope.....	237	310	392	544	627
Prairie.....	237	282	361	478	535	Randolph.....	237	282	361	478	535
St. Francis.....	237	288	361	488	575	Scott.....	237	282	361	478	535
Searcy.....	237	282	361	478	535	Sevier.....	259	282	361	478	535
Sharp.....	237	282	361	478	535	Stone.....	237	282	361	478	535
Union.....	297	314	377	506	619	Van Buren.....	237	282	361	478	591
White.....	237	282	361	494	535	Woodruff.....	237	282	361	478	535
Yell.....	246	282	361	478	535						

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. O32598

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

C A L I F O R N I A

METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Bakersfield, CA MSA.....	360	405	508	706	781	Kern
Chico-Paradise, CA MSA.....	330	424	564	773	924	Butte
Fresno, CA MSA.....	374	419	500	695	802	Fresno, Madera
Los Angeles-Long Beach, CA PMSA.....	494	592	749	1011	1206	Los Angeles
Merced, CA MSA.....	393	443	538	743	878	Merced
Modesto, CA MSA.....	435	468	572	797	939	Stanislaus
Oakland, CA PMSA.....	567	686	861	1180	1410	Alameda, Contra Costa
Orange County, CA PMSA.....	645	704	871	1212	1349	Orange
Redding, CA MSA.....	374	415	519	722	850	Shasta
Riverside-San Bernardino, CA PMSA.....	439	489	597	829	980	Riverside, San Bernardino
Sacramento, CA PMSA.....	434	490	613	850	1002	El Dorado, Placer, Sacramento
Salinas, CA MSA.....	529	619	746	1038	1089	Monterey
San Diego, CA MSA.....	495	566	708	984	1161	San Diego
San Francisco, CA PMSA.....	713	923	1167	1601	1693	Marin, San Francisco, San Mateo
San Jose, CA PMSA.....	808	922	1139	1561	1753	Santa Clara
San Luis Obispo-Atascadero-Paso Robles, CA PMSA.....	507	573	727	1009	1192	San Luis Obispo
Santa Barbara-Santa Maria-Lompoc, CA MSA.....	616	684	867	1207	1362	Santa Barbara
Santa Cruz-Watsonville, CA PMSA.....	600	714	954	1326	1554	Santa Cruz
Santa Rosa, CA PMSA.....	564	640	829	1153	1361	Sonoma
Stockton-Lodi, CA MSA.....	408	461	592	823	971	San Joaquin
Vallejo-Fairfield-Napa, CA PMSA.....	543	617	753	1045	1234	Napa, Solano
Ventura, CA PMSA.....	545	627	793	1055	1228	Ventura
Visalia-Tulare-Porterville, CA MSA.....	365	388	506	706	806	Tulare
Yolo, CA PMSA.....	470	537	664	920	1088	Yolo
Yuba City, CA MSA.....	325	379	488	680	786	Sutter, Yuba
NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR	
Alpine.....	306	458	518	720	775	NONMETROPOLITAN COUNTIES
Calaveras.....	369	427	569	792	934	O BR
Del Norte.....	313	428	569	793	936	1 BR
Humboldt.....	315	436	572	798	944	2 BR
Inyo.....	316	427	548	719	775	3 BR
Lake.....	344	437	584	736	957	4 BR
Mariposa.....	330	419	539	706	833	
Modoc.....	334	374	481	671	775	Amador.....
Nevada.....	383	523	696	968	1122	421
San Benito.....	458	539	675	941	1101	Colusa.....
Siskiyou.....	320	374	481	671	775	334
Trinity.....	343	374	481	671	775	Glenn.....
						306
						Imperial.....
						345
						Kings.....
						354
						Lassen.....
						374
						Mendocino.....
						422
						Mono.....
						466
						Plumas.....
						337
						Sierra.....
						306
						Tehama.....
						319
						Tuolumne.....
						338

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. O32598

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

C O L O R A D O

METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Boulder-Longmont, CO PMSA.....	499	598	766	1067	1258	Boulder
Colorado Springs, CO MSA.....	435	467	623	868	1025	El Paso
Denver, CO PMSA.....	418	499	664	922	1088	Adams, Arapahoe, Denver, Douglas, Jefferson
Fort Collins-Loveland, CO MSA.....	430	531	656	911	1076	Larimer
Grand Junction, CO MSA.....	396	411	515	693	825	Mesa
Greeley, CO PMSA.....	418	462	582	807	955	Weld
Pueblo, CO MSA.....	417	432	540	727	867	Pueblo

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

Alamosa.....	382	396	495	667	795	Archuleta.....	456	500	591	797	948
Baca.....	382	396	495	667	795	Bent.....	382	396	495	667	795
Chaffee.....	382	396	495	667	795	Cheyenne.....	382	396	495	667	795
Clear Creek.....	382	445	504	701	826	Conejos.....	382	396	495	667	795
Costilla.....	382	396	495	667	795	Crowley.....	382	396	495	667	795
Custer.....	382	396	495	667	795	Delta.....	382	396	495	667	795
Dolores.....	382	396	495	667	795	Eagle.....	513	559	746	1038	1223
Elbert.....	421	467	534	667	875	Fremont.....	382	396	495	667	795
Garfield.....	443	475	600	749	981	Gilpin.....	382	507	644	851	941
Grand.....	453	457	579	725	877	Gunnison.....	382	396	495	667	795
Hinsdale.....	382	403	495	667	795	Huerfano.....	382	396	495	667	795
Jackson.....	382	396	495	667	795	Kiowa.....	382	396	495	667	795
Kit Carson.....	382	396	495	667	795	Lake.....	382	396	495	667	795
La Plata.....	499	551	727	1012	1194	Las Animas.....	382	407	495	667	795
Lincoln.....	382	396	495	667	795	Logan.....	382	396	495	667	795
Mineral.....	382	396	495	667	795	Moffat.....	382	396	495	667	795
Montezuma.....	382	396	495	667	795	Montrose.....	382	396	501	694	818
Morgan.....	382	396	495	667	795	Otero.....	382	396	495	667	795
Ouray.....	382	396	501	667	810	Park.....	382	422	550	763	868
Phillips.....	382	396	495	667	795	Pitkin.....	572	783	1044	1376	1564
Prowers.....	382	396	495	667	795	Rio Blanco.....	382	396	495	667	795
Rio Grande.....	382	396	495	667	795	Routt.....	382	461	610	847	998
Saguache.....	382	396	495	667	795	San Juan.....	382	396	495	667	795
San Miguel.....	702	1014	1114	1392	1796	Sedgwick.....	382	396	495	667	795
Summit.....	492	589	754	1050	1292	Teller.....	382	452	603	838	845
Washington.....	382	396	495	667	795	Yuma.....	382	396	495	667	795

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. O32598

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

C O N N E C T I C U T

METROPOLITAN FMR AREAS

Components of FMR AREA within STATE

	O	BR 1	BR 2	BR 3	BR 4	BR	4	BR	1096	1096
Bridgeport, CT PMSA.....	448	583	703	878	1096					Fairfield county towns of Bridgeport town, Easton town Fairfield town, Monroe town, Shelton town Stratford town, Trumbull town
Danbury, CT PMSA.....	605	725	905	1194	1376					New Haven county towns of Ansonia town, Beacon Falls town Derby town, Milford town, Oxford town, Seymour town Fairfield county towns of Bethel town, Brookfield town Danbury town, New Fairfield town, Newtown town Redding town, Ridgefield town, Sherman town Litchfield county towns of Bridgewater town
Hartford, CT PMSA.....	435	541	692	868	1054					New Milford town, Roxbury town, Washington town Hartford county towns of Avon town, Berlin town Bloomfield town, Bristol town, Burlington town Canton town, East Granby town, East Hartford town East Windsor town, Enfield town, Farmington town Glastonbury town, Granby town, Hartford town Manchester town, Marlborough town, New Britain town Newington town, Plainville town, Rocky Hill town Simsbury town, Southington town, South Windsor town Suffield town, West Hartford town, Wethersfield town Windsor town, Windsor Locks town Litchfield county towns of Barkhamsted town Harwinton town, New Hartford town, Plymouth town Winchester town
New Haven-Meriden, CT PMSA.....	517	634	785	1005	1164					Middlesex county towns of Cromwell town, Durham town East Haddam town, East Hampton town, Haddam town Middlefield town, Middletown town, Portland town New London county towns of Colchester town, Lebanon town Tolland county towns of Andover town, Bolton town Columbia town, Coventry town, Ellington town Hebron town, Mansfield town, Somers town, Stafford town Tolland town, Vernon town, Willington town Windham county towns of Ashford town, Chaplin town Windham town
New London-Norwich, CT-RI MSA.....	491	594	723	905	1034					Middlesex county towns of Clinton town, Killingworth town New Haven county towns of Bethany town, Branford town Cheshire town, East Haven town, Guilford town Hamden town, Madison town, Meriden town, New Haven town North Branford town, North Haven town, Orange town Wallingford town, West Haven town, Woodbridge town Middlesex county towns of Old Saybrook town New London county towns of Bozrah town, East Lyme town Franklin town, Griswold town, Groton town, Ledyard town Lisbon town, Montville town, New London town North Stonington t, Norwich town, Old Lyme town Preston town, Salem town, Sprague town, Stonington town Waterford town Windham county towns of Canterbury town, Plainfield town

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

C O N N E C T I C U T continued

METROPOLITAN FMR AREAS

	O BR 1 BR 2 BR 3 BR 4 BR	Components of FMR AREA within STATE
Stamford-Norwalk, CT PMSA.....	774 906 1106 1482 1637	Fairfield county towns of Darien town, Greenwich town, New Canaan town, Norwalk town, Stamford town, Weston town, Westport town, Wilton town
Waterbury, CT MSA.....	439 594 735 917 1027	Litchfield county towns of Bethlehem town, Thomaston town, Watertown town, Woodbury town
Worcester, MA-CT.....	418 506 632 789 884	New Haven county towns of Middlebury town, Naugatuck town, Prospect town, Southbury town, Waterbury town, Wolcott town, Windham county towns of Thompson town

NONMETROPOLITAN COUNTIES

	O BR 1 BR 2 BR 3 BR 4 BR	Towns within non metropolitan counties
Hartford.....	360 582 657 913 1076	Hartland town
Litchfield.....	418 570 760 949 1080	Canaan town, Colebrook town, Cornwall town, Goshen town, Kent town, Litchfield town, Morris town, Norfolk town, North Canaan town, Salisbury town, Sharon town, Torrington town, Warren town
Middlesex.....	620 702 938 1304 1538	Chester town, Deep River town, Essex town, Westbrook town
New London.....	525 643 730 943 1196	Lyme town, Voluntown town
Tolland.....	360 582 657 913 919	Union town
Windham.....	414 507 657 822 1032	Brooklyn town, Eastford town, Hampton town, Killingly town, Pomfret town, Putnam town, Scotland town, Sterling town, Woodstock town

D E L A W A R E

METROPOLITAN FMR AREAS

	O BR 1 BR 2 BR 3 BR 4 BR	Counties of FMR AREA within STATE
Dover, DE MSA.....	486 538 613 795 904	Kent
Wilmington-Newark, DE-MD PMSA.....	436 576 671 911 1100	New Castle

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

Sussex.....	427 454 579 761 812	NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR
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D I S T . O F C O L U M B I A

METROPOLITAN FMR AREAS

	O BR 1 BR 2 BR 3 BR 4 BR	Counties of FMR AREA within STATE
Washington, DC-MD-VA.....	615 699 820 1118 1347	District of Columbia

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

F L O R I D A

METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Daytona Beach, FL MSA.....	387	453	580	770	817	Flagler, Volusia
Fort Lauderdale, FL PMSA.....	479	564	698	971	1143	Broward
Fort Myers-Cape Coral, FL MSA.....	416	479	578	807	842	Lee
Fort Pierce-Port Lucie, FL MSA.....	462	507	657	854	921	Martin, St. Lucie
Fort Walton Beach, FL MSA.....	404	440	500	678	799	Okaloosa
Gainesville, FL MSA.....	404	440	536	734	867	Alachua
Jacksonville, FL MSA.....	422	472	569	752	836	Clay, Duval, Nassau, St. Johns
Lakeland-Winter Haven, FL MSA.....	387	424	479	594	648	Polk
Melbourne-Titusville-Palm Bay, FL MSA.....	387	452	566	758	883	Brevard
Miami, FL PMSA.....	449	563	702	965	1118	Dade
Naples, FL MSA.....	432	609	732	1018	1135	Collier
Ocala, FL MSA.....	404	440	500	657	771	Marion
Orlando, FL MSA.....	501	569	678	891	1087	Lake, Orange, Osceola, Seminole
Panama City, FL MSA.....	404	440	500	638	684	Bay
Pensacola, FL MSA.....	404	440	500	669	789	Escambia, Santa Rosa
Punta Gorda, FL MSA.....	404	463	616	855	1009	Charlotte
Sarasota-Bradenton, FL MSA.....	405	514	654	841	915	Manatee, Sarasota
Tallahassee, FL MSA.....	413	457	603	788	949	Gadsden, Leon
Tampa-St. Petersburg-Clearwater, FL MSA.....	396	472	584	776	940	Hernando, Hillsborough, Pasco, Pinellas
West Palm Beach-Boca Raton, FL MSA.....	495	578	715	950	1175	Palm Beach

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

Baker.....	385	421	476	591	642	Bradford.....	385	421	476	591	642
Calhoun.....	385	421	476	591	642	Citrus.....	385	421	476	591	642
Columbia.....	385	421	476	591	642	Desoto.....	385	421	476	591	642
Dixie.....	385	421	476	591	642	Franklin.....	385	421	476	591	642
Gilchrist.....	385	421	476	591	642	Glades.....	385	421	476	591	642
Gulf.....	385	421	476	591	642	Hamilton.....	385	421	476	591	642
Hardee.....	385	421	476	591	642	Hendry.....	385	421	490	615	689
Highlands.....	385	421	476	593	662	Holmes.....	385	421	476	591	642
Indian River.....	385	481	619	774	866	Jackson.....	385	421	476	591	642
Jefferson.....	385	421	476	591	642	Lafayette.....	385	421	476	591	642
Levy.....	385	421	476	591	642	Liberty.....	385	421	476	591	642
Madison.....	385	421	476	591	642	Monroe.....	551	622	799	1101	1310
Okeechobee.....	385	421	476	591	648	Putnam.....	385	421	476	591	642
Sumter.....	385	421	476	591	642	Suwannee.....	385	421	476	591	642
Taylor.....	385	421	476	591	643	Union.....	385	421	476	591	642
Wakulla.....	385	421	476	591	642	Walton.....	385	421	476	613	766
Washington.....	385	421	476	591	642						

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

G E O R G I A

METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Albany, GA MSA.....	301	353	431	588	636	Dougherty, Lee
Athens, GA MSA.....	371	400	517	706	850	Clarke, Madison, Oconee
Atlanta, GA MSA.....	530	590	688	916	1109	Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett Henry, Newton, Paulding, Pickens, Rockdale, Spalding Walton
Augusta-Aiken, GA-SC MSA.....	357	427	503	683	808	Columbia, McDuffie, Richmond
Chattanooga, TN-GA MSA.....	364	425	510	659	751	Catoosa, Dade, Walker
Columbus, GA-AL MSA.....	348	387	464	607	658	Chattahoochee, Harris, Muscogee
Macon, GA MSA.....	389	434	504	695	715	Bibb, Houston, Jones, Peach, Twiggs
Savannah, GA MSA.....	363	450	524	707	735	Bryan, Chatham, Effingham

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

Appling.....	280	337	412	534	607	Atkinson.....	280	337	412	534	607
Bacon.....	280	337	412	534	607	Baker.....	280	337	412	534	607
Baldwin.....	280	358	437	559	611	Banks.....	280	337	412	534	607
Ben Hill.....	280	337	412	534	615	Berrien.....	280	337	412	534	607
Bleckley.....	280	337	412	534	607	Brantley.....	280	337	412	534	607
Brooks.....	280	337	412	534	607	Bulloch.....	337	342	440	566	719
Burke.....	280	337	412	534	607	Butts.....	280	370	491	657	689
Calhoun.....	280	337	412	534	607	Camden.....	391	443	495	689	814
Candler.....	280	337	412	534	607	Charlton.....	280	337	412	534	607
Chattooga.....	280	337	412	534	607	Clay.....	280	337	412	534	607
Clinch.....	280	337	412	534	607	Coffee.....	280	337	412	534	615
Colquitt.....	280	337	412	534	607	Cook.....	280	337	412	534	607
Crawford.....	280	337	412	534	607	Crisp.....	283	337	412	534	607
Dawson.....	280	364	484	606	747	Decatur.....	280	337	412	534	607
Dodge.....	280	337	412	534	607	Dooly.....	280	337	412	534	607
Early.....	280	337	412	534	607	Echols.....	280	337	412	534	607
Elbert.....	280	337	412	534	607	Emanuel.....	280	337	412	534	607
Evans.....	280	337	412	534	607	Fannin.....	280	337	412	534	607
Floyd.....	280	337	413	545	607	Franklin.....	280	337	412	534	607
Gilmer.....	280	337	412	534	607	Glascok.....	280	337	412	534	607
Glynn.....	390	437	494	663	813	Gordon.....	332	337	420	542	692
Grady.....	285	337	412	534	607	Greene.....	280	337	412	534	607
Habersham.....	300	337	412	534	612	Hall.....	296	450	529	662	739
Hancock.....	280	337	412	534	607	Haralson.....	280	337	412	534	607
Hart.....	280	337	412	534	607	Heard.....	280	337	412	534	607
Irwin.....	280	337	412	534	607	Jackson.....	311	337	423	534	696
Jasper.....	280	337	417	566	607	Jeff Davis.....	280	337	412	534	607
Jefferson.....	280	337	412	534	615	Jenkins.....	280	337	412	534	607

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

G E O R G I A continued

NONMETROPOLITAN COUNTIES		O BR 1	BR 2	BR 3	BR 4	NONMETROPOLITAN COUNTIES		O BR 1	BR 2	BR 3	BR 4	BR
Johnson.....	280	337	412	534	607	Lamar.....	280	346	412	534	653	
Lanier.....	280	337	412	534	607	Laurens.....	286	337	412	534	607	
Liberty.....	348	388	442	614	619	Lincoln.....	280	337	412	534	607	
Long.....	280	364	412	534	607	Lowndes.....	313	379	458	643	711	
Lumpkin.....	280	377	424	567	696	Mcintosh.....	280	337	412	534	607	
Macon.....	280	337	412	534	607	Marion.....	280	337	412	534	607	
Meriwether.....	280	337	412	534	607	Miller.....	280	337	412	534	607	
Mitchell.....	280	337	412	534	607	Monroe.....	280	337	412	543	607	
Montgomery.....	280	337	412	534	607	Morgan.....	280	337	427	534	607	
Murray.....	280	337	412	534	607	Oglethorpe.....	280	337	412	534	607	
Pierce.....	280	337	412	534	607	Pike.....	325	352	446	621	625	
Polk.....	280	337	412	557	607	Pulaski.....	280	337	412	534	607	
Putnam.....	280	337	412	534	615	Quitman.....	280	337	412	534	607	
Rabun.....	280	337	412	534	607	Randolph.....	280	337	412	534	607	
Schley.....	280	337	412	534	607	Screven.....	280	337	412	534	607	
Seminole.....	280	337	412	534	607	Stephens.....	280	337	412	534	607	
Stewart.....	280	337	412	534	607	Sumter.....	280	342	412	534	607	
Talbot.....	280	337	412	534	607	Taliaferro.....	280	337	412	534	607	
Tattall.....	280	337	412	534	607	Taylor.....	280	337	412	534	607	
Telfair.....	280	337	412	534	607	Terrell.....	280	337	412	534	607	
Thomas.....	280	347	412	534	607	Tift.....	280	337	412	534	607	
Toombs.....	280	337	412	534	607	Towns.....	280	337	412	534	607	
Treutlen.....	280	337	412	534	607	Troup.....	280	381	429	536	607	
Turner.....	280	337	412	534	607	Union.....	280	337	430	539	607	
Upson.....	289	337	412	534	607	Ware.....	309	347	412	534	641	
Warren.....	280	337	412	534	607	Washington.....	280	337	412	534	607	
Wayne.....	289	337	412	534	607	Webster.....	280	337	412	534	607	
Wheeler.....	280	337	412	534	607	White.....	280	337	412	534	621	
Whitfield.....	280	367	442	564	665	Wilcox.....	280	337	412	534	607	
Wilkes.....	280	337	412	534	607	Wilkinson.....	280	337	412	534	607	
Worth.....	280	337	412	534	607							

H A W A I I

METROPOLITAN FMR AREAS

Honolulu, HI MSA..... 613 733 863 1167 1262 Honolulu

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

HAWAII continued

NONMETROPOLITAN COUNTIES	O BR 1	BR 2	BR 3	BR 4	BR	O BR 1	BR 2	BR 3	BR 4	BR
Hawaii.....	477	622	715	950	1170					
Mauai.....	770	955	1165	1505	1704					
						609	910	1108	1466	1585

IDAH O

METROPOLITAN FMR AREAS

Boise City, ID MSA.....	390	445	540	750	887	Ada, Canyon
Pocatello, ID MSA.....	279	324	417	568	671	Bannock

NONMETROPOLITAN COUNTIES

Adams.....	278	323	416	551	652	Bear Lake.....	278	323	416	551	652
Benewah.....	278	323	416	551	652	Bingham.....	296	323	416	551	652
Blaine.....	430	473	630	879	1035	Boise.....	278	358	416	551	652
Bonner.....	320	396	490	679	781	Bonneville.....	283	356	490	659	804
Boundary.....	278	323	416	551	652	Butte.....	278	323	416	551	652

Camas.....	278	323	416	551	652	Caribou.....	278	323	416	551	652
Cassia.....	278	323	416	551	652	Clark.....	278	323	416	551	652
Clearwater.....	278	323	416	551	652	Custer.....	278	323	416	551	652
Elmore.....	278	323	416	551	652	Franklin.....	278	323	416	551	652
Fremont.....	278	323	416	551	652	Gem.....	278	323	416	551	652

Gooding.....	278	323	416	551	652	Idaho.....	278	323	416	551	652
Jefferson.....	286	323	416	551	652	Jerome.....	278	323	416	551	652
Kootenai.....	353	416	544	757	895	Latah.....	278	323	416	551	661
Lemhi.....	278	323	416	551	652	Lewis.....	278	323	416	551	652
Lincoln.....	278	323	416	551	652	Madison.....	278	323	416	551	652

Minidoka.....	278	323	416	551	652	Nez Perce.....	283	323	416	551	652
Oneida.....	279	323	416	551	652	Owyhee.....	278	323	416	551	652
Payette.....	278	323	416	551	652	Power.....	278	323	416	551	652
Shoshone.....	278	323	416	551	652	Teton.....	303	323	416	563	666
Twin Falls.....	278	323	421	555	652	Valley.....	289	323	416	551	652

Washington.....	278	323	416	551	652
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ILLINOIS

METROPOLITAN FMR AREAS

Bloomington-Normal, IL MSA.....	337	411	551	765	807	McLean
Champaign-Urbana, IL MSA.....	371	455	589	808	968	Champaign
Chicago, IL.....	516	619	737	922	1031	Cook, Dupage, Kane, Lake, McHenry, Will
Davenport-Moline-Rock Island, IA-IL MSA.....	279	385	477	617	668	Henry, Rock Island

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

I L L I N O I S continued

METROPOLITAN FMR AREAS	O BR 1 BR 2 BR 3 BR 4 BR				Counties of FMR AREA within STATE						
	O BR	1 BR	2 BR	3 BR	4 BR	O BR	1 BR	2 BR	3 BR	4 BR	
Decatur, IL MSA.....	268	347	447	604	626	Macon					
De Kalb County, IL.....	426	496	628	873	1012	Dekalb					
Grundy County, IL.....	372	430	571	754	802	Grundy					
Kankakee, IL PMSA.....	338	409	546	697	765	Kankakee					
Kendall County, IL.....	514	586	706	983	988	Kendall					
Peoria-Pekin, IL MSA.....	374	412	553	735	903	Peoria, Tazewell, Woodford					
Rockford, IL MSA.....	358	459	559	703	819	Boone, Ogle, Winnebago					
St. Louis, MO-IL MSA.....	317	386	501	652	721	Clinton, Jersey, Madison, Monroe, St. Clair					
Springfield, IL MSA.....	309	383	510	679	773	Menard, Sangamon					
NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR											
Adams.....	259	291	374	491	596	Alexander.....	259	291	374	491	551
Bond.....	259	291	374	491	551	Brown.....	259	291	374	491	551
Bureau.....	259	326	383	491	551	Calhoun.....	259	291	374	491	551
Carroll.....	259	291	374	491	551	Cass.....	260	291	374	491	551
Christian.....	279	291	376	493	551	Clark.....	259	291	374	491	551
Clay.....	259	291	374	491	551	Coles.....	274	325	433	575	680
Crawford.....	259	291	374	491	551	Cumberland.....	259	291	374	491	551
De Witt.....	263	291	374	495	551	Douglas.....	277	291	374	491	551
Edgar.....	259	291	374	491	551	Edwards.....	259	291	374	491	551
Effingham.....	259	300	374	491	551	Fayette.....	259	291	374	491	551
Ford.....	246	346	450	577	631	Franklin.....	259	291	374	491	551
Fulton.....	267	299	385	505	567	Gallatin.....	259	291	374	491	551
Greene.....	259	291	374	491	551	Hamilton.....	259	292	374	491	551
Hancock.....	259	291	374	491	551	Hardin.....	259	291	374	491	551
Henderson.....	259	291	374	491	551	Iroquois.....	259	291	374	491	551
Jackson.....	314	315	398	564	632	Jasper.....	259	293	374	491	551
Jefferson.....	260	305	381	520	551	Jo Daviess.....	287	310	374	491	551
Johnson.....	259	291	374	491	551	Knox.....	259	291	374	491	569
La Salle.....	259	303	405	547	613	Lawrence.....	259	291	374	491	551
Lee.....	289	297	397	496	557	Livingston.....	259	319	426	549	599
Logan.....	290	308	410	514	644	McDonough.....	259	296	374	491	590
Macoupin.....	259	291	374	491	551	Marion.....	264	291	374	491	551
Marshall.....	259	291	374	491	551	Mason.....	259	291	374	491	558
Massac.....	260	291	374	491	551	Mercer.....	259	291	374	491	551
Montgomery.....	259	291	374	491	551	Morgan.....	259	328	436	581	612
Moultrie.....	259	291	374	504	551	Perry.....	260	291	374	491	551
Piatt.....	259	315	409	558	573	Pike.....	259	291	374	491	551
Pope.....	259	291	374	491	551	Pulaski.....	259	291	374	491	551
Putnam.....	259	291	374	491	551	Randolph.....	259	291	374	491	551

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

I L L I N O I S continued

NONMETROPOLITAN COUNTIES	O	BR 1	BR 2	BR 3	BR 4	BR	NONMETROPOLITAN COUNTIES	O	BR 1	BR 2	BR 3	BR 4	BR
Richland.....	259	291	374	491	551		Saline.....	259	291	374	491	551	
Schuyler.....	259	291	374	491	551		Scott.....	259	291	374	491	551	
Shelby.....	259	291	374	491	551		Stark.....	259	291	374	491	551	
Stephenson.....	274	313	396	495	555		Union.....	259	291	374	491	551	
Vermillion.....	259	330	412	516	577		Wabash.....	259	291	374	491	582	
Warren.....	274	291	374	491	551		Washington.....	259	310	413	518	672	
Wayne.....	259	291	374	491	551		White.....	259	291	374	491	551	
Whiteside.....	274	311	414	519	584		Williamson.....	259	291	376	523	551	

I N D I A N A

METROPOLITAN FMR AREAS

	O	BR 1	BR 2	BR 3	BR 4	BR	Counties of FMR AREA within STATE
Bloomington, IN MSA.....	366	474	631	876	1035		Monroe
Cincinnati, OH-KY-IN.....	309	397	531	712	769		Dearborn
Elkhart-Goshen, IN MSA.....	370	421	533	682	783		Elkhart
Evansville-Henderson, IN-KY MSA.....	317	377	489	612	685		Posey, Vanderburgh, Warrick
Fort Wayne, IN MSA.....	317	404	501	646	702		Adams, Allen, De Kalb, Huntington, Wells, Whitley
Gary, IN PMSA.....	378	497	620	778	870		Lake, Porter
Indianapolis, IN MSA.....	361	453	545	682	765		Boone, Hamilton, Hancock, Hendricks, Johnson, Madison
Kokomo, IN MSA.....	340	403	525	675	735		Marion, Morgan, Shelby
Lafayette, IN MSA.....	344	438	583	811	958		Howard, Tipton
Louisville, KY-IN MSA.....	316	406	498	687	725		Clinton, Tippecanoe
Muncie, IN MSA.....	294	366	434	588	695		Clark, Floyd, Harrison, Scott
Ohio County, IN.....	287	322	412	531	584		Delaware
South Bend, IN MSA.....	318	422	556	694	779		St. Joseph
Terre Haute, IN MSA.....	286	335	427	533	595		Clay, Vermillion, Vigo

NONMETROPOLITAN COUNTIES

NONMETROPOLITAN COUNTIES	O	BR 1	BR 2	BR 3	BR 4	BR	NONMETROPOLITAN COUNTIES	O	BR 1	BR 2	BR 3	BR 4	BR
Bartholomew.....	397	427	516	644	847		Benton.....	280	315	403	519	570	
Blackford.....	280	315	415	520	582		Brown.....	280	371	489	679	703	
Carroll.....	280	315	403	519	570		Cass.....	280	315	403	519	570	
Crawford.....	280	315	403	519	570		Davless.....	280	315	403	519	570	
Decatur.....	280	341	436	564	614		Dubois.....	280	315	403	519	588	
Fayette.....	280	315	404	519	611		Fountain.....	280	315	403	519	570	
Franklin.....	280	315	403	519	638		Fulton.....	308	322	403	542	570	
Gibson.....	280	315	403	519	570		Grant.....	295	315	403	521	570	
Greene.....	280	315	403	519	570		Henry.....	280	315	403	519	570	
Jackson.....	343	359	444	587	631		Jasper.....	280	339	403	519	570	
Jay.....	280	315	403	519	570		Jefferson.....	280	315	403	519	570	

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 032598

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

I N D I A N A continued

NONMETROPOLITAN COUNTIES		NONMETROPOLITAN COUNTIES			
	O	BR 1	BR 2	BR 3	BR 4
Jennings.....	292	315	403	519	570
Kosciusko.....	280	370	447	579	626
La Porte.....	285	344	461	590	645
Marshall.....	331	336	447	562	626
Miami.....	280	315	403	519	570
Newton.....	292	315	403	519	570
Orange.....	280	315	403	519	570
Parke.....	280	315	403	519	596
Pike.....	280	315	403	519	570
Putnam.....	304	354	435	584	589
Ripley.....	280	315	403	527	597
Spencer.....	280	315	403	519	570
Steuben.....	342	386	462	577	645
Switzerland.....	280	315	403	519	570
Wabash.....	280	315	403	519	570
Washington.....	280	315	403	519	570
White.....	280	315	403	519	630

I O W A

METROPOLITAN FMR AREAS

METROPOLITAN FMR AREAS		Counties of FMR AREA within STATE			
	O	BR 1	BR 2	BR 3	BR 4
Cedar Rapids, IA MSA.....	272	384	494	688	738
Davenport-Moline-Rock Island, IA-IL MSA.....	279	385	477	617	668
Des Moines, IA MSA.....	354	447	551	715	751
Dubuque, IA MSA.....	290	354	455	581	709
Iowa City, IA MSA.....	342	441	567	787	930
Omaha, NE-IA MSA.....	334	458	578	758	850
Sioux City, IA-NE MSA.....	340	408	509	635	725
Waterloo-Cedar Falls, IA MSA.....	269	344	430	573	673

NONMETROPOLITAN COUNTIES		NONMETROPOLITAN COUNTIES			
	O	BR 1	BR 2	BR 3	BR 4
Adair.....	264	326	409	519	573
Allamakee.....	264	326	409	525	601
Audubon.....	264	326	409	519	573
Boone.....	264	346	409	525	622
Buchanan.....	278	326	409	519	573
Butler.....	281	326	409	519	573
Carroll.....	264	326	409	519	573
Cedar.....	264	330	409	519	573
Cherokee.....	264	326	409	519	573

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

I O W A continued

NONMETROPOLITAN COUNTIES		O	BR 1	BR 2	BR 3	BR 4	NONMETROPOLITAN COUNTIES		O	BR 1	BR 2	BR 3	BR 4
Clarke.....	271	326	409	519	573		Clay.....	264	326	409	519	573	
Clayton.....	264	326	409	519	573		Clinton.....	264	326	415	519	581	
Crawford.....	264	326	409	519	573		Davis.....	264	326	409	519	573	
Decatur.....	264	326	409	519	573		Delaware.....	264	326	409	519	573	
Des Moines.....	264	336	433	542	605		Dickinson.....	264	326	409	519	573	
Emmet.....	264	326	409	519	605		Fayette.....	264	326	409	519	573	
Floyd.....	287	326	409	519	573		Franklin.....	271	326	409	519	573	
Fremont.....	290	326	409	519	603		Greene.....	264	326	409	519	602	
Grundy.....	264	326	409	519	589		Guthrie.....	264	326	409	519	573	
Hamilton.....	301	341	414	519	580		Hancock.....	264	326	409	519	573	
Hardin.....	264	326	409	519	573		Harrison.....	264	326	409	519	573	
Henry.....	264	334	425	531	601		Howard.....	264	326	409	519	598	
Humboldt.....	264	326	409	519	573		Ida.....	271	326	409	519	573	
Iowa.....	264	326	409	519	573		Jackson.....	264	326	412	519	577	
Jasper.....	264	334	424	529	593		Jefferson.....	264	333	444	578	729	
Jones.....	273	326	409	519	573		Keokuk.....	264	326	409	519	573	
Kossuth.....	264	326	409	519	573		Lee.....	264	326	422	528	592	
Louisa.....	264	326	409	519	573		Lucas.....	264	326	409	519	573	
Lyon.....	264	326	409	519	573		Madison.....	264	326	426	545	597	
Mahaska.....	264	326	409	519	573		Marion.....	264	362	444	555	622	
Marshall.....	264	326	409	519	573		Mills.....	264	352	416	522	583	
Mitchell.....	264	326	409	519	573		Monona.....	264	326	409	519	573	
Monroe.....	264	343	409	519	603		Montgomery.....	290	327	409	519	573	
Muscatine.....	264	326	433	576	605		O'Brien.....	264	326	409	519	573	
Osceola.....	264	326	409	519	573		Page.....	264	326	409	519	573	
Palo Alto.....	264	326	409	519	573		Plymouth.....	264	326	428	534	598	
Pocahontas.....	264	326	409	519	573		Poweshiek.....	279	346	444	555	622	
Ringgold.....	264	326	409	519	573		Sac.....	264	326	409	519	573	
Shelby.....	264	326	409	519	573		Sioux.....	264	326	409	519	573	
Story.....	343	417	492	681	780		Tama.....	264	326	409	519	573	
Taylor.....	264	326	409	519	574		Union.....	264	326	409	519	603	
Van Buren.....	264	326	409	519	573		Wapello.....	264	326	413	519	578	
Washington.....	264	326	409	519	603		Wayne.....	264	326	409	519	573	
Webster.....	264	326	415	522	582		Winnebago.....	264	331	409	519	573	
Winneshiek.....	264	326	409	519	573		Worth.....	264	326	409	519	582	
Wright.....	264	326	409	519	573								

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. O32598

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

K A N S A S

METROPOLITAN FMR AREAS

	O	BR 1	BR 2	BR 3	BR 4	BR	Counties of FMR AREA within STATE
Kansas City, MO-KS MSA.....	353	444	534	739	819		Johnson, Leavenworth, Miami, Wyandotte
Lawrence, KS MSA.....	352	421	541	752	866		Douglas
Topeka, KS MSA.....	330	380	494	668	753		Shawnee
Wichita, KS MSA.....	324	389	521	704	761		Butler, Harvey, Sedgwick

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

Allen.....	269	305	391	504	561		Anderson.....	269	305	391	504	561
Atchison.....	269	305	391	504	601		Barber.....	269	305	391	504	561
Barton.....	269	305	391	504	561		Bourbon.....	269	305	391	504	561
Brown.....	269	305	391	504	561		Chase.....	269	305	391	504	561
Chautauqua.....	269	305	391	504	561		Cherokee.....	269	305	391	504	561
Cheyenne.....	269	305	391	504	561		Clark.....	269	305	391	504	561
Clay.....	269	305	391	504	561		Cloud.....	269	305	391	504	561
Coffey.....	278	305	391	504	586		Comanche.....	269	305	391	504	561
Cowley.....	287	305	391	516	561		Crawford.....	269	305	398	504	561
Decatur.....	269	305	391	504	561		Dickinson.....	269	305	391	504	561
Doniphan.....	269	305	391	504	561		Edwards.....	269	305	391	504	561
Elk.....	269	305	391	504	561		Ellis.....	269	305	391	504	561
Ellsworth.....	269	305	391	504	561		Finney.....	352	376	482	628	794
Ford.....	309	365	455	573	645		Franklin.....	291	305	394	504	615
Geary.....	330	347	435	561	608		Gove.....	269	305	391	504	561
Graham.....	269	305	391	504	561		Grant.....	279	353	405	554	604
Gray.....	269	305	391	504	561		Greeley.....	269	305	391	504	561
Greenwood.....	269	305	391	504	561		Hamilton.....	269	305	391	504	561
Harper.....	269	305	391	504	561		Haskell.....	269	312	391	504	561
Hodgeman.....	269	305	391	504	561		Jackson.....	269	305	391	504	561
Jefferson.....	269	305	398	528	561		Jewell.....	269	305	391	504	561
Kearny.....	299	305	402	541	594		Kingman.....	269	305	391	504	561
Kiowa.....	269	305	391	504	561		Labette.....	269	305	391	504	561
Lane.....	269	305	391	504	561		Lincoln.....	269	305	391	504	561
Linn.....	269	305	391	504	561		Logan.....	269	305	391	504	561
Lyon.....	269	305	391	504	598		Mcpherson.....	271	305	391	504	561
Marion.....	269	305	391	504	561		Marshall.....	269	305	391	504	561
Meade.....	269	305	391	504	561		Mitchell.....	269	305	391	504	561
Montgomery.....	269	305	391	504	561		Morris.....	269	305	391	504	561
Morton.....	269	327	391	504	561		Nemaha.....	269	305	391	504	561
Neosho.....	269	305	391	504	561		Ness.....	269	305	391	504	561
Norton.....	269	305	391	504	561		Osage.....	269	305	391	504	561
Osborne.....	269	305	391	504	562		Ottawa.....	269	305	391	504	561
Pawnee.....	269	305	391	504	561		Phillips.....	269	305	391	504	561

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

K A N S A S continued

NONMETROPOLITAN COUNTIES	O BR 1 BR 2 BR 3 BR 4 BR				NONMETROPOLITAN COUNTIES	O BR 1 BR 2 BR 3 BR 4 BR					
	O BR	BR 1	BR 2	BR 3		BR 4	O BR	BR 1	BR 2	BR 3	BR 4
Pottawatomie.....	269	305	391	504	574	Pratt.....	269	305	391	514	561
Rawlins.....	269	305	391	504	561	Reno.....	269	305	391	504	609
Republic.....	269	305	391	504	561	Rice.....	269	305	391	504	561
Riley.....	333	367	489	610	741	Rooks.....	269	305	391	504	561
Rush.....	269	305	391	504	561	Russell.....	269	305	391	504	561
Saline.....	351	363	479	662	670	Scott.....	269	305	391	514	591
Seward.....	324	353	470	589	657	Sheridan.....	269	305	391	504	561
Sherman.....	269	305	391	504	561	Smith.....	269	305	391	504	561
Stafford.....	269	305	391	504	561	Stanton.....	269	305	391	504	561
Stevens.....	269	306	391	504	577	Sumner.....	269	305	391	528	561
Thomas.....	269	305	391	504	561	Trego.....	269	305	391	504	561
Wabaunsee.....	269	305	391	504	561	Wallace.....	269	305	391	504	561
Washington.....	269	305	391	504	561	Wichita.....	269	305	402	504	626
Wilson.....	269	305	391	504	561	Woodson.....	269	305	391	504	561

K E N T U C K Y

METROPOLITAN FMR AREAS

METROPOLITAN FMR AREAS	O BR 1 BR 2 BR 3 BR 4 BR				Counties of FMR AREA within STATE	
	O BR	BR 1	BR 2	BR 3		BR 4
Cincinnati, OH-KY-IN.....	309	397	531	712	769	Boone, Campbell, Kenton
Clarksville-Hopkinsville, TN-KY MSA.....	337	378	443	605	621	Christian
Evansville-Henderson, IN-KY MSA.....	317	377	489	612	685	Henderson
Gallatin County, KY.....	257	351	429	538	703	Gallatin
Grant County, KY.....	256	305	404	564	667	Grant
Huntington-Ashland, WV-KY-OH MSA.....	302	354	437	557	613	Boyd, Carter, Greenup
Lexington, KY MSA.....	342	426	521	711	802	Bourbon, Clark, Fayette, Jessamine, Madison, Scott
Louisville, KY-IN MSA.....	316	406	498	687	725	Bullitt, Jefferson, Oldham
Owensboro, KY MSA.....	298	309	406	545	570	Daviess
Pendleton County, KY.....	298	299	399	501	560	Pendleton

NONMETROPOLITAN COUNTIES

NONMETROPOLITAN COUNTIES	O BR 1 BR 2 BR 3 BR 4 BR				NONMETROPOLITAN COUNTIES	O BR 1 BR 2 BR 3 BR 4 BR					
	O BR	BR 1	BR 2	BR 3		BR 4	O BR	BR 1	BR 2	BR 3	BR 4
Adair.....	249	304	359	475	522	Allen.....	249	290	359	464	522
Anderson.....	274	290	376	469	527	Ballard.....	249	290	359	464	522
Barren.....	249	301	359	464	522	Bath.....	249	290	359	464	522
Bell.....	249	290	362	464	522	Boyle.....	296	300	400	501	561
Bracken.....	249	290	359	464	522	Breathitt.....	249	290	359	464	522
Breckinridge.....	249	290	359	464	522	Butler.....	249	290	359	464	522
Caldwell.....	249	290	359	464	522	Calloway.....	249	290	359	464	522
Carlisle.....	249	290	359	464	522	Carroll.....	249	290	359	464	522
Casey.....	249	290	359	464	522	Clay.....	249	290	359	464	522
Clinton.....	249	290	359	464	522	Crittenden.....	249	290	359	464	522

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

K E N T U C K Y continued

NONMETROPOLITAN COUNTIES		O	BR 1	BR 2	BR 3	BR 4	NONMETROPOLITAN COUNTIES		O	BR 1	BR 2	BR 3	BR 4	BR		
Cumberland.....	249	290	359	464	522	Edmonson.....	249	290	359	464	522	249	290	359	464	522
Elliot.....	249	290	359	464	522	Estill.....	249	290	359	464	522	249	290	359	464	522
Fleming.....	249	290	359	464	522	Floyd.....	262	319	359	498	572	249	290	359	464	522
Franklin.....	249	366	449	579	732	Fulton.....	249	290	359	464	522	249	290	359	464	522
Garrard.....	249	290	359	464	522	Graves.....	249	290	359	464	522	249	290	359	464	522
Grayson.....	249	290	359	464	522	Green.....	249	290	359	464	522	249	290	359	464	522
Hancock.....	249	290	359	468	555	Hardin.....	309	318	397	535	634	249	290	359	464	522
Harlan.....	249	378	431	562	663	Harrison.....	249	291	368	464	568	249	290	359	464	522
Hart.....	249	290	359	464	522	Henry.....	249	290	359	464	522	249	290	359	464	522
Hickman.....	249	290	359	464	522	Hopkins.....	249	290	359	464	527	249	290	359	464	522
Jackson.....	249	290	359	464	522	Johnson.....	249	290	359	464	522	249	290	359	464	522
Knott.....	249	290	359	464	522	Knox.....	249	344	441	552	678	249	290	359	464	522
Larue.....	249	290	359	464	522	Laurel.....	325	367	436	587	609	249	290	359	464	522
Lawrence.....	249	290	359	464	522	Lee.....	249	290	359	464	522	249	290	359	464	522
Leslie.....	249	290	359	464	522	Letcher.....	249	290	359	464	522	249	290	359	464	522
Lewis.....	249	290	359	464	522	Lincoln.....	249	290	359	464	522	249	290	359	464	522
Livingston.....	287	290	387	538	542	Logan.....	249	290	359	473	522	249	290	359	464	522
Lyon.....	249	290	359	464	522	Mccracken.....	282	303	379	485	623	249	290	359	464	522
McCreary.....	249	290	359	464	522	McLean.....	249	290	359	464	522	249	290	359	464	522
Magoffin.....	249	290	359	464	522	Marion.....	249	290	359	464	522	249	290	359	464	522
Marshall.....	249	296	359	464	558	Martin.....	249	290	359	464	522	249	290	359	464	522
Mason.....	249	290	359	464	522	Meade.....	257	320	368	486	606	249	290	359	464	522
Menifee.....	249	290	359	464	522	Mercer.....	249	290	359	473	522	249	290	359	464	522
Metcalfe.....	249	290	359	464	522	Monroe.....	249	290	359	464	522	249	290	359	464	522
Montgomery.....	249	290	359	464	522	Morgan.....	249	290	359	464	522	249	290	359	464	522
Muhlenberg.....	249	290	359	464	522	Nelson.....	273	290	370	464	522	249	290	359	464	522
Nicholas.....	249	290	359	464	522	Ohio.....	249	290	359	464	522	249	290	359	464	522
Owen.....	249	290	359	464	535	Owsley.....	249	290	359	464	522	249	290	359	464	522
Perry.....	279	290	374	467	524	Pike.....	267	305	370	464	548	249	290	359	464	522
Powell.....	249	290	359	464	522	Pulaski.....	273	290	368	465	522	249	290	359	464	522
Robertson.....	249	290	359	464	522	Rockcastle.....	249	290	359	464	522	249	290	359	464	522
Rowan.....	249	290	359	464	542	Russell.....	249	290	359	464	522	249	290	359	464	522
Shelby.....	250	329	368	514	522	Simpson.....	249	311	364	465	522	249	290	359	464	522
Spencer.....	249	296	359	464	522	Taylor.....	300	355	397	532	601	249	290	359	464	522
Todd.....	249	290	359	464	522	Trigg.....	249	290	359	464	522	249	290	359	464	522
Trimble.....	249	290	359	464	522	Union.....	249	290	359	464	522	249	290	359	464	522
Warren.....	249	322	430	537	621	Washington.....	249	294	359	464	522	249	290	359	464	522
Wayne.....	249	290	359	464	522	Webster.....	249	290	359	464	522	249	290	359	464	522
Whitley.....	249	290	359	464	522	Wolfe.....	249	290	359	464	522	249	290	359	464	522

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 032598

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

L O U I S I A N A

METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Alexandria, LA MSA.....	279	349	438	607	617	Rapides
Baton Rouge, LA MSA.....	303	376	467	648	765	Ascension, East Baton Rouge, Livingston, West Baton Rouge
Houma, LA MSA.....	275	322	413	574	679	Lafourche, Terrebonne
Lafayette, LA MSA.....	292	336	400	551	652	Lafayette, Acadia, St. Landry, St. Martin
Lake Charles, LA MSA.....	375	436	553	725	908	Calcasieu
Monroe, LA MSA.....	302	338	451	608	632	Ouachita
New Orleans, LA.....	364	417	520	708	856	Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles St. John the Baptist, St. Tammany
St. James Parish, LA.....	274	311	414	516	579	St. James
Shreveport-Bossier City, LA MSA.....	340	387	486	650	797	Bossier, Caddo, Webster

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

Allen.....	268	291	358	469	523	Assumption.....	293	315	373	469	523
Avoyelles.....	268	291	358	469	523	Beauregard.....	326	355	421	550	605
Bienville.....	268	291	358	475	562	Caldwell.....	268	291	358	469	523
Cameron.....	268	291	358	469	523	Catahoula.....	268	291	358	469	523
Clatborne.....	268	291	358	469	523	Concordia.....	268	291	358	469	523
De Soto.....	268	291	358	469	527	East Carroll.....	268	291	358	469	523
East Feliciana.....	268	291	358	469	523	Evangeline.....	268	291	358	469	523
Franklin.....	268	291	358	469	527	Grant.....	268	291	358	469	523
Iberia.....	283	295	366	469	523	Iberville.....	268	291	358	469	539
Jackson.....	268	291	358	469	523	Jefferson Davis.....	268	291	358	469	531
La Salle.....	268	291	358	469	527	Lincoln.....	315	317	395	542	650
Madison.....	268	291	358	469	523	Morehouse.....	268	291	358	469	523
Natchitoches.....	286	293	378	524	527	Pointe Coupee.....	268	291	358	469	568
Red River.....	268	291	358	469	527	Richland.....	268	291	358	469	527
Sabine.....	268	298	358	469	552	St. Helena.....	268	291	358	469	523
St. Mary.....	293	314	394	537	560	Tangipahoa.....	287	298	383	502	535
Tensas.....	268	291	358	469	523	Union.....	268	291	358	469	527
Vermilion.....	268	291	358	469	523	Vernon.....	307	342	390	505	596
Washington.....	268	291	358	469	523	West Carroll.....	268	291	358	469	523
West Feliciana.....	268	348	466	583	654	Winn.....	268	291	358	469	523

M A I N E

METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Components of FMR AREA within STATE

Bangor, ME MSA.....	347	424	543	709	761	Penobscot county towns of Bangor city, Brewer city Eddington town, Glenburn town, Hampden town, Hermon town Holden town, Kenduskeag town, Milford town Old Town city, Orono town, Dorrington town Penobscot Indian I, Veazie town
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Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. O32598

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

MAINE continued

METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Components of FMR AREA within STATE

Lewiston-Auburn, ME MSA.....	319	385	495	620	703	Waldo county towns of Winterport town Androscoggin county towns of Auburn city, Greene town Lewiston city, Lisbon town, Mechanic Falls town Poland town, Sabattus town, Turner town, Wales town Cumberland county towns of Cape Elizabeth town, Casco town Cumberland town, Falmouth town, Freeport town Gorham town, Gray town, North Yarmouth town Portland city, Raymond town, Scarborough town South Portland city, Standish town, Westbrook city Windham town, Yarmouth town York county towns of Buxton town, Hollis town Limington town, Old Orchard Beach York county towns of Berwick town, Eliot town Kittery town, South Berwick town, York town
Portland, ME MSA.....	378	487	641	802	899	
Portsmouth-Rochester, NH-ME PMSA.....	458	548	705	903	1108	Towns within non metropolitan counties

NONMETROPOLITAN COUNTIES

Androscoggin.....	319	394	523	654	732	Durham town, Leeds town, Livermore town Livermore Falls to, Minot town
Aroostook.....	319	374	480	611	703	Baldwin town, Bridgton town, Brunswick town Harpwell town, Harrison town, Naples town New Gloucester town, Pownal town, Sebago town
Cumberland.....	467	476	634	862	989	
Franklin.....	326	374	480	611	703	
Hancock.....	344	421	521	657	729	Alton town, Argyle unorg., Bradford town, Bradley town Burlington town, Carmel town, Carroll plantation Charleston town, Chester town, Clifton town Corinna town, Corinth town, Dexter town, Dixmont town Drew plantation, East Central Penob., East Millinocket t Edinburg town, Enfield town, Etna town, Exeter town Garland town, Greenbush town, Greenfield town Howland town, Hudson town, Kingman unorg., Lagrange town Lakeville town, Lee town, Levant town, Lincoln town Lowell town, Mattawamkeag town, Maxfield town Medway town, Millinocket town, Mount Chase town Newburgh town, Newport town, North Penobscot un Passadumkeag town, Patten town, Plymouth town Prentiss plantation, Sebobeis plantation, Springfield town Stacyville town, Stetson town, Twombly unorg. Webster plantation, Whitney unorg., Winn town Woodville town
Kennebec.....	332	414	498	625	703	
Knox.....	319	411	533	711	749	
Lincoln.....	415	462	525	730	862	
Oxford.....	319	374	480	611	703	
Penobscot.....	319	374	480	611	703	

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

M A I N E continued

NONMETROPOLITAN COUNTIES

	O	BR 1	BR 2	BR 3	BR 4	BR	Towns within non metropolitan counties
Piscataquis.....	319	374	480	611	703		Belfast city, Belmont town, Brooks town, Burnham town
Sagadahoc.....	449	514	634	843	1041		Frankfort town, Freedom town, Islesboro town
Somerset.....	334	381	480	611	721		Jackson town, Knox town, Liberty town, Lincolnville town
Waldo.....	319	374	480	611	703		Monroe town, Montville town, Morrill town
							Northport town, Palermo town, Prospect town
							Searsmont town, Searsport town, Stockton Springs t
							Swanville town, Thorndike town, Troy town, Unity town
							Waldo town
Washington.....	319	374	480	611	703		Acton town, Alfred town, Arundel town, Biddeford city
York.....	394	451	604	756	845		Connish town, Dayton town, Kennebunk town
							Kennebunkport town, Lebanon town, Limerick town
							Lyman town, Newfield town, North Berwick town
							Ogunquit town, Parsonsfield town, Saco city
							Sanford town, Shapleigh town, Waterboro town, Wells town

M A R Y L A N D

METROPOLITAN FMR AREAS

	O	BR 1	BR 2	BR 3	BR 4	BR	Counties of FMR AREA within STATE
Baltimore, MD.....	421	515	628	831	951		Anne Arundel, Baltimore, Carroll, Harford, Howard
							Queen Anne's, Baltimore city
Columbia, MD.....	566	760	885	1170	1462		Columbia
Cumberland, MD-WV MSA.....	334	402	497	657	750		Alllegany
Hagerstown, MD PMSA.....	330	397	495	649	741		Washington
Washington, DC-MD-VA.....	615	699	820	1118	1347		Calvert, Charles, Frederick, Montgomery, Prince George's
Wilmington-Newark, DE-MD PMSA.....	436	576	671	911	1100		Cecil

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

Caroline.....	367	396	495	649	737		Dorchester.....	328	424	495	645	737
Garrett.....	328	440	495	645	813		Kent.....	332	409	546	682	822
St. Mary's.....	501	595	686	956	1093		Somerset.....	391	439	495	687	812
Talbot.....	434	460	613	768	1006		Wicomico.....	369	427	551	700	771
Worcester.....	328	396	496	689	737							

M A S S A C H U S E T T S

METROPOLITAN FMR AREAS

	O	BR 1	BR 2	BR 3	BR 4	BR	Components of FMR AREA within STATE
Barnstable-Yarmouth, MA MSA.....	465	623	831	1040	1165		Barnstable county towns of Barnstable town, Brewster town
							Chatham town, Dennis town, Eastham town, Harwich town
							Mashpee town, Orleans town, Sandwich town, Yarmouth town

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032598

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

M A S A C H U S E T T S continued

METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Components of FMR AREA within STATE

Boston, MA-NH PMSA.....	643	723	906	1132	1329	Bristol county towns of Berkley town, Dighton town Mansfield town, Norton town, Taunton city Essex county towns of Amesbury town, Beverly city Danvers town, Essex town, Gloucester city, Hamilton town Ipswich town, Lynn city, Lynnfield town, Manchester town Marblehead town, Middleton town, Nahant town Newbury town, Newburyport city, Peabody city Rockport town, Rowley town, Salem city, Salisbury town Saugus town, Swampscott town, Topsfield town Wenham town
						Middlesex county towns of Acton town, Arlington town Ashland town, Ayer town, Bedford town, Belmont town Boxborough town, Burlington town, Cambridge city Carlisle town, Concord town, Everett city Framingham town, Holliston town, Hopkinton town Hudson town, Lexington town, Lincoln town Littleton town, Maiden city, Marlborough city Maynard town, Medford city, Melrose city, Natick town Newton city, North Reading town, Reading town Sherborn town, Shirley town, Somerville city Stoneham town, Stow town, Sudbury town, Townsend town Wakefield town, Waltham city, Watertown town Wayland town, Weston town, Wilmington town Winchester town, Woburn city
						Norfolk county towns of Bellingham town, Braintree town Brookline town, Canton town, Cohasset town, Dedham town Dover town, Foxborough town, Franklin town Holbrook town, Medfield town, Medway town, Millis town Milton town, Needham town, Norfolk town, Norwood town Plainville town, Quincy city, Randolph town, Sharon town Stoughton town, Walpole town, Wellesley town Westwood town, Weymouth town, Wrentham town Plymouth county towns of Carver town, Duxbury town Hanover town, Hingham town, Hull town, Kingston town Marshfield town, Norwell town, Pembroke town Plymouth town, Rockland town, Scituate town Wareham town
						Suffolk county towns of Boston city, Chelsea city Revere city, Winthrop town Worcester county towns of Berlin town, Blackstone town Bolton town, Harvard town, Hopedale town, Lancaster town Mendon town, Millis town, Millville town Southborough town, Upton town
Brockton, MA PMSA.....	430	567	695	865	986	Bristol county towns of Easton town, Raynham town Norfolk county towns of Avon town Plymouth county towns of Abington town, Bridgewater town Brockton city, East Bridgewater t, Halifax town

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

M A S A C H U S E T T S continued

METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Components of FMR AREA within STATE

Fitchburg-Leominster, MA MSA.....	337	473	614	790	858	Hanson town, Lakeville town, Middleborough town Plympton town, West Bridgewater t, Whitman town Middlesex county towns of Ashby town Worcester county towns of Ashburnham town, Fitchburg city Gardner city, Leominster city, Lunenburg town
Lawrence, MA-NH PMSA.....	432	522	656	820	1009	Templeton town, Westminster town, Winchendon town Essex county towns of Andover town, Boxford town Georgetown town, Groveland town, Haverhill city Lawrence city, Merrimac town, Methuen town North Andover town, West Newbury town
Lowell, MA-NH PMSA.....	472	610	737	924	1033	Middlesex county towns of Billerica town, Chelmsford town Dracut town, Dunstable town, Groton town, Lowell city Pepperell town, Tewksbury town, Tyngsborough town Westford town
New Bedford, MA MSA.....	452	552	628	785	881	Bristol county towns of Acushnet town, Dartmouth town Fairhaven town, Freetown town, New Bedford city Plymouth county towns of Marion town, Mattapoisett town Rochester town
Pittsfield, MA MSA.....	320	454	560	702	870	Berkshire county towns of Adams town, Cheshire town Dalton town, Hinsdale town, Lanesborough town, Lee town Lenox town, Pittsfield city, Richmond town Stockbridge town
Providence-Fall River-Warwick, RI-MA PMSA.....	405	551	662	831	1024	Bristol county towns of Attleboro city, Fall River city North Attleborough, Rehoboth town, Seekonk town Somerset town, Swansea town, Westport town Franklin county towns of Sunderland town Hampden county towns of Agawam town, Chicopee city East Longmeadow to, Hampden town, Holyoke city Longmeadow town, Ludlow town, Monson town
Springfield, MA MSA.....	416	514	649	811	997	Montgomery town, Palmer town, Russell town Southwick town, Springfield city, Westfield city West Springfield t, Wilbraham town Hampshire county towns of Amherst town, Belchertown town Easthampton town, Granby town, Hadley town Hatfield town, Huntington town, Northampton city Southampton town, South Hadley town, Ware town Williamsburg town
Worcester, MA-CT.....	418	506	632	789	884	Hampden county towns of Holland town Worcester county towns of Auburn town, Barre town Boylston town, Brookfield town, Charlton town Clinton town, Douglas town, Dudley town East Brookfield to, Grafton town, Holden town Leicester town, Millbury town, Northborough town Northbridge town, North Brookfield t, Oakham town Oxford town, Paxton town, Princeton town, Rutland town Shrewsbury town, Southbridge town, Spencer town Sterling town, Sturbridge town, Sutton town

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

M A S A C H U S E T T S continued

METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Components of FMR AREA within STATE

Uxbridge town, Webster town, Westborough town
West Boylston town, West Brookfield to, Worcester city

NONMETROPOLITAN COUNTIES

Towns within non metropolitan counties

Barnstable..... 449 616 821 1026 1149 Bourne town, Falmouth town, Provincetown town
Berkshire..... 378 460 542 744 891 Truro town, Wellfleet town
Alford town, Becket town, Clarksburg town, Egremont town
Florida town, Great Barrington t, Hancock town
Monterey town, Mount Washington t, New Ashford town
New Marlborough to, North Adams city, Otis town
Peru town, Sandisfield town, Savoy town, Sheffield town
Tyringham town, Washington town, West Stockbridge t
Williamstown town, Windsor town

Dukes..... 607 617 822 1027 1152 Ashfield town, Bernardston town, Buckland town
Franklin..... 408 506 647 810 978 Charlemont town, Colrain town, Conway town
Deerfield town, Erving town, Gill town, Greenfield town
Hawley town, Heath town, Leverett town, Leyden town
Monroe town, Montague town, New Salem town
Northfield town, Orange town, Rowe town, Shelburne town
Shutesbury town, Warwick town, Wendell town
Whately town
Hampden..... 412 561 749 996 1229 Blandford town, Brimfield town, Chester town
Granville town, Tolland town, Wales town
Hampshire..... 577 584 780 977 1094 Chesterfield town, Cummington town, Goshen town
Middlefield town, Pelham town, Plainfield town
Westhampton town, Worthington town
Nantucket..... 729 977 1303 1629 1824 Athol town, Hardwick town, Hubbardston town
Worcester..... 459 479 638 799 893 New Braintree town, Petersham town, Phillipston town
Royalston town, Warren town

M I C H I G A N

METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Ann Arbor, MI PMSA..... 467 566 698 915 1026 Lenawee, Livingston, Washtenaw
Benton Harbor, MI MSA..... 375 379 497 622 698 Benrien
Detroit, MI PMSA..... 386 525 634 793 889 Lapeer, Macomb, Monroe, Oakland, St. Clair, Wayne
Flint, MI PMSA..... 366 416 521 666 729 Genesee
Grand Rapids-Muskegon-Holland, MI MSA..... 392 458 559 701 784 Allegan, Kent, Muskegon, Ottawa
Jackson, MI MSA..... 295 397 502 628 704 Jackson
Kalamazoo-Battle Creek, MI MSA..... 348 420 530 664 741 Calhoun, Kalamazoo, Van Buren
Lansing-East Lansing, MI MSA..... 393 462 597 780 901 Clinton, Eaton, Ingham

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

M I C H I G A N continued

METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Saginaw-Bay City-Midland, MI MSA..... 342 378 502 628 704 Bay, Midland, Saginaw

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

Alicona.....	289	329	417	542	618	Alger.....	289	329	417	542	618
Alpena.....	289	329	417	542	622	Antrim.....	289	346	417	542	618
Arenac.....	289	329	417	542	618	Baraga.....	289	329	417	542	618
Barry.....	289	356	474	594	665	Benzlie.....	302	329	417	560	618
Branch.....	334	342	420	574	618	Cass.....	289	329	419	572	618
Charlevoix.....	351	355	450	611	633	Cheboygan.....	304	329	417	542	634
Chippewa.....	289	329	417	542	618	Clare.....	300	329	417	542	618
Crawford.....	316	329	426	582	618	Delta.....	289	329	417	542	618
Dickinson.....	289	355	438	547	618	Emmet.....	322	386	457	599	638
Gladwin.....	289	329	417	542	618	Gogebic.....	289	329	417	542	618
Grand Traverse.....	382	409	546	683	766	Gratiot.....	302	329	417	542	618
Hillsdale.....	289	329	417	542	618	Houghton.....	289	329	417	542	618
Huron.....	289	329	417	542	618	Ionia.....	354	358	449	559	629
Iosco.....	289	329	417	542	654	Iron.....	289	329	417	542	618
Isabella.....	322	344	461	622	755	Kalkaska.....	289	329	418	544	688
Keweenaw.....	289	329	417	542	618	Lake.....	292	329	417	542	618
Leelanau.....	391	423	495	647	812	Luce.....	289	329	417	542	618
Mackinac.....	289	329	417	542	618	Manistee.....	289	329	417	542	618
Marquette.....	289	329	417	542	618	Mason.....	289	329	417	542	618
Mecosta.....	289	329	417	564	670	Menominee.....	289	329	417	542	618
Missaukee.....	304	329	417	542	618	Montcalm.....	293	329	417	542	618
Montmorency.....	289	329	417	542	618	Newaygo.....	332	356	418	542	618
Oceana.....	308	329	417	542	618	Ogemaw.....	301	330	417	542	618
Ontonagon.....	289	329	417	542	618	Osceola.....	289	329	417	542	618
Oscoda.....	289	329	417	542	618	Otsego.....	296	358	452	628	728
Presque Isle.....	289	329	417	542	618	Roscommon.....	319	329	417	542	618
St. Joseph.....	289	336	417	544	618	Sanilac.....	289	339	417	544	618
Schoolcraft.....	289	329	417	542	618	Shiawassee.....	289	362	436	607	650
Tuscola.....	314	342	457	570	638	Wexford.....	289	333	432	566	670

M I N N E S O T A

METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Duluth-Superior, MN-WI MSA.....	277	357	459	613	714	St. Louis
Fargo-Moorhead, ND-MN MSA.....	331	456	550	763	817	Clay
Grand Forks, ND-MN MSA.....	342	408	536	739	825	Polk

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

M I N N E S O T A continued

NONMETROPOLITAN COUNTIES		O BR 1	BR 2	BR 3	BR 4	NONMETROPOLITAN COUNTIES				O BR 1	BR 2	BR 3	BR 4
Wilkin.....	265	322	409	513	586	Winona.....	309	402	510	637	714		
Yellow Medicine.....	265	322	409	513	586								

M I S S I S S I P P I

METROPOLITAN FMR AREAS

METROPOLITAN FMR AREAS		O BR 1	BR 2	BR 3	BR 4	Counties of FMR AREA within STATE				O BR 1	BR 2	BR 3	BR 4
Biloxi-Gulfport-Pascagoula, MS MSA.....	355	417	479	668	788	Hancock, Harrison, Jackson							
Hattiesburg, MS MSA.....	265	325	398	534	637	Forrest, Lamar							
Jackson, MS MSA.....	361	412	504	670	707	Hinds, Madison, Rankin							
Memphis, TN-AR-MS MSA.....	387	451	530	736	774	Desoto							

NONMETROPOLITAN COUNTIES

NONMETROPOLITAN COUNTIES		O BR 1	BR 2	BR 3	BR 4	NONMETROPOLITAN COUNTIES				O BR 1	BR 2	BR 3	BR 4
Adams.....	248	294	366	468	597	Alcorn.....	248	294	364	468	527		
Amite.....	248	294	364	468	527	Attala.....	248	294	364	468	527		
Benton.....	248	294	364	468	527	Bolivar.....	282	294	379	473	541		
Calhoun.....	248	294	364	468	527	Carroll.....	248	294	364	468	527		
Chickasaw.....	248	294	364	468	527	Choctaw.....	248	294	364	468	527		
Claiborne.....	248	294	364	468	527	Clarke.....	248	294	364	468	527		
Clay.....	248	294	364	468	532	Coahoma.....	288	294	388	487	545		
Copiah.....	248	294	364	468	527	Covington.....	248	294	364	468	527		
Franklin.....	251	294	364	468	527	George.....	248	294	364	468	527		
Greene.....	248	294	364	468	527	Grenada.....	248	295	364	497	527		
Holmes.....	248	294	364	468	527	Humphreys.....	248	294	364	468	527		
Issaquena.....	260	358	475	595	666	Itawamba.....	248	294	364	468	527		
Jasper.....	248	294	364	468	527	Jefferson.....	248	294	364	468	527		
Jefferson Davis.....	248	294	364	468	527	Jones.....	248	294	364	468	527		
Kemper.....	250	294	364	468	527	Lafayette.....	251	344	458	574	642		
Lauderdale.....	248	320	402	522	564	Lawrence.....	248	294	364	468	527		
Leake.....	248	294	364	468	527	Lee.....	310	334	402	503	564		
Leflore.....	248	294	364	469	563	Lincoln.....	248	294	364	468	527		
Lowndes.....	306	330	391	490	553	Marion.....	248	294	364	468	527		
Marshall.....	248	294	364	468	535	Monroe.....	248	294	364	468	527		
Montgomery.....	248	294	364	468	527	Neshoba.....	248	294	364	468	527		
Newton.....	248	294	364	468	527	Noxubee.....	252	294	364	468	527		
Oktibbeha.....	304	317	387	538	635	Panola.....	256	294	364	468	527		
Pearl River.....	260	294	364	470	527	Perry.....	248	294	364	468	527		
Pike.....	252	294	364	468	527	Pontotoc.....	248	294	364	468	527		
Prentiss.....	251	294	364	468	527	Quitman.....	248	294	364	468	527		
Scott.....	248	294	364	468	527	Sharkey.....	252	294	364	468	527		
Simpson.....	251	294	364	468	527	Smith.....	248	294	364	468	527		

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 032598

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

M I S S I P P I continued

NONMETROPOLITAN COUNTIES	O	BR 1	BR 2	BR 3	BR 4	BR	NONMETROPOLITAN COUNTIES	O	BR 1	BR 2	BR 3	BR 4	BR
Stone.....	248	294	364	468	527		Sunflower.....	274	298	364	468	559	
Tallahatchie.....	248	294	364	468	527		Tate.....	248	335	387	485	637	
Tippah.....	248	294	364	468	527		Tishomingo.....	248	294	364	468	527	
Tunica.....	248	294	364	468	527		Union.....	248	294	364	468	527	
Walthall.....	248	294	364	468	527		Warren.....	248	324	404	558	669	
Washington.....	268	319	426	550	606		Wayne.....	248	294	364	468	527	
Webster.....	250	294	364	468	527		Wilkinson.....	248	294	364	468	527	
Winston.....	248	294	364	468	527		Yalobusha.....	250	294	364	468	527	
Yazoo.....	252	294	364	468	527								

M I S S O U R I

METROPOLITAN FMR AREAS

	O	BR 1	BR 2	BR 3	BR 4	BR	Counties of FMR AREA within STATE
Columbia, MO MSA.....	259	365	475	660	778		Boone
Joplin, MO MSA.....	253	293	388	511	550		Jasper, Newton
Kansas City, MO-KS MSA.....	353	444	534	739	819		Cass, Clay, Clinton, Jackson, Lafayette, Platte, Ray
St. Joseph, MO MSA.....	243	295	393	496	551		Andrew, Buchanan
St. Louis, MO-IL MSA.....	317	386	501	652	721		Crawford-Sullivan (part), Franklin, Jefferson, Lincoln
Springfield, MO MSA.....	265	336	435	601	626		St. Charles, St. Louis, Warren, St. Louis city
							Christian, Greene, Webster

NONMETROPOLITAN COUNTIES

NONMETROPOLITAN COUNTIES	O	BR 1	BR 2	BR 3	BR 4	BR	NONMETROPOLITAN COUNTIES	O	BR 1	BR 2	BR 3	BR 4	BR
Adair.....	238	297	394	496	595		Atchison.....	238	274	352	458	525	
Audrain.....	254	274	352	476	550		Barry.....	238	283	352	458	525	
Barton.....	238	274	352	458	525		Bates.....	238	274	352	458	525	
Benton.....	268	274	364	458	525		Bollinger.....	238	274	352	458	525	
Butler.....	238	274	352	458	525		Caldwell.....	238	276	371	464	525	
Callaway.....	281	285	379	481	623		Camden.....	313	316	422	586	689	
Cape Girardeau.....	245	301	400	533	654		Carroll.....	238	274	352	458	525	
Carter.....	238	274	352	458	525		Cedar.....	238	274	352	458	525	
Chariton.....	238	274	352	458	525		Clark.....	238	274	352	458	525	
Cote.....	238	314	418	558	585		Cooper.....	238	274	352	458	525	
Crawford.....	261	314	353	466	525		Dade.....	238	274	352	458	525	
Dallas.....	238	274	352	458	525		Daviess.....	238	274	352	458	525	
Dekalb.....	246	274	352	463	525		Dent.....	238	274	352	458	525	
Douglas.....	238	274	352	458	525		Dunklin.....	238	274	352	458	525	
Gasconade.....	238	274	352	458	525		Gentry.....	238	274	352	458	525	
Grundy.....	238	274	352	458	525		Harrison.....	238	274	352	458	525	
Henry.....	271	276	368	461	605		Hickory.....	238	274	352	458	525	
Holt.....	238	274	352	458	525		Howard.....	238	274	352	458	527	
Howell.....	238	274	352	458	525		Iron.....	238	274	352	458	525	

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 032598

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

M I S S O U R I continued

NONMETROPOLITAN COUNTIES	O	BR 1	BR 2	BR 3	BR 4	BR
Johnson.....	286	319	416	551	652	
Laclede.....	238	274	352	461	525	
Lewis.....	238	274	352	458	525	
Livingston.....	238	274	353	458	525	
Macon.....	238	274	352	458	525	
Maries.....	238	274	352	458	525	
Mercer.....	238	274	352	458	525	
Mississippi.....	238	274	352	458	525	
Monroe.....	238	274	352	458	525	
Morgan.....	238	274	352	458	525	
Nodaway.....	251	304	374	475	573	
Osage.....	238	274	352	458	525	
Pemiscot.....	238	274	352	458	525	
Pettis.....	255	299	400	503	602	
Pike.....	238	274	352	458	552	
Pulaski.....	238	333	374	495	552	
Ralls.....	238	274	352	458	525	
Reynolds.....	238	274	352	458	525	
St. Clair.....	238	274	352	458	525	
St. Francois.....	251	316	400	502	658	
Schuyler.....	238	274	352	458	525	
Scott.....	286	288	385	519	598	
Shelby.....	238	274	352	458	525	
Stone.....	276	294	365	466	525	
Taney.....	269	297	389	525	617	
Vernon.....	238	274	352	469	525	
Wayne.....	238	274	352	458	525	
Wright.....	238	274	352	458	525	

NONMETROPOLITAN COUNTIES	O	BR 1	BR 2	BR 3	BR 4	BR
Knox.....	238	274	352	458	525	
Lawrence.....	252	281	352	458	525	
Linn.....	238	274	352	458	525	
Mcdonald.....	238	274	352	458	525	
Madison.....	238	274	352	458	525	
Marion.....	238	274	352	458	525	
Miller.....	261	314	352	461	545	
Moniteau.....	238	274	352	458	525	
Montgomery.....	238	274	352	458	525	
New Madrid.....	238	274	352	458	525	
Oregon.....	238	274	352	458	525	
Ozark.....	238	274	352	458	525	
Perry.....	276	281	375	499	525	
Phelps.....	246	295	378	513	557	
Polk.....	238	275	352	458	550	
Putnam.....	238	274	352	458	525	
Randolph.....	238	274	352	458	525	
Ripley.....	238	274	352	458	525	
Ste. Genevieve.....	238	283	364	466	590	
Saline.....	238	274	362	458	525	
Scotland.....	238	274	352	458	525	
Shannon.....	238	274	352	458	525	
Stoddard.....	238	274	352	458	525	
Sullivan.....	238	274	352	458	525	
Texas.....	238	274	352	458	525	
Washington.....	278	336	377	471	528	
Worth.....	238	274	352	458	525	

M O N T A N A

METROPOLITAN FMR AREAS

Counties of FMR AREA within STATE	O	BR 1	BR 2	BR 3	BR 4	BR
Billings, MT MSA.....		322	374	501	673	816
Great Falls, MT MSA.....		322	372	491	639	761

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

M O N T A N A continued

NONMETROPOLITAN COUNTIES	O	BR 1	BR 2	BR 3	BR 4	BR
Beaverhead.....	295	341	450	585	683	
Blaine.....	295	341	450	585	683	
Carbon.....	295	346	450	585	683	
Chouteau.....	295	341	450	585	683	
Daniels.....	295	362	450	585	683	
Deer Lodge.....	295	341	450	585	683	
Fergus.....	295	341	450	585	683	
Gallatin.....	364	424	569	731	935	
Glacier.....	295	341	450	585	683	
Granite.....	295	341	450	585	683	
Jefferson.....	311	341	450	585	683	
Lake.....	321	341	450	585	683	
Liberty.....	295	341	450	585	683	
McCone.....	295	360	450	585	683	
Meagher.....	295	362	450	585	683	
Missoula.....	322	378	504	649	825	
Park.....	295	341	450	585	691	
Phillips.....	295	341	450	585	683	
Powder River.....	295	346	450	585	683	
Prairie.....	295	341	450	585	683	
Richland.....	295	369	450	585	683	
Rosebud.....	295	341	450	585	683	
Sheridan.....	303	341	450	585	683	
Stillwater.....	301	341	450	585	683	
Teton.....	295	341	450	585	683	
Treasure.....	295	341	450	585	683	
Wheatland.....	295	341	450	585	683	

NONMETROPOLITAN COUNTIES	O	BR 1	BR 2	BR 3	BR 4	BR
Big Horn.....	295	341	450	585	683	
Broadwater.....	295	341	450	585	729	
Carter.....	295	362	450	585	683	
Custer.....	295	341	450	585	683	
Dawson.....	295	341	450	585	683	
Fallon.....	295	341	450	585	683	
Flathead.....	295	342	457	637	750	
Garfield.....	295	341	450	585	683	
Golden Valley.....	295	361	450	585	683	
Hill.....	304	341	450	585	683	
Judith Basin.....	295	362	450	585	683	
Lewis and Clark.....	328	385	511	711	842	
Lincoln.....	321	341	450	585	683	
Madison.....	301	341	450	585	683	
Mineral.....	295	341	450	585	698	
Musselshell.....	300	341	450	585	683	
Petroleum.....	295	341	450	585	683	
Pondera.....	295	361	450	585	683	
Powell.....	300	341	450	585	683	
Ravalli.....	295	341	450	585	683	
Roosevelt.....	308	341	450	585	683	
Sanders.....	295	341	450	585	683	
Silver Bow.....	295	341	450	585	683	
Sweet Grass.....	318	341	450	585	683	
Toole.....	301	341	450	585	683	
Valley.....	295	341	450	585	683	
Wibaux.....	295	362	450	585	683	

N E B R A S K A

METROPOLITAN FMR AREAS	O	BR 1	BR 2	BR 3	BR 4	BR
Lincoln, NE MSA.....	310	398	525	697	813	Lancaster
Omaha, NE-IA MSA.....	334	458	578	758	850	Cass, Douglas, Sarpy, Washington
Stoux City, IA-NE MSA.....	340	408	509	635	725	Dakota

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

N E B R A S K A continued

NONMETROPOLITAN COUNTIES		O BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES		O BR	1 BR	2 BR	3 BR	4 BR
Adams.....	247	330	437	547	656		Antelope.....	237	320	389	500	566	
Arthur.....	237	305	389	497	566		Banner.....	237	305	389	498	566	
Blaine.....	237	305	389	497	566		Boone.....	237	305	389	497	589	
Box Butte.....	257	305	389	498	588		Boyd.....	237	318	389	497	566	
Brown.....	237	305	389	497	578		Buffalo.....	255	369	463	578	698	
Burt.....	237	305	389	497	566		Butler.....	237	305	389	497	566	
Cedar.....	237	305	389	497	566		Chase.....	237	321	389	497	593	
Cherry.....	237	320	389	500	589		Cheyenne.....	265	305	389	497	566	
Clay.....	237	305	389	497	566		Colfax.....	258	317	389	497	566	
Cuming.....	237	321	389	497	566		Custer.....	265	307	389	497	588	
Dawes.....	253	305	389	501	591		Dawson.....	260	317	389	501	566	
Deuel.....	237	305	389	497	566		Dixon.....	264	305	389	497	566	
Dodge.....	237	305	401	528	566		Dundy.....	237	305	389	497	566	
Fillmore.....	237	305	389	497	566		Franklin.....	237	305	389	502	566	
Frontier.....	266	305	389	497	566		Furnas.....	237	305	389	497	588	
Gage.....	237	306	396	504	566		Garden.....	237	317	389	500	591	
Garfield.....	237	305	389	497	566		Gosper.....	237	305	389	497	573	
Grant.....	237	305	389	497	566		Grealey.....	237	305	389	497	576	
Hall.....	284	374	498	656	734		Hamilton.....	237	305	389	501	566	
Harlan.....	237	305	389	498	566		Hayes.....	237	319	389	497	589	
Hitchcock.....	237	305	389	497	566		Holt.....	237	305	389	497	566	
Hooker.....	237	319	389	498	566		Howard.....	237	305	389	497	566	
Jefferson.....	237	305	389	497	566		Johnson.....	237	309	389	497	566	
Kearney.....	237	305	389	497	591		Keith.....	237	305	389	497	566	
Keya Paha.....	237	305	389	497	566		Kimball.....	237	305	389	498	591	
Knox.....	237	316	389	497	566		Lincoln.....	243	317	389	497	566	
Logan.....	237	305	389	497	592		Loup.....	237	305	389	497	590	
McPherson.....	237	305	389	498	566		Madison.....	243	319	422	546	666	
Merrick.....	237	305	389	497	566		Morrill.....	237	307	389	497	589	
Nance.....	237	305	389	497	566		Nemaha.....	237	305	389	497	566	
Nuckolls.....	237	305	389	497	566		Otoe.....	237	305	389	497	592	
Pawnee.....	237	305	389	501	566		Perkins.....	237	305	389	497	566	
Phelps.....	265	305	389	498	591		Pierce.....	237	305	389	497	566	
Platte.....	237	305	389	543	566		Polk.....	237	305	389	497	566	
Red Willow.....	237	305	389	497	576		Richardson.....	237	305	389	497	566	
Rock.....	237	312	389	497	566		Saline.....	237	318	389	497	566	
Saunders.....	237	305	389	497	566		Scotts Bluff.....	241	316	401	497	589	
Seward.....	294	305	397	497	566		Sheridan.....	237	305	389	497	567	
Sherman.....	237	307	389	497	592		Sioux.....	237	305	389	497	591	
Stanton.....	237	305	389	497	566		Thayer.....	237	320	389	497	566	

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

N E B R A S K A continued

NONMETROPOLITAN COUNTIES	O	BR 1	BR 2	BR 3	BR 4	BR	NONMETROPOLITAN COUNTIES	O	BR 1	BR 2	BR 3	BR 4	BR
Thomas.....	237	305	389	497	566		Thurston.....	237	305	389	497	566	
Valley.....	237	305	389	497	566		Wayne.....	271	305	389	497	589	
Webster.....	237	305	389	497	566		Wheeler.....	237	305	389	498	566	
York.....	237	305	394	497	566								

N E V A D A

METROPOLITAN FMR AREAS O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Las Vegas, NV-AZ MSA.....	491	582	693	965	1139	Clark, Nye
Reno, NV MSA.....	475	551	708	986	1165	Washoe

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

Churchill.....	438	445	595	820	973	Douglas.....	394	574	720	999	1112
Elko.....	399	455	607	801	997	Esmeralda.....	422	527	594	740	830
Eureka.....	323	527	594	739	827	Humboldt.....	475	498	601	788	843
Lander.....	326	505	594	742	972	Lincoln.....	324	487	594	743	831
Lyon.....	387	462	594	826	973	Mineral.....	328	448	597	782	978
Pershing.....	449	455	607	759	868	Storey.....	455	461	607	845	997
White Pine.....	324	446	594	801	842	Carson City.....	341	466	623	866	1022

N E W H A M P S H I R E

METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Components of FMR AREA within STATE

Boston, MA-NH PMSA.....	643	723	906	1132	1329	Rockingham county towns of Seabrook town South Hampton town
Lawrence, MA-NH PMSA.....	432	522	656	820	1009	Rockingham county towns of Atkinson town, Chester town Danville town, Derry town, Fremont town, Hampstead town Kingston town, Newton town, Plaistow town, Raymond town Salem town, Sandown town, Windham town
Lowell, MA-NH PMSA.....	472	610	737	924	1033	Hillsborough county towns of Pelham town
Manchester, NH PMSA.....	380	542	677	846	948	Hillsborough county towns of Bedford town, Goffstown town Manchester city, Weare town Merrimack county towns of Allentown town, Hooksett town Rockingham county towns of Auburn town, Candia town Londonderry town
Nashua, NH PMSA.....	448	624	774	1053	1253	Hillsborough county towns of Amherst town, Brookline town Greenville town, Hollis town, Hudson town Litchfield town, Mason town, Merrimack town Milford town, Mont Vernon town, Nashua city New Ipswich town, Wilton town
Portsmouth-Rochester, NH-ME PMSA.....	458	548	705	903	1108	Rockingham county towns of Brentwood town East Kingston town, Epping town, Exeter town Greenland town, Hampton town, Hampton Falls town

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

N E W H A M P S H I R E continued

METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Components of FMR AREA within STATE

Kensington town, New Castle town, Newfields town
 Newington town, Newmarket town, North Hampton town
 Portsmouth city, Rye town, Stratham town
 Strafford county towns of Barrington town, Dover city
 Durham town, Farmington town, Lee town, Madbury town
 Milton town, Rochester city, Rollinsford town
 Somersworth city

NONMETROPOLITAN COUNTIES

Towns within non metropolitan counties

Belknap.....	428	495	651	879	1069
Carroll.....	358	491	654	819	1022
Cheshire.....	444	527	674	878	1041
Cook.....	306	374	480	626	741
Grafton.....	394	476	634	819	1035
Hillsborough.....	420	525	700	926	1114

Antrim town, Bennington town, Deering town
 Francestown town, Greenfield town, Hancock town
 Hillsborough town, Lyndeborough town, New Boston town
 Peterborough town, Sharon town, Temple town
 Windsor town

Merrimack.....	442	528	659	844	943
Rockingham.....	459	537	719	997	1151
Strafford.....	406	551	735	922	1033
Sullivan.....	427	434	563	740	789

Andover town, Boscawen town, Bow town, Bradford town
 Canterbury town, Chichester town, Concord city
 Danbury town, Dunbarton town, Epsom town, Franklin city
 Henniker town, Hill town, Hopkinton town, Loudon town
 Newbury town, New London town, Northfield town
 Pembroke town, Pittsfield town, Salisbury town
 Sutton town, Warner town, Webster town, Wilnot town
 Deerfield town, Northwood town, Nottingham town
 Middleton town, New Durham town, Strafford town

N E W J E R S E Y

METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Atlantic-Cape May, NJ PMSA.....	488	555	739	926	1058
Bergen-Passaic, NJ PMSA.....	615	749	878	1170	1443
Jersey City, NJ PMSA.....	565	666	776	986	1085
Middlesex-Somerset-Hunterdon, NJ PMSA.....	702	769	960	1304	1506
Monmouth-Ocean, NJ PMSA.....	578	693	879	1168	1370
Newark, NJ PMSA.....	533	681	820	1033	1306
Philadelphia, PA-NJ PMSA.....	475	584	722	903	1132
Trenton, NJ PMSA.....	477	665	810	1097	1325
Vineland-Millville-Bridgeton, NJ PMSA.....	471	573	692	862	969

Atlantic, Cape May
 Bergen, Passaic
 Hudson
 Hunterdon, Middlesex, Somerset
 Monmouth, Ocean
 Essex, Morris, Sussex, Union, Warren
 Burlington, Camden, Gloucester, Salem
 Mercer
 Cumberland

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

NEW MEXICO

METROPOLITAN FMR AREAS

	O	BR 1	BR 2	BR 3	BR 4	BR	Counties of FMR AREA within STATE
Albuquerque, NM MSA.....	392	467	584	805	950	Bernalillo, Sandoval, Valencia	
Las Cruces, NM MSA.....	292	367	436	598	705	Dona Ana	
Santa Fe, NM MSA.....	422	599	740	993	1124	Los Alamos, Santa Fe	

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

	O	BR 1	BR 2	BR 3	BR 4	BR	NONMETROPOLITAN COUNTIES				
Catron.....	271	317	393	528	596	Chaves.....	271	308	406	559	596
Cibola.....	282	308	393	528	596	Colfax.....	271	315	393	528	596
Curry.....	271	315	412	528	596	DeBaca.....	271	308	393	528	596
Eddy.....	278	307	393	528	614	Grant.....	321	366	468	628	709
Guadalupe.....	271	307	393	528	600	Harding.....	271	307	393	528	596
Hidalgo.....	271	307	393	528	596	Lea.....	271	307	393	528	596
Lincoln.....	307	315	415	547	684	Luna.....	298	328	420	563	635
Mckinley.....	271	340	433	539	604	Mora.....	271	307	393	528	596
Otero.....	271	307	393	548	596	Quay.....	271	392	442	553	618
Rio Arriba.....	317	324	398	528	596	Roosevelt.....	271	307	393	528	596
San Juan.....	306	328	409	568	673	San Miguel.....	300	307	405	528	596
Sierra.....	271	307	393	528	596	Socorro.....	271	307	393	528	612
Taos.....	465	471	628	785	1034	Torrance.....	297	321	393	528	596
Union.....	271	330	393	528	596						

NEW YORK

METROPOLITAN FMR AREAS

	O	BR 1	BR 2	BR 3	BR 4	BR	Counties of FMR AREA within STATE
Albany-Schenectady-Troy, NY MSA.....	397	488	601	754	843	Albany, Montgomery, Rensselaer, Saratoga, Schoharie	
Binghamton, NY MSA.....	356	400	498	634	710	Broome, Tioga	
Buffalo-Niagara Falls, NY PMSA.....	346	421	507	634	710	Erie, Niagara	
Dutchess County, NY PMSA.....	559	710	877	1140	1332	Dutchess	
Elmira, NY MSA.....	356	400	490	621	740	Chemung	
Glens Falls, NY MSA.....	356	464	565	707	791	Warren, Washington	
Jamestown, NY MSA.....	356	400	480	621	710	Chautauqua	
Nassau-Suffolk, NY PMSA.....	752	906	1105	1537	1647	Nassau, Suffolk	
New York, NY PMSA.....	704	785	891	1114	1249	Bronx, Kings, New York, Putnam, Queens, Richmond	
Westchester County, NY.....	676	881	1073	1395	1665	Rockland	
Newburgh, NY-PA PMSA.....	448	582	712	903	1030	Westchester	
Rochester, NY MSA.....	383	498	606	777	849	Genesee, Livingston, Monroe, Ontario, Orleans, Wayne	
Syracuse, NY MSA.....	381	460	569	726	806	Cayuga, Madison, Onondaga, Oswego	
Utica-Rome, NY MSA.....	356	400	489	621	710	Herkimer, Oneida	

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 032598

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

NEW YORK continued

	NONMETROPOLITAN COUNTIES				NONMETROPOLITAN COUNTIES						
	O	BR 1	BR 2	BR 3	BR 4	O	BR 1	BR 2	BR 3	BR 4	
Allegany.....	355	399	479	620	709	Cattaraugus.....	355	399	479	620	709
Chenango.....	378	399	479	620	709	Columbia.....	355	399	516	645	723
Columbia.....	444	466	598	783	838	Cortland.....	355	424	531	664	785
Delaware.....	355	399	479	620	761	Essex.....	355	404	507	635	709
Franklin.....	355	399	479	620	709	Fulton.....	355	399	479	620	709
Greene.....	355	460	552	713	869	Hamilton.....	355	427	491	620	709
Jefferson.....	382	451	530	664	743	Lewis.....	355	399	479	620	709
Otsego.....	355	420	483	624	792	St. Lawrence.....	355	399	479	620	709
Schuyler.....	384	409	486	677	797	Seneca.....	379	407	492	636	709
Steuben.....	367	418	479	627	709	Sullivan.....	460	516	629	869	881
Tompkins.....	463	499	641	894	1054	Ulster.....	436	606	729	949	1195
Wyoming.....	355	399	479	620	709	Yates.....	355	399	479	620	709

NORTH CAROLINA

	METROPOLITAN FMR AREAS				Counties of FMR AREA within STATE						
	O	BR 1	BR 2	BR 3	BR 4	O	BR 1	BR 2	BR 3	BR 4	
Asheville, NC MSA.....	341	413	538	701	756	Buncombe, Madison	341	413	538	701	756
Charlotte-Gastonia-Rock Hill, NC-SC MSA.....	434	489	551	726	870	Cabarrus, Gaston, Lincoln, Mecklenburg, Rowan, Union	434	489	551	726	870
Fayetteville, NC MSA.....	374	425	476	659	784	Cumberland	374	425	476	659	784
Goldensboro, NC MSA.....	306	353	429	552	644	Wayne	306	353	429	552	644
Greensboro--Winston-Salem--High Point, NC MSA...	405	461	550	758	771	Alamance, Davidson, Davie, Forsyth, Guilford, Randolph, Stokes, Yadkin	405	461	550	758	771
Greenville, NC MSA.....	400	405	525	708	866	Pitt	400	405	525	708	866
Hickory-Morganton, NC MSA.....	386	421	488	615	730	Alexander, Burke, Caldwell, Catawba	386	421	488	615	730
Jacksonville, NC MSA.....	349	407	460	638	755	Onslow	349	407	460	638	755
Norfolk-Virginia Beach-Newport News, VA-NC MSA...	433	487	576	803	944	Currituck	433	487	576	803	944
Raleigh-Durham-Chapel Hill, NC MSA.....	453	550	645	866	1021	Chatham, Durham, Franklin, Johnston, Orange, Wake	453	550	645	866	1021
Rocky Mount, NC MSA.....	326	353	429	568	626	Edgecombe, Nash	326	353	429	568	626
Wilmington, NC MSA.....	447	491	602	823	981	Brunswick, New Hanover	447	491	602	823	981

	NONMETROPOLITAN COUNTIES				NONMETROPOLITAN COUNTIES						
	O	BR 1	BR 2	BR 3	BR 4	O	BR 1	BR 2	BR 3	BR 4	
Allegany.....	292	342	409	527	624	Anson.....	292	337	409	527	598
Ashe.....	292	337	409	527	598	Avery.....	326	367	447	560	626
Beaufort.....	292	337	409	527	598	Bertie.....	292	337	409	527	598
Bladen.....	292	337	409	527	598	Camden.....	292	373	497	622	698
Carteret.....	331	362	442	614	683	Caswell.....	292	337	409	527	598
Cherokee.....	292	337	409	527	598	Chowan.....	292	337	409	527	598
Clay.....	292	337	409	527	598	Cleveland.....	292	343	409	542	598
Columbus.....	292	337	409	527	598	Craven.....	292	365	440	575	616
Dare.....	303	480	553	758	775	Duplin.....	292	337	409	527	598
Gates.....	292	337	409	527	598	Graham.....	292	337	409	527	598

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 032598

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

N O R T H C A R O L I N A continued

NONMETROPOLITAN COUNTIES	O BR 1	BR 2	BR 3	BR 4	BR
Granville.....	308	337	409	542	613
Halifax.....	292	337	409	527	598
Haywood.....	304	346	421	565	615
Hertford.....	292	337	409	527	598
Hyde.....	292	337	409	527	598
Jackson.....	292	337	409	572	748
Lee.....	292	373	442	572	620
Mcdowell.....	292	356	427	583	691
Martin.....	292	337	409	527	598
Montgomery.....	292	337	409	527	598
Northampton.....	292	337	409	527	598
Pasquotank.....	337	360	449	624	630
Perquimans.....	292	337	409	527	598
Polk.....	292	370	415	527	598
Robeson.....	292	344	409	527	598
Rutherford.....	295	337	409	527	598
Scotland.....	292	337	409	527	598
Surry.....	292	337	409	527	598
Transylvania.....	338	361	457	606	648
Vance.....	309	350	409	527	598
Washington.....	292	337	409	527	598
Wilkes.....	332	374	421	582	654
Yancey.....	292	343	409	527	617

NONMETROPOLITAN COUNTIES	O BR 1	BR 2	BR 3	BR 4	BR
Greene.....	292	337	409	527	598
Harnett.....	292	337	409	529	598
Henderson.....	378	389	481	640	737
Hoke.....	292	337	409	527	598
Iredell.....	394	404	533	666	745
Jones.....	292	337	409	527	598
Lenoir.....	292	337	409	527	598
Macon.....	292	349	409	527	598
Mitchell.....	292	382	439	599	626
Moore.....	292	352	420	574	689
Pamlico.....	292	337	409	527	598
Pender.....	292	354	409	527	644
Person.....	292	337	439	572	670
Richmond.....	292	337	409	527	598
Rockingham.....	292	337	409	527	598
Sampson.....	292	337	409	527	598
Stanly.....	292	337	415	560	598
Swain.....	292	337	409	527	598
Tyrrell.....	292	337	409	527	598
Warren.....	292	337	409	527	598
Watauga.....	381	457	578	787	949
Wilson.....	305	337	414	527	598

N O R T H D A K O T A

METROPOLITAN FMR AREAS Counties of FMR AREA within STATE

Bismarck, ND MSA.....	337	377	503	700	828	Burleigh, Morton
Fargo-Moorhead, ND-MN MSA.....	331	456	550	763	817	Cass
Grand Forks, ND-MN MSA.....	342	408	536	739	825	Grand Forks

NONMETROPOLITAN COUNTIES	O BR 1	BR 2	BR 3	BR 4	BR
Adams.....	227	285	368	478	558
Benson.....	258	285	368	478	558
Bottineau.....	227	285	368	478	558
Burke.....	247	285	368	478	558
Dickey.....	247	285	368	478	558
Dunn.....	227	285	368	478	558
Emmons.....	227	285	368	478	558
Golden Valley.....	227	292	389	486	558
Barnes.....	227	287	380	497	558
Billings.....	247	285	368	478	558
Bowman.....	227	285	368	478	558
Cavalier.....	227	293	391	487	601
Divide.....	227	285	368	478	558
Eddy.....	227	285	368	478	558
Foster.....	227	285	370	478	558
Grant.....	227	285	368	478	558

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. O32598

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

N O R T H D A K O T A continued

NONMETROPOLITAN COUNTIES	O BR 1	BR 2	BR 3	BR 4	BR 4	NONMETROPOLITAN COUNTIES	O BR 1	BR 2	BR 3	BR 4	BR 4
Griggs.....	227	285	368	478	558	Hettinger.....	227	285	368	478	558
Kiddier.....	227	285	368	478	558	Lamoure.....	247	285	368	478	558
Logan.....	227	285	368	478	558	Mchenry.....	227	285	368	478	558
Mcintosh.....	227	285	368	478	558	Mckenzie.....	227	285	368	478	558
Mclean.....	241	285	368	478	558	Mercer.....	227	285	368	478	558
Mountrail.....	251	285	368	478	558	Nelson.....	227	285	368	478	558
Oliver.....	227	285	368	478	558	Pembina.....	227	285	368	485	576
Pierce.....	227	285	368	493	558	Ramsey.....	234	312	416	521	681
Ransom.....	232	285	368	478	558	Renville.....	263	285	368	481	568
Richland.....	239	285	375	478	558	Rolette.....	246	313	378	478	558
Sargent.....	227	285	368	478	558	Sheridan.....	227	285	368	478	558
Sioux.....	227	285	368	478	558	Slope.....	227	285	368	478	558
Stark.....	227	285	368	478	558	Steele.....	227	285	368	478	558
Stutsman.....	272	285	372	518	611	Towner.....	260	292	389	486	639
Traill.....	239	303	368	478	558	Walsh.....	302	323	401	503	562
Ward.....	227	312	416	563	671	Wells.....	242	285	368	478	558
Williams.....	227	285	368	478	558						

O H I O

METROPOLITAN FMR AREAS

	O BR 1	BR 2	BR 3	BR 4	BR 4	Counties of FMR AREA within STATE
Akron, OH PMSA.....	356	432	554	693	778	Portage, Summit
Brown County, OH.....	286	336	419	543	599	Brown
Canton-Massillon, OH MSA.....	284	370	472	590	663	Carroll, Stark
Cincinnati, OH-KY-IN.....	309	397	531	712	769	Clermont, Hamilton, Warren
Cleveland-Lorain-Elyria, OH PMSA.....	382	480	594	755	851	Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina
Columbus, OH MSA.....	364	431	553	702	807	Delaware, Fairfield, Franklin, Licking, Madison, Pickaway
Dayton-Springfield, OH MSA.....	379	424	542	700	785	Clark, Greene, Miami, Montgomery
Hamilton-Middletown, OH PMSA.....	311	442	566	708	793	Butler
Huntington-Ashland, WV-KY-OH MSA.....	302	354	437	557	613	Lawrence
Lima, OH MSA.....	284	340	448	571	627	Allen, Auglaize
Mansfield, OH MSA.....	284	340	433	541	606	Crawford, Richland
Parkersburg-Marietta, WV-OH MSA.....	304	364	417	541	586	Washington
Steubenville-Weirton, OH-WV MSA.....	284	335	419	535	597	Jefferson
Toledo, OH MSA.....	355	432	528	680	738	Fulton, Lucas, Wood
Wheeling, WV-OH MSA.....	310	339	419	535	597	Belmont
Youngstown-Warren, OH MSA.....	297	350	439	552	628	Columbiana, Mahoning, Trumbull

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 032598

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

O H I O continued

NONMETROPOLITAN COUNTIES	O	BR 1	BR 2	BR 3	BR 4	BR 4	NONMETROPOLITAN COUNTIES	O	BR 1	BR 2	BR 3	BR 4	BR 4
Adams.....	278	329	410	524	586	586	Ashland.....	278	329	433	541	606	
Athens.....	328	371	436	571	702	702	Champaign.....	278	338	440	549	615	
Clinton.....	278	356	428	596	601	601	Coshocton.....	278	329	410	524	586	
Darke.....	305	329	413	524	586	586	Defiance.....	290	329	434	547	608	
Erie.....	278	370	462	623	755	755	Fayette.....	302	329	410	524	586	
Gallia.....	278	329	410	524	586	586	Guernsey.....	278	329	410	524	586	
Hancock.....	352	356	451	575	630	630	Hardin.....	278	329	410	524	586	
Harrison.....	278	329	410	524	586	586	Henry.....	300	332	414	534	608	
Highland.....	278	329	410	524	586	586	Hocking.....	278	329	410	524	586	
Holmes.....	278	329	410	524	586	586	Huron.....	321	350	436	575	612	
Jackson.....	278	329	410	524	586	586	Knox.....	326	359	461	595	658	
Logan.....	325	330	426	573	597	597	Marion.....	278	329	410	524	586	
Meigs.....	278	329	410	524	586	586	Mercer.....	278	329	410	524	603	
Monroe.....	278	329	410	524	586	586	Morgan.....	278	334	410	524	586	
Morrow.....	278	329	410	524	586	586	Muskingum.....	278	329	410	524	586	
Noble.....	278	329	410	524	594	594	Ottawa.....	278	410	472	642	686	
Paulding.....	278	329	410	524	586	586	Perry.....	278	329	410	524	586	
Pike.....	292	347	431	552	616	616	Preble.....	285	337	420	538	601	
Putnam.....	288	329	410	524	586	586	Ross.....	321	335	410	524	586	
Sandusky.....	278	360	462	582	644	644	Scioto.....	278	329	410	524	586	
Seneca.....	279	329	410	528	586	586	Shelby.....	278	338	452	563	632	
Tuscarawas.....	278	329	430	538	603	603	Union.....	278	384	507	634	734	
Van Wert.....	278	333	410	524	586	586	Vinton.....	278	329	410	524	586	
Wayne.....	278	367	452	573	632	632	Williams.....	295	329	410	524	586	
Wyandot.....	278	329	410	524	586	586							

O K L A H O M A

METROPOLITAN FMR AREAS

	O	BR 1	BR 2	BR 3	BR 4	BR 4	Counties of FMR AREA within STATE
Enid, OK MSA.....	296	300	398	554	634	634	Garfield
Fort Smith, AR-OK MSA.....	303	307	404	540	567	567	Sequoyah
Lawton, OK MSA.....	366	368	469	651	713	713	Comanche
Oklahoma City, OK MSA.....	331	361	468	651	728	728	Canadian, Cleveland, Logan, McClain, Oklahoma
Tulsa, OK MSA.....	332	397	520	724	853	853	Pottawatomie Creek, Osage, Rogers, Tulsa, Wagoner

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. O32598

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

O K L A H O M A continued

NONMETROPOLITAN COUNTIES	O BR 1	BR 2	BR 3	BR 4	BR
Adair.....	247	284	354	471	540
Atoka.....	247	284	354	471	540
Beckham.....	251	284	354	471	540
Bryan.....	247	284	354	471	540
Carter.....	247	286	357	497	540
Choctaw.....	247	284	354	471	540
Coal.....	247	284	354	471	540
Craig.....	247	284	354	483	572
Delaware.....	247	284	354	471	550
Ellis.....	247	284	354	471	540
Grady.....	271	284	367	499	602
Greer.....	247	284	354	471	540
Harper.....	247	284	354	471	540
Hughes.....	247	284	354	471	540
Jefferson.....	247	284	354	471	540
Kay.....	274	290	381	531	622
Kiowa.....	247	284	354	471	540
Le Flore.....	247	284	354	471	540
Love.....	247	284	358	471	540
Mcintosh.....	247	284	354	471	540
Marshall.....	247	284	354	471	540
Murray.....	247	284	354	471	540
Noble.....	247	284	354	471	540
Okfuskee.....	247	284	354	471	540
Ottawa.....	266	284	354	471	540
Payne.....	286	337	432	596	669
Pontotoc.....	247	284	354	471	540
Roger Mills.....	247	284	354	471	540
Stephens.....	251	284	354	471	562
Tillman.....	247	284	354	471	540
Washita.....	247	284	354	471	540
Woodward.....	247	284	354	471	540

NONMETROPOLITAN COUNTIES	O BR 1	BR 2	BR 3	BR 4	BR
Alfalfa.....	247	284	354	471	540
Beaver.....	247	288	354	471	540
Blaine.....	247	284	354	471	540
Caddo.....	247	284	354	471	540
Cherokee.....	259	293	354	471	548
Cimarron.....	247	284	354	471	540
Cotton.....	247	284	354	471	540
Custer.....	247	284	363	505	583
Dewey.....	247	284	354	471	540
Garvin.....	247	284	354	471	544
Grant.....	247	284	354	471	540
Harmon.....	247	284	354	471	540
Haskell.....	247	284	354	471	540
Jackson.....	247	321	391	514	580
Johnston.....	247	284	354	471	540
Kingfisher.....	247	292	362	474	540
Latimer.....	247	284	354	471	540
Lincoln.....	265	284	354	471	540
McCurtain.....	247	284	354	471	540
Major.....	247	297	354	491	540
Mayes.....	247	288	383	483	540
Muskogee.....	268	301	354	489	540
Nowata.....	247	284	354	471	540
Okmulgee.....	251	284	354	471	540
Pawnee.....	279	284	367	472	540
Pittsburg.....	247	284	354	471	540
Pushmataha.....	247	284	354	471	540
Seminole.....	247	284	354	471	540
Texas.....	247	294	354	472	540
Washington.....	247	339	413	548	640
Woods.....	247	284	354	471	540

METROPOLITAN FMR AREAS O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Eugene-Springfield, OR MSA.....	334	458	597	833	963	Lane
Medford-Ashland, OR MSA.....	343	450	601	835	931	Jackson
Portland-Vancouver, OR-WA PMSA.....	425	523	645	897	974	Clackamas, Multnomah, Washington, Yamhill

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O R E G O N

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

O R E G O N continued

METROPOLITAN FMR AREAS

	O BR 1	BR 2	BR 3	BR 4	BR	Counties of FMR AREA within STATE					
Salem, OR PMSA.....	376	443	568	782	819	Marion, Polk					
NONMETROPOLITAN COUNTIES											
	O BR 1	BR 2	BR 3	BR 4	BR	NONMETROPOLITAN COUNTIES					
	O BR 1	BR 2	BR 3	BR 4	BR	O BR 1					
Baker.....	311	368	477	657	732	Benton.....	371	481	610	918	975
Clatsop.....	358	425	556	758	851	Coos.....	311	379	503	701	732
Crook.....	311	368	477	657	732	Curry.....	311	423	561	718	883
Deschutes.....	384	441	590	822	951	Douglas.....	311	368	477	657	782
Gilliam.....	311	392	477	657	732	Grant.....	311	368	477	657	732
Harney.....	311	368	477	657	732	Hood River.....	342	385	523	680	804
Jefferson.....	311	368	477	657	732	Josephine.....	311	377	485	657	766
Klamath.....	311	368	477	657	777	Lake.....	311	368	477	657	732
Lincoln.....	377	383	510	710	771	Linn.....	373	443	575	790	881
Malheur.....	311	368	477	657	732	Morrow.....	311	368	477	657	732
Sherman.....	311	368	477	657	732	Tillamook.....	311	368	477	657	732
Umatilla.....	311	368	477	657	732	Union.....	311	368	477	657	732
Wallowa.....	311	368	477	657	732	Wasco.....	378	468	524	714	802
Wheeler.....	311	368	477	657	732						

P E N N S Y L V A N I A

METROPOLITAN FMR AREAS

	O BR 1	BR 2	BR 3	BR 4	BR	Counties of FMR AREA within STATE
Allentown-Bethlehem-Easton, PA MSA.....	414	562	669	871	979	Carbon, Lehigh, Northampton
Altoona, PA MSA.....	283	359	431	562	628	Blair
Erie, PA MSA.....	287	374	441	569	636	Erie
Harrisburg-Lebanon-Carlisle, PA MSA.....	340	436	559	704	784	Cumberland, Dauphin, Lebanon, Perry
Johnstown, PA MSA.....	287	364	439	569	636	Cambria, Somerset
Lancaster, PA MSA.....	377	462	576	752	809	Lancaster
Newburgh, NY-PA PMSA.....	448	582	712	903	1030	Pike
Philadelphia, PA-NJ PMSA.....	475	584	722	903	1132	Bucks, Chester, Delaware, Montgomery, Philadelphia
Pittsburgh, PA PMSA.....	335	411	495	620	693	Allegheny, Beaver, Butler, Fayette, Washington Westmoreland
Reading, PA MSA.....	298	441	544	679	766	Berks
Scranton--Wilkes-Barre--Hazleton, PA MSA.....	287	401	480	599	724	Columbia, Lackawanna, Luzerne, Wyoming
Sharon, PA MSA.....	315	364	439	569	636	Mercer
State College, PA MSA.....	412	504	624	818	875	Centre
Williamsport, PA MSA.....	287	366	441	569	636	Lycoming
York, PA MSA.....	320	439	544	678	759	York

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

P E N S Y L V A N I A continued

NONMETROPOLITAN COUNTIES	O BR 1	BR 2	BR 3	BR 4	BR	NONMETROPOLITAN COUNTIES	O BR 1	BR 2	BR 3	BR 4	BR
Adams.....	282	379	503	652	825	Armstrong.....	286	378	429	560	704
Bedford.....	282	358	429	560	626	Bradford.....	286	362	442	578	633
Cameron.....	282	358	429	560	626	Clarion.....	282	358	429	560	626
Clearfield.....	282	358	429	560	626	Clinton.....	282	358	429	560	626
Crawford.....	282	358	429	560	626	Elk.....	282	358	429	560	626
Forest.....	282	358	429	560	626	Franklin.....	282	358	435	599	626
Fulton.....	282	358	429	560	626	Greene.....	282	358	429	560	626
Huntingdon.....	282	358	429	560	626	Indiana.....	323	360	429	560	626
Jefferson.....	282	358	429	560	626	Junata.....	282	358	429	560	626
Lawrence.....	282	358	429	560	626	Mc Kean.....	282	360	429	560	626
Mifflin.....	313	358	429	560	626	Monroe.....	451	537	664	907	1013
Montour.....	333	358	451	626	739	Northumberland.....	298	376	460	611	680
Potter.....	282	358	429	560	626	Schuylkill.....	282	358	447	560	626
Snyder.....	339	358	430	560	626	Sullivan.....	282	358	429	560	626
Susquehanna.....	337	358	429	560	665	Tioga.....	282	358	429	560	626
Union.....	340	452	564	706	788	Venango.....	282	358	429	560	626
Warren.....	282	358	429	560	626	Wayne.....	283	437	515	656	843

R H O D E I S L A N D

METROPOLITAN FMR AREAS

Components of FMR AREA within STATE	O BR 1	BR 2	BR 3	BR 4	BR
New London-Norwich, CT-RI MSA.....	491	594	723	905	1034
Providence-Fall River-Warwick, RI-MA PMSA.....	405	551	662	831	1024
Warren town					
Kent county towns of Coventry town, East Greenwich tow					
Warwick city, West Greenwich tow, West Warwick town					
Newport county towns of Jamestown town					
Little Compton tow, Tiverton town					
Providence county towns of Burrillville town					
Central Falls city, Cranston city, Cumberland town					
East Providence ci, Foster town, Gloucester town					
Johnston town, Lincoln town, North Providence t					
North Smithfield t, Pawtucket city, Providence city					
Scituate town, Smithfield town, Woonsocket city					
Washington county towns of Charlestown town, Exeter town					
Narragansett town, North Kingstown to, Richmond town					
South Kingstown to					

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 032598

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

R H O D E I S L A N D continued

NONMETROPOLITAN COUNTIES

	O BR 1	BR 2	BR 3	BR 4	BR	Towns within non metropolitan counties
Newport.....	554	646	829	1038	1161	Middletown town, Newport city, Portsmouth town
Washington.....	655	737	828	1069	1177	New Shoreham town

S O U T H C A R O L I N A

METROPOLITAN FMR AREAS

	O BR 1	BR 2	BR 3	BR 4	BR	Counties of FMR AREA within STATE
Augusta-Aiken, GA-SC MSA.....	357	427	503	683	808	Aiken, Edgefield
Charleston-North Charleston, SC MSA.....	401	465	534	710	827	Berkeley, Charleston, Dorchester
Charlotte-Gastonia-Rock Hill, NC-SC MSA.....	434	489	551	726	870	York
Columbia, SC MSA.....	430	473	544	719	827	Lexington, Richland
Florence, SC MSA.....	325	362	470	587	658	Florence
Greenville-Spartanburg-Anderson, SC MSA.....	354	428	483	609	716	Anderson, Cherokee, Greenville, Pickens, Spartanburg
Myrtle Beach, SC MSA.....	422	429	549	686	769	Horry
Sumter, SC MSA.....	344	381	433	592	703	Sumter

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

	O BR 1	BR 2	BR 3	BR 4	BR	NONMETROPOLITAN COUNTIES	O BR 1	BR 2	BR 3	BR 4	BR
Abbeville.....	287	335	407	523	598	Allendale.....	287	335	407	523	598
Bamberg.....	287	335	407	523	598	Barnwell.....	302	335	409	523	598
Beaufort.....	410	503	579	723	810	Calhoun.....	287	335	407	523	598
Chester.....	287	335	407	523	598	Chesterfield.....	287	335	407	523	598
Clarendon.....	287	335	407	523	598	Colleton.....	287	335	407	523	598
Darlington.....	287	335	407	523	598	Dillon.....	287	335	407	523	598
Fairfield.....	287	385	439	547	613	Georgetown.....	287	365	410	523	623
Greenwood.....	288	335	407	523	598	Hampton.....	287	335	407	523	598
Jasper.....	287	335	407	523	598	Kershaw.....	287	335	407	523	598
Lancaster.....	301	336	407	523	598	Laurens.....	287	335	407	523	598
Lee.....	287	335	407	523	598	Mccormick.....	287	335	407	523	637
Marion.....	287	335	407	523	598	Marlboro.....	287	335	407	523	598
Newberry.....	287	335	407	523	598	Oconee.....	287	335	407	523	598
Orangeburg.....	287	335	407	523	598	Saluda.....	287	335	407	523	598
Union.....	287	335	407	523	598	Williamsburg.....	287	335	407	523	598

S O U T H D A K O T A

METROPOLITAN FMR AREAS

	O BR 1	BR 2	BR 3	BR 4	BR	Counties of FMR AREA within STATE
Rapid City, SD MSA.....	349	415	553	752	909	Pennington
Sioux Falls, SD MSA.....	337	466	591	748	859	Lincoln, Minnehaha

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

S O U T H D A K O T A continued

NONMETROPOLITAN COUNTIES		O	BR 1	BR 2	BR 3	BR 4	NONMETROPOLITAN COUNTIES				O	BR 1	BR 2	BR 3	BR 4
Aurora.....	252	337	419	555	642	642	Beadle.....	252	334	419	555	642	642	642	
Bennett.....	252	334	419	555	642	642	Bon Homme.....	280	334	419	555	642	642	642	
Brookings.....	270	427	474	640	755	755	Brown.....	252	334	419	555	642	642	642	
Brule.....	252	334	419	555	642	642	Buffalo.....	252	334	419	555	648	648	642	
Butte.....	290	396	526	688	811	811	Campbell.....	252	334	419	555	642	642	642	
Charles Mix.....	252	334	419	555	642	642	Clark.....	252	334	419	555	642	642	642	
Clay.....	252	334	419	555	689	689	Codington.....	252	334	419	555	642	642	642	
Corson.....	252	334	419	555	642	642	Custer.....	252	334	419	555	642	642	642	
Davison.....	264	334	419	562	642	642	Day.....	281	334	419	555	642	642	642	
Deuel.....	252	334	419	555	642	642	Dewey.....	252	334	419	555	642	642	642	
Douglas.....	280	334	419	555	642	642	Edmunds.....	252	334	419	555	642	642	642	
Fall River.....	287	334	419	555	642	642	Faulk.....	252	334	442	555	642	642	642	
Grant.....	252	334	419	555	642	642	Gregory.....	253	334	419	555	642	642	642	
Haakon.....	252	342	419	555	642	642	Hamlin.....	252	334	419	555	642	642	642	
Hand.....	252	334	419	555	642	642	Hanson.....	256	350	466	586	655	655	642	
Harding.....	252	342	419	555	642	642	Hughes.....	277	334	442	582	689	689	642	
Hutchinson.....	252	334	419	555	642	642	Hyde.....	252	340	419	555	642	642	642	
Jackson.....	252	339	419	555	642	642	Jerard.....	252	337	419	555	642	642	642	
Jones.....	252	334	419	555	642	642	Kingsbury.....	275	334	419	555	642	642	642	
Lake.....	252	339	419	555	642	642	Lawrence.....	288	415	522	716	810	810	642	
Lyman.....	252	334	419	555	642	642	Mccook.....	252	334	419	555	642	642	642	
Mcpherson.....	252	334	419	555	642	642	Marshall.....	297	334	419	555	642	642	642	
Meade.....	354	399	532	697	823	823	Mellette.....	300	339	419	555	642	642	642	
Miner.....	252	339	419	555	642	642	Moody.....	252	334	419	555	642	642	642	
Perkins.....	252	334	419	555	642	642	Potter.....	252	334	419	555	642	642	642	
Roberts.....	252	334	419	555	642	642	Sanborn.....	252	334	419	555	642	642	642	
Shannon.....	252	339	419	555	642	642	Spink.....	274	334	426	555	642	642	642	
Stanley.....	252	342	419	555	642	642	Sully.....	252	334	419	555	642	642	642	
Todd.....	278	334	419	555	642	642	Tripp.....	252	334	419	555	642	642	642	
Turner.....	252	334	419	555	642	642	Union.....	265	334	419	555	642	642	642	
Walworth.....	252	342	419	555	642	642	Yankton.....	252	334	419	555	642	642	642	
Ziebach.....	252	334	419	555	642	642									

T E N N E S S E E

METROPOLITAN FMR AREAS O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Chattanooga, TN-GA MSA.....	364	425	510	659	751	Hamilton, Marion
Clarksville-Hopkinsville, TN-KY MSA.....	337	378	443	605	621	Montgomery
Jackson, TN MSA.....	262	345	462	639	643	Madison, Chester

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

T E N N E S S E E continued

METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Johnson City-Kingsport-Bristol, TN-VA MSA.....	303	362	447	581	688	Carter, Hawkins, Sullivan, Unicoi, Washington
Knoxville, TN MSA.....	303	373	468	624	750	Anderson, Blount, Knox, Loudon, Sevier, Union,
Memphis, TN-AR-MS MSA.....	387	451	530	736	774	Fayette, Shelby, Tipton
Nashville, TN MSA.....	425	508	626	853	958	Cheatham, Davidson, Dickson, Robertson, Rutherford
						Sumner, Williamson, Wilson

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

Bedford.....	238	306	374	471	524	Benton.....	256	292	352	463	519
Bledsoe.....	238	279	352	463	519	Bradley.....	238	300	400	542	658
Campbell.....	240	279	352	463	519	Cannon.....	238	279	352	463	519
Carroll.....	238	289	352	463	519	Claiborne.....	238	279	352	463	519
Clay.....	242	279	352	463	519	Cocke.....	238	279	352	463	519
Coffee.....	238	332	373	519	591	Crockett.....	238	279	352	463	519
Cumberland.....	251	279	365	509	519	Decatur.....	238	279	352	463	519
Dekalb.....	238	279	352	463	519	Dyer.....	297	301	401	502	626
Fentress.....	238	279	352	463	519	Franklin.....	249	279	352	484	569
Gibson.....	238	279	352	463	519	Giles.....	238	303	375	469	525
Grainger.....	242	279	352	463	519	Greene.....	238	279	352	463	519
Grundy.....	238	279	352	463	519	Hamblen.....	238	280	367	488	519
Hancock.....	238	279	352	463	519	Hardeman.....	238	279	352	463	519
Hardin.....	238	279	352	463	519	Haywood.....	250	290	387	484	542
Henderson.....	238	279	352	463	519	Henry.....	238	279	352	463	519
Hickman.....	281	285	378	498	529	Houston.....	238	279	352	463	519
Humphreys.....	238	290	352	463	519	Jackson.....	238	279	352	463	519
Jefferson.....	259	279	361	463	574	Johnson.....	238	279	352	463	519
Lake.....	238	279	352	463	519	Lauderdale.....	238	279	355	463	519
Lawrence.....	238	279	352	463	519	Lewis.....	238	279	352	463	519
Lincoln.....	238	279	356	463	519	Mcminn.....	238	279	352	465	519
McNairy.....	238	279	352	463	519	Macon.....	238	279	352	463	519
Marshall.....	280	305	397	502	558	Maury.....	341	348	463	580	647
Meigs.....	238	279	352	463	519	Monroe.....	238	279	352	463	519
Moore.....	238	279	352	463	519	Morgan.....	238	279	352	463	519
Obion.....	276	280	358	474	519	Overton.....	238	279	352	463	519
Perry.....	238	281	352	463	519	Pickett.....	238	279	352	463	519
Polk.....	238	279	352	463	519	Putnam.....	289	292	375	516	555
Rhea.....	238	297	352	468	519	Roane.....	256	279	352	473	569
Scott.....	238	279	352	463	519	Sequatchie.....	238	279	352	463	519
Smith.....	238	279	352	463	519	Stewart.....	238	279	352	463	519
Trousdale.....	238	292	388	487	638	Van Buren.....	238	279	352	463	519
Warren.....	264	279	360	463	519	Wayne.....	238	279	352	463	519

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

T E N E S S E E continued

NONMETROPOLITAN COUNTIES	O BR 1	BR 2	BR 3	BR 4	BR	NONMETROPOLITAN COUNTIES	O BR 1	BR 2	BR 3	BR 4	BR
Weakley.....	257	279	352	463	519	White.....	242	279	352	463	519

T E X A S

METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Abilene, TX MSA.....	333	371	479	646	785	Taylor
Amarillo, TX MSA.....	282	356	443	618	729	Potter, Randall
Austin-San Marcos, TX MSA.....	434	525	699	970	1147	Bastrop, Caldwell, Hays, Travis, Williamson
Beaumont-Port Arthur, TX MSA.....	321	389	474	628	665	Hardin, Jefferson, Orange
Brazoria, TX PMSA.....	444	495	619	862	1014	Brazoria
Brownsville-Harlingen-San Benito, TX MSA.....	338	426	532	666	831	Cameron
Bryan-College Station, TX MSA.....	376	437	553	771	909	Brazos
Corpus Christi, TX MSA.....	352	432	552	752	888	Nueces, San Patricio
Dallas, TX.....	487	560	718	994	1175	Collin, Dallas, Denton, Ellis, Hunt, Kaufman, Rockwall
El Paso, TX MSA.....	397	445	527	730	865	El Paso
Fort Worth-Arlington, TX PMSA.....	417	453	588	820	967	Hood, Johnson, Parker, Tarrant
Galveston-Texas City, TX PMSA.....	436	448	562	780	920	Galveston
Henderson County, TX.....	292	347	424	579	695	Henderson
Houston, TX PMSA.....	413	464	601	837	986	Chambers, Fort Bend, Harris, Liberty, Montgomery, Waller
Killeen-Temple, TX MSA.....	396	412	522	726	797	Bell, Coryell
Laredo, TX MSA.....	320	369	485	606	682	Webb
Longview-Marshall, TX MSA.....	317	358	439	599	654	Gregg, Harrison, Upshur
Lubbock, TX MSA.....	304	385	499	695	770	Lubbock
Mc Allen-Edinburg-Mission, TX MSA.....	267	365	418	522	586	Hidalgo
Odessa-Midland, TX MSA.....	304	351	469	652	756	Ector, Midland
San Angelo, TX MSA.....	282	360	437	600	708	Tom Green
San Antonio, TX MSA.....	371	428	554	771	911	Bexar, Comal, Guadalupe, Wilson
Sherman-Denison, TX MSA.....	282	386	466	595	712	Grayson
Texarkana, TX-Texarkana, AR MSA.....	307	375	458	604	641	Bowie
Tyler, TX MSA.....	353	390	476	660	698	Smith
Victoria, TX MSA.....	349	353	446	619	698	Victoria
Waco, TX MSA.....	307	376	495	659	694	McLennan
Wichita Falls, TX MSA.....	338	378	456	607	716	Archer, Wichita

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

T E X A S continued

NONMETROPOLITAN COUNTIES		O BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES		O BR	1 BR	2 BR	3 BR	4 BR
Anderson.....	330	372	417	581	587	Andrews.....	275	318	383	514	587		
Angelina.....	300	348	392	544	641	Aransas.....	275	338	451	627	631		
Armstrong.....	275	318	415	521	587	Atascosa.....	275	318	383	514	587		
Austin.....	275	318	383	525	587	Bailey.....	275	318	383	514	587		
Bandera.....	295	318	383	521	587	Baylor.....	275	318	383	514	587		
Bee.....	275	318	383	514	587	Blanco.....	275	318	405	565	595		
Borden.....	275	318	383	514	587	Bosque.....	275	318	383	514	587		
Brewster.....	275	318	383	518	620	Briscoe.....	275	318	383	514	587		
Brooks.....	275	318	383	514	587	Brown.....	275	318	384	516	630		
Burleson.....	275	318	402	544	663	Burnet.....	275	318	391	543	635		
Callahan.....	294	318	383	530	627	Callahan.....	275	318	383	514	587		
Camp.....	372	377	471	590	659	Carson.....	275	318	383	514	587		
Cass.....	275	318	383	514	587	Castro.....	277	318	383	514	587		
Cherokee.....	307	319	390	514	587	Childress.....	275	318	383	514	587		
Clay.....	275	324	383	514	598	Cochran.....	275	318	383	514	587		
Coke.....	275	318	383	514	587	Coleman.....	275	318	383	514	587		
Collingsworth.....	275	318	383	514	587	Colorado.....	275	318	383	514	587		
Comanche.....	275	318	383	514	587	Concho.....	275	318	383	514	587		
Cooke.....	298	318	403	548	608	Cottle.....	275	318	383	514	587		
Crane.....	275	318	383	514	587	Crockett.....	275	318	383	514	587		
Crosby.....	275	318	383	514	587	Culberson.....	275	318	383	514	587		
Dallam.....	275	318	383	514	587	Dawson.....	275	318	383	514	587		
Deaf Smith.....	275	318	383	514	596	Delta.....	275	329	383	514	587		
Dewitt.....	275	318	383	514	587	Dickens.....	275	318	383	514	587		
Dimmit.....	275	318	383	514	587	Donley.....	275	318	383	514	587		
Duval.....	275	318	383	514	587	Eastland.....	275	318	383	514	587		
Edwards.....	275	318	383	514	587	Erath.....	285	323	417	540	587		
Falls.....	275	318	383	514	587	Fannin.....	279	318	383	516	587		
Fayette.....	275	318	383	514	587	Fisher.....	275	318	383	514	587		
Floyd.....	275	318	383	514	587	Foard.....	275	318	383	514	587		
Franklin.....	275	318	383	530	587	Freestone.....	275	318	383	514	587		
Frio.....	275	318	383	514	587	Gaines.....	281	318	383	514	587		
Garza.....	275	318	383	514	587	Gillespie.....	275	346	449	617	629		
Glasscock.....	275	318	383	514	587	Goliad.....	275	318	383	514	587		
Gonzales.....	275	318	383	514	587	Gray.....	301	318	408	514	606		
Grimes.....	275	318	383	518	611	Hale.....	275	318	383	514	587		
Hall.....	275	318	383	514	587	Hamilton.....	275	318	383	514	587		
Hansford.....	275	318	383	514	602	Hardeman.....	275	318	383	514	587		
Hartley.....	275	318	383	514	587	Haske11.....	275	318	383	514	587		
Hemphill.....	275	354	396	553	587	Hill.....	275	318	383	514	587		

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

T E X A S continued

NONMETROPOLITAN COUNTIES		O	BR 1	BR 2	BR 3	BR 4	BR
Hockley.....	281	328	383	519	587		
Houston.....	275	318	383	514	587		
Hudspeth.....	331	374	417	524	688		
Irion.....	275	318	383	514	587		
Jackson.....	275	319	383	514	587		
Jeff Davis.....	275	318	383	514	587		
Jim Wells.....	275	318	383	514	594		
Karnes.....	275	318	383	514	587		
Kenedy.....	275	318	383	514	587		
Kerr.....	275	356	445	619	730		
King.....	275	318	383	514	587		
Kleberg.....	334	346	422	590	694		
Lamar.....	275	341	401	561	663		
Lampasas.....	275	318	383	521	615		
Lavaca.....	275	318	383	514	587		
Leon.....	275	353	395	514	651		
Lipscomb.....	275	318	383	514	587		
Llano.....	275	354	471	591	774		
Lynn.....	275	318	383	514	587		
McMullen.....	275	318	383	514	587		
Marion.....	275	318	383	514	608		
Mason.....	275	318	383	514	587		
Maverick.....	275	318	383	514	587		
Menard.....	275	318	383	514	587		
Mills.....	275	318	383	514	587		
Montague.....	275	318	383	514	587		
Morris.....	275	318	383	514	587		
Nacogdoches.....	290	350	454	567	670		
Newton.....	275	318	383	514	587		
Ochiltree.....	275	318	383	514	587		
Palo Pinto.....	275	318	383	514	610		
Parmer.....	275	318	383	514	587		
Polk.....	307	335	390	525	637		
Rains.....	275	356	431	597	602		
Real.....	275	318	383	514	587		
Reeves.....	275	318	383	514	587		
Roberts.....	275	321	383	514	587		
Runnels.....	275	318	383	514	587		
Sabine.....	275	318	383	514	587		
San Jacinto.....	288	325	383	514	600		

NONMETROPOLITAN COUNTIES		O	BR 1	BR 2	BR 3	BR 4	BR
Hopkins.....	321	345	405	565	608		
Howard.....	293	318	383	518	587		
Hutchinson.....	275	318	396	553	653		
Jack.....	275	318	383	514	587		
Jasper.....	275	318	391	521	639		
Jim Hogg.....	275	318	383	514	587		
Jones.....	275	318	383	514	587		
Kendall.....	275	401	451	627	741		
Kent.....	275	318	383	514	587		
Kimble.....	275	318	417	523	587		
Kinney.....	275	318	383	514	587		
Knox.....	275	318	383	514	587		
Lamb.....	275	318	383	514	587		
La Salle.....	275	318	383	514	587		
Lee.....	312	350	393	549	616		
Limestone.....	275	318	383	514	587		
Live Oak.....	275	318	383	514	587		
Loving.....	275	318	383	514	587		
Mcculloch.....	283	318	383	514	587		
Madison.....	275	327	383	514	604		
Martin.....	275	318	383	514	587		
Matagorda.....	318	347	431	597	602		
Medina.....	275	318	383	514	587		
Millam.....	275	318	383	514	587		
Mitchell.....	275	318	383	514	587		
Moore.....	275	323	383	514	596		
Motley.....	275	318	383	514	587		
Navarro.....	329	346	416	528	587		
Nolan.....	283	318	383	514	587		
Oldham.....	275	318	415	521	609		
Panola.....	275	324	383	514	587		
Pecos.....	275	318	383	518	611		
Presidio.....	275	318	383	514	587		
Reagan.....	350	356	473	594	777		
Red River.....	275	354	396	514	587		
Refugio.....	275	318	383	514	587		
Robertson.....	275	364	406	514	587		
Rusk.....	287	318	383	514	587		
San Augustine.....	275	318	383	514	587		
San Saba.....	275	318	383	514	587		

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. O32598

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

T E X A S continued

NONMETROPOLITAN COUNTIES	O	BR 1	BR 2	BR 3	BR 4	BR	NONMETROPOLITAN COUNTIES	O	BR 1	BR 2	BR 3	BR 4	BR
Schleicher.....	275	318	383	514	587		Scurry.....	275	318	397	555	655	
Shackelford.....	275	318	383	514	587		Shelby.....	275	318	383	514	587	
Sherman.....	275	318	383	514	587		Somervell.....	315	354	396	544	587	
Starr.....	275	318	383	514	587		Stephens.....	275	318	383	514	587	
Sterling.....	275	318	383	514	587		Stonewall.....	275	318	383	514	587	
Sutton.....	275	318	383	514	587		Swisher.....	275	318	383	514	587	
Terrell.....	275	318	383	514	587		Terry.....	275	318	383	514	587	
Throckmorton.....	275	318	383	514	587		Titus.....	292	363	411	568	587	
Trinity.....	286	323	383	514	587		Tyler.....	275	318	409	514	674	
Upton.....	275	318	383	514	587		Uvalde.....	275	318	383	514	587	
Val Verde.....	275	365	430	536	632		Van Zandt.....	294	318	397	542	655	
Walker.....	371	394	482	640	676		Ward.....	275	318	383	514	587	
Washington.....	341	348	465	581	763		Wharton.....	275	318	383	514	587	
Wheeler.....	275	318	383	514	587		Wilbarger.....	275	318	383	514	605	
Willacy.....	275	318	383	514	587		Winkler.....	275	318	383	514	587	
Wise.....	275	321	385	537	587		Wood.....	275	318	396	553	653	
Yoakum.....	275	362	445	556	730		Young.....	275	318	383	514	594	
Zapata.....	275	318	383	514	587		Zavala.....	275	318	383	514	587	

U T A H

METROPOLITAN FMR AREAS

	O	BR 1	BR 2	BR 3	BR 4	BR	Counties of FMR AREA within STATE
Kane County, UT.....	306	376	470	630	759		Kane
Provo-Orem, UT MSA.....	423	447	553	766	906		Utah
Salt Lake City-Ogden, UT MSA.....	432	501	635	884	1036		Davis, Salt Lake, Weber

NONMETROPOLITAN COUNTIES

NONMETROPOLITAN COUNTIES	O	BR 1	BR 2	BR 3	BR 4	BR	NONMETROPOLITAN COUNTIES	O	BR 1	BR 2	BR 3	BR 4	BR
Beaver.....	295	362	453	607	730		Box Elder.....	329	365	457	612	737	
Cache.....	329	404	507	678	816		Carbon.....	317	362	453	607	730	
Daggett.....	321	439	583	731	819		Duchesne.....	295	362	453	607	730	
Emery.....	295	362	453	607	730		Garfield.....	295	362	453	607	730	
Grand.....	295	362	453	607	730		Iron.....	301	410	511	639	751	
Juab.....	295	362	453	607	730		Millard.....	295	362	453	607	730	
Morgan.....	295	362	453	607	730		Piute.....	295	362	453	607	730	
Rich.....	295	362	453	607	730		San Juan.....	295	362	453	607	730	
Sanpete.....	295	362	453	607	730		Sevier.....	299	362	453	607	730	
Summit.....	437	539	673	908	1104		Tooele.....	295	376	453	607	730	
Uintah.....	295	362	453	607	730		Wasatch.....	295	376	453	607	730	
Washington.....	364	448	595	795	973		Wayne.....	295	362	453	607	730	

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

V E R M O N T

METROPOLITAN FMR AREAS

	O	BR 1	BR 2	BR 3	BR 4	BR	Components of FMR AREA within STATE
Burlington, VT MSA.....	424	519	692	943	1138		Chittenden county towns of Burlington city Charlotte town, Colchester town, Essex town Hinesburg town, Jericho town, Milton town, Richmond town St. George town, Shelburne town, South Burlington c Williston town, Winooski city Franklin county towns of Fairfax town, Georgia town St. Albans city, St. Albans town, Swanton town Grand Isle county towns of Grand Isle town South Hero town

NONMETROPOLITAN COUNTIES

	O	BR 1	BR 2	BR 3	BR 4	BR	Towns within non metropolitan counties
Addison.....	418	505	587	818	918		
Bennington.....	371	468	602	765	891		
Caledonia.....	329	393	480	605	694		
Chittenden.....	384	621	700	972	1146		Bolton town, Buels gore, Huntington town, Underhill town Westford town
Essex.....	322	387	480	605	694		Bakersfield town, Berkshire town, Enosburg town Fairfield town, Fletcher town, Franklin town Highgate town, Montgomery town, Richford town Sheldon town
Franklin.....	346	391	480	609	700		Alburt town, Isle La Motte town, North Hero town
Grand Isle.....	322	387	480	605	694		
Lamoille.....	334	464	553	758	869		
Orange.....	347	455	560	740	829		
Orleans.....	322	387	480	605	694		
Rutland.....	375	487	595	746	835		
Washington.....	360	446	602	753	844		
Windham.....	407	471	625	793	873		
Windsor.....	438	495	619	795	942		

V I R G I N I A

METROPOLITAN FMR AREAS

	O	BR 1	BR 2	BR 3	BR 4	BR	Counties of FMR AREA within STATE
Charlottesville, VA MSA.....	427	504	645	857	961		Albemarle, Fluvanna, Greene, Charlottesville city
Clarke County, VA.....	305	430	556	764	780		Clarke
Culpeper County, VA.....	375	548	637	842	1008		Culpeper
Danville, VA MSA.....	291	366	431	578	697		Pittsylvania, Danville city
Johnson City-Kingsport-Bristol, TN-VA MSA.....	303	362	447	581	688		Scott, Washington, Bristol city
King George County, VA.....	369	491	551	766	772		King George
Lynchburg, VA MSA.....	346	381	440	578	697		Amherst, Bedford, Campbell, Bedford city, Lynchburg city
Norfolk-Virginia Beach-Newport News, VA-NC MSA..	433	487	576	803	944		Gloucester, Isle of Wight, James City, Mathews, York Chesapeake city, Hampton city, Newport News city Norfolk city, Poquoson city, Portsmouth city

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

V I R G I N I A continued

METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Richmond-Petersburg, VA MSA.....	470	533	620	863	1018	Suffolk city, Virginia Beach city, Williamsburg city Charles City, Chesterfield, Dinwiddie, Goochland, Hanover Henrico, New Kent, Powhatan, Prince George Colonial Heights city, Hopewell city, Petersburg city Richmond city
Roanoke, VA MSA.....	293	366	475	610	760	Botetourt, Roanoke, Roanoke city, Salem city
Warren County, VA.....	298	408	544	713	891	Warren
Washington, DC-MD-VA.....	615	699	820	1118	1347	Arlington, Fairfax, Loudoun, Prince William, Spotsylvania Stafford, Alexandria city, Fairfax city Falls Church city, Fauquier, Fredericksburg city Manassas city, Manassas Park city

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

Accomack.....	339	366	428	568	685	Alleghany.....	298	360	423	568	685
Amelia.....	286	360	423	568	685	Appomattox.....	286	360	423	568	685
Augusta.....	286	370	450	592	721	Bath.....	286	360	423	568	685
Bland.....	286	360	423	568	685	Brunswick.....	286	360	423	568	685
Buchanan.....	286	360	423	568	685	Buckingham.....	286	360	423	568	685
Caroline.....	405	410	548	728	767	Carroll.....	286	360	423	568	685
Charlottesville.....	286	360	423	568	685	Craig.....	286	360	423	568	685
Cumberland.....	286	392	455	568	685	Dickenson.....	286	360	423	568	685
Essex.....	286	402	475	661	779	Floyd.....	286	360	423	568	685
Franklin.....	286	360	423	568	685	Frederick.....	388	448	538	737	883
Giles.....	286	360	423	568	685	Grayson.....	286	360	423	568	685
Greensville.....	286	370	423	568	685	Halifax.....	286	360	423	568	685
Henry.....	286	360	423	568	685	Highland.....	286	360	423	568	685
King and Queen.....	286	410	462	577	685	King William.....	286	392	439	568	685
Lancaster.....	357	401	453	603	734	Lee.....	286	360	423	568	685
Louisa.....	286	372	459	637	685	Lunenburg.....	286	360	423	568	685
Madison.....	287	426	480	601	786	Mecklenburg.....	286	360	423	568	685
Middlesex.....	286	362	423	568	685	Montgomery.....	294	386	454	630	745
Nelson.....	286	360	423	568	685	Northampton.....	286	360	423	568	685
Northumberland.....	286	360	423	568	685	Nottoway.....	286	360	423	568	685
Orange.....	317	431	577	803	942	Page.....	332	374	423	568	685
Patrick.....	286	360	423	568	685	Prince Edward.....	320	362	423	568	685
Pulaski.....	286	360	423	568	685	Rappahannock.....	290	470	528	733	865
Richmond.....	286	381	427	568	702	Rockbridge.....	286	360	423	568	685
Rockingham.....	286	396	501	687	805	Russell.....	286	360	423	568	685
Shenandoah.....	376	386	476	659	748	Smyth.....	286	360	423	568	685
Southampton.....	286	360	423	568	685	Surry.....	297	360	423	568	685
Sussex.....	286	360	423	568	685	Tazewell.....	286	360	423	568	685

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

V I R G I N I A continued

NONMETROPOLITAN COUNTIES	O BR 1	BR 2	BR 3	BR 4	BR	NONMETROPOLITAN COUNTIES	O BR 1	BR 2	BR 3	BR 4	BR
Westmoreland.....	286	386	513	645	835	Wise.....	286	360	423	568	685
Wythe.....	299	360	423	568	685						

W A S H I N G T O N

METROPOLITAN FMR AREAS O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Bellingham, WA MSA.....	395	512	682	942	1117	Whatcom					
Bremerton, WA PMSA.....	415	479	620	838	1019	Kitsap					
Olympia, WA PMSA.....	427	524	655	901	1062	Thurston					
Portland-Vancouver, OR-WA PMSA.....	425	523	645	897	974	Clark					
Richland-Kennewick-Pasco, WA MSA.....	492	564	675	940	1103	Benton, Franklin					
Seattle-Bellevue-Everett, WA PMSA.....	478	582	736	1022	1208	Island, King, Snohomish					
Spokane, WA MSA.....	316	430	519	705	790	Spokane					
Tacoma, WA PMSA.....	369	440	586	815	921	Pierce					
Yakima, WA MSA.....	356	438	543	728	760	Yakima					

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

Adams.....	315	377	490	647	718	Asotin.....	315	377	490	647	718
Chelan.....	315	377	490	647	718	Ciallam.....	367	454	578	743	812
Columbia.....	315	377	490	647	718	Cowlitz.....	353	395	509	707	718
Douglas.....	368	389	490	647	718	Ferry.....	315	377	490	647	718
Garfield.....	315	377	490	647	718	Grant.....	338	377	490	647	718
Grays Harbor.....	322	377	495	668	770	Jefferson.....	315	407	500	678	718
Kittitas.....	315	377	490	647	718	Klickitat.....	315	377	490	647	718
Lewis.....	315	377	490	647	718	Lincoln.....	315	377	490	647	718
Mason.....	357	443	545	716	770	Okanogan.....	315	377	490	647	718
Pacific.....	315	377	490	647	718	Pend Oreille.....	315	377	490	647	861
San Juan.....	389	531	708	933	1110	Skagit.....	429	524	618	772	863
Skamania.....	315	377	490	647	718	Stevens.....	315	377	490	647	718
Wahkiakum.....	315	377	490	647	718	Walla Walla.....	315	377	490	656	775
Whitman.....	339	386	514	714	845						

W E S T V I R G I N I A

METROPOLITAN FMR AREAS O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Berkeley County, WV.....		401	428	504	629	Berkeley					
Charleston, WV MSA.....	285	386	490	673	736	Kanawha, Putnam					
Cumberland, MD-WV MSA.....	334	402	497	657	750	Mineral					
Huntington-Ashland, WV-KY-OH MSA.....	302	354	437	557	613	Cabell, Wayne					
Jefferson County, WV.....	406	449	556	723	819	Jefferson					

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

WEST VIRGINIA continued

METROPOLITAN FMR AREAS

Parkersburg-Marietta, WV-OH MSA..... 304 364 417 541 586 Wood
 Steubenville-Weirton, OH-WV MSA..... 284 335 419 535 597 Brooke, Hancock
 Wheeling, WV-OH MSA..... 310 339 419 535 597 Marshall, Ohio

Counties of FMR AREA within STATE

	O	BR 1	BR 2	BR 3	BR 4	BR	Counties of FMR AREA within STATE	O	BR 1	BR 2	BR 3	BR 4	BR
NONMETROPOLITAN COUNTIES													
Barbour.....	254	322	360	464	539		Boone.....	254	310	360	464	539	
Braxton.....	254	310	360	464	539		Calhoun.....	254	310	360	464	539	
Clay.....	254	310	360	464	539		Doddridge.....	263	310	360	464	539	
Fayette.....	254	310	360	464	539		Gilmer.....	279	310	360	464	539	
Grant.....	254	310	360	464	539		Greenbrier.....	254	350	373	466	539	
Hampshire.....	254	310	362	477	539		Hardy.....	254	310	360	464	539	
Harrison.....	279	343	396	494	593		Jackson.....	254	317	360	493	539	
Lewis.....	254	339	360	464	539		Lincoln.....	254	310	360	464	539	
Logan.....	260	310	360	467	552		McDowell.....	254	310	360	464	539	
Marion.....	254	320	395	506	584		Mason.....	254	310	360	464	554	
Mercer.....	254	310	360	464	539		Mingo.....	254	310	360	464	546	
Monongalia.....	319	353	430	593	701		Monroe.....	254	310	360	464	539	
Morgan.....	345	389	436	547	610		Nicholas.....	254	310	360	464	539	
Pendleton.....	254	310	360	464	539		Pleasants.....	262	310	360	464	553	
Pocahontas.....	254	310	360	464	539		Preston.....	254	325	360	464	539	
Raleigh.....	293	345	402	518	606		Randolph.....	254	310	360	464	539	
Ritchie.....	254	310	360	464	539		Roane.....	254	310	360	464	539	
Summers.....	254	310	360	464	539		Taylor.....	311	335	366	464	539	
Tucker.....	254	310	360	464	539		Tyler.....	254	310	379	475	539	
Upshur.....	254	310	362	464	539		Webster.....	254	310	360	464	539	
Wetzel.....	287	310	389	486	613		Wirt.....	254	310	360	464	539	
Wyoming.....	254	310	360	464	539								

WISCONSIN

METROPOLITAN FMR AREAS

Appleton-Oshkosh-Neenah, WI MSA..... 317 390 495 625 720 Calumet, Outagamie, Winnebago
 Duluth-Superior, MN-WI MSA..... 277 357 459 613 714 Douglas
 Eau Claire, WI MSA..... 341 372 488 626 705 Chippewa, Eau Claire
 Green Bay, WI MSA..... 375 413 530 736 740 Brown
 Janesville-Beloit, WI MSA..... 348 440 545 682 765 Rock
 Kenosha, WI PMSA..... 379 470 577 794 893 Kenosha
 La Crosse, WI-MN MSA..... 281 362 461 617 747 La Crosse
 Madison, WI MSA..... 433 545 658 914 1078 Dane

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

W I S C O N S I N continued

METROPOLITAN FMR AREAS		Counties of FMR AREA within STATE																
		O	BR 1	BR 2	BR 3	BR 4	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR
Milwaukee-Waukesha, WI PMSA.....	368	482	605	758	847	Milwaukee, Ozaukee, Washington, Waukesha												
Minneapolis-St. Paul, MN-WI MSA.....	405	521	666	901	1020	Pierce, St. Croix												
Racine, WI PMSA.....	327	405	535	691	756	Racine												
Sheboygan, WI MSA.....	302	389	475	593	736	Sheboygan												
Wausau, WI MSA.....	371	384	480	654	725	Marathon												
NONMETROPOLITAN COUNTIES		O	BR 1	BR 2	BR 3	BR 4	NONMETROPOLITAN COUNTIES											
Adams.....	275	320	408	521	587	Ashland.....	300	332	408	521	587							
Barron.....	275	320	408	521	587	Bayfield.....	275	320	408	521	587							
Buffalo.....	275	320	408	521	587	Burnett.....	275	320	408	521	587							
Clark.....	275	320	408	521	587	Columbia.....	275	326	429	562	631							
Clarkford.....	275	320	408	521	587	Dodge.....	348	353	464	581	649							
Door.....	275	340	422	543	659	Dunn.....	275	320	419	560	692							
Florence.....	275	320	408	521	587	Fond du Lac.....	319	432	512	696	718							
Forest.....	275	320	408	521	587	Grant.....	279	320	408	521	587							
Green.....	280	320	408	549	587	Green Lake.....	275	320	408	521	587							
Iowa.....	285	320	408	536	587	Iron.....	275	320	408	521	587							
Jackson.....	275	320	408	521	587	Jefferson.....	275	364	473	611	668							
Juneau.....	281	320	408	521	587	Kewaunee.....	275	320	408	521	587							
Lafayette.....	280	320	408	521	587	Langlade.....	275	320	408	521	587							
Lincoln.....	275	320	408	521	587	Manitowoc.....	278	320	408	521	587							
Marquette.....	275	320	408	521	587	Marquette.....	275	320	408	521	587							
Menominee.....	275	320	408	521	587	Monroe.....	275	320	408	544	587							
Oconto.....	275	320	408	521	587	Oneida.....	275	321	408	525	629							
Pepin.....	275	320	408	521	587	Poik.....	275	320	415	521	587							
Portage.....	334	353	458	571	707	Price.....	275	320	408	521	587							
Richland.....	275	320	408	521	587	Rusk.....	275	320	408	521	587							
Sauk.....	321	332	443	552	619	Sawyer.....	275	320	408	521	587							
Shawano.....	280	320	408	521	587	Taylor.....	275	320	408	521	587							
Trempealeau.....	275	320	408	521	587	Vernon.....	275	320	408	521	587							
Vilas.....	275	320	408	521	587	Walworth.....	287	403	524	682	766							
Washburn.....	275	320	408	521	587	Waupaca.....	275	320	408	521	617							
Waushara.....	275	320	408	521	587	Wood.....	298	341	423	531	596							

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

W Y O M I N G

METROPOLITAN FMR AREAS

Casper, WY MSA.....	316	367	468	642	759	Naatrona
Cheyenne, WY MSA.....	357	448	598	764	928	Laramie

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

Albany.....	305	383	510	709	838	Big Horn.....	290	334	428	568	653
Campbell.....	314	334	428	570	673	Carbon.....	290	334	428	568	653
Converse.....	290	334	428	568	653	Crook.....	290	334	428	568	653
Fremont.....	290	334	428	568	653	Goshen.....	290	334	428	568	653
Hot Springs.....	290	334	428	568	653	Johnson.....	290	334	428	568	653
Lincoln.....	290	334	428	568	653	Niobrara.....	290	334	428	568	653
Park.....	290	334	428	568	660	Platte.....	290	334	428	568	653
Sheridan.....	290	334	428	568	660	Sublette.....	323	364	428	568	653
Sweetwater.....	302	334	428	570	673	Teton.....	388	494	655	881	961
Uinta.....	304	334	428	569	688	Washakie.....	290	334	428	568	653
Weston.....	290	334	428	568	653						

P A C I F I C I S L A N D S

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

Pacific Islands..... 680 818 968 1214 1366

P U E R T O R I C O

METROPOLITAN FMR AREAS

Aguadilla, PR MSA.....	210	256	304	378	426	Aguada Municipio, Aguadilla Municipio, Moca Municipio
Arecibo, PR PMSA.....	227	275	323	406	456	Arecibo Municipio, Camuy Municipio, Hatillo Municipio
Caguas, PR PMSA.....	265	319	377	474	527	Caguas Municipio, Cayey Municipio, Cidra Municipio
Mayaguez, PR MSA.....	250	304	361	448	505	Gurabo Municipio, San Lorenzo Municipio
Ponce, PR MSA.....	248	303	357	446	501	Anasco Municipio, Cabo Rojo Municipio
San Juan-Bayamon, PR PMSA.....	333	407	480	601	674	Hormigueros Municipio, Mayaguez Municipio

San Juan-Bayamon, PR PMSA.....	333	407	480	601	674	Sabana Grande Municipio, San German Municipio
						Guayanilla Municipio, Juana Diaz Municipio
						Penuelas Municipio, Ponce Municipio, Villalba Municipio
						Yauco Municipio
						Agua Buenas Municipio, Barceloneta Municipio
						Bayamon Municipio, Canovanas Municipio
						Carolina Municipio, Catano Municipio, Ceiba Municipio
						Comerio Municipio, Corozal Municipio, Dorado Municipio
						Fajardo Municipio, Florida Municipio, Guaynabo Municipio
						Humacao Municipio, Juncos Municipio
						Las Piedras Municipio, Loiza Municipio
						Luquillo Municipio, Manati Municipio, Morovis Municipio

Note: The FMRs for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

P U E R T O R I C O continued

METROPOLITAN FMR AREAS

O BR 1 BR 2 BR 3 BR 4 BR Counties of FMR AREA within STATE

Naguabo Municipio, Naranjito Municipio
Rio Grande Municipio, San Juan Municipio
Toa Alta Municipio, Toa Baja Municipio
Trujillo Alto Municipio, Vega Alta Municipio
Vega Baja Municipio, Yabucoa Municipio

Table with 5 columns: County Name, O, BR 1, BR 2, BR 3, BR 4. Lists municipalities like Adjuntas, Arroyo, Ciales, Culebra, Guayama, Jayuya, Lajas, Lares, Maricao, Orocovis, Quebradillas, Salinas, Santa Isabel, Vieques.

Table with 5 columns: County Name, O, BR 1, BR 2, BR 3, BR 4. Lists municipalities like Aibonito, Barranquitas, Coamo, Guanica, Isabela, Lajas, Las Marias, Maunabo, Patillas, Rincon, San Sebastian, Utuado.

V I R G I N I S L A N D S

NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

St. Croix..... 477 579 683 853 956

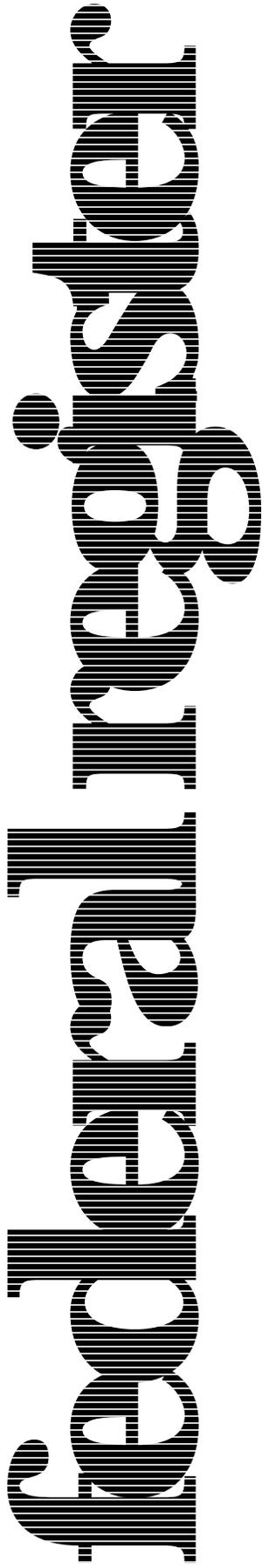
NONMETROPOLITAN COUNTIES O BR 1 BR 2 BR 3 BR 4 BR

St. Johns/St. Thomas.... 613 743 875 1094 1225

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 032598

Schedule D: FY 1999 40th Percentile Fair Market Rents
For Manufactured Home Spaces In The Section 8 Certificate Program

<u>Area Name</u>	<u>Space Rent</u>
<u>California</u>	
Mendocino County, CA	\$245
Orange County, CA PMSA	\$458
San Diego, CA MSA	\$405
Vallejo-Fairfield-Napa, CA PMSA	\$300
<u>Colorado</u>	
Boulder-Longmont, CO PMSA	\$327
Denver, CO PMSA	\$311
<u>Delaware</u>	
Dover, DE MSA	\$175
Sussex County, DE	\$121
<u>Maryland</u>	
Hagerstown, MD PMSA	\$215
St. Mary's County, MD	\$264
<u>Minnesota</u>	
Minneapolis-St. Paul, MN-WI MSA	\$268
<u>New York</u>	
Dutchess County, NY PMSA	\$360
Jamestown, NY MSA	\$175
Newburgh, NY-PA PMSA	\$338
Rochester, NY MSA	\$244
Utica-Rome, NY MSA	\$218
Tompkins County, NY	\$204
<u>Oregon</u>	
Salem, OR PMSA	\$227
Portland-Vancouver, OR-WA MSA	\$274
Benton County, OR	\$207
Linn County, OR	\$187
<u>Utah</u>	
Provo-Orem, UT MSA	\$219
<u>Vermont</u>	
Washington County, VT	\$209
<u>West Virginia</u>	
Berkeley County, WV	\$141
Jefferson County, WV	\$145
Morgan County, WV	\$140



Tuesday
May 5, 1998

Part III

**Department of
Education**

Office of Elementary and Secondary
Education

The Native Hawaiian Curriculum
Development, Teacher Training, and
Recruitment Program; Notices

DEPARTMENT OF EDUCATION

[CFDA No.: 84-297A]

Office of Elementary and Secondary Education; The Native Hawaiian Curriculum Development, Teacher Training, and Recruitment Program

AGENCY: Department of Education.

ACTION: Notice of Final Priorities.

SUMMARY: The Secretary announces final priorities for fiscal year (FY) 1998 under the Native Hawaiian Curriculum Development, Teacher Training, and Recruitment Program. The priorities are intended to focus activities in one of three major areas in which there is a need for additional support: (1) waste management innovation; (2) Native Hawaiian language revitalization curricula and teacher training and recruitment activities; and (3) prisoner education programs.

EFFECTIVE DATE: June 4, 1998.

FOR FURTHER INFORMATION CONTACT: Beth Baggett, U.S. Department of Education, 600 Independence Avenue, SW, Portals 4500, Washington, D.C. 20202-6140. Telephone (202) 260-2502. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person.

SUPPLEMENTARY INFORMATION: On March 6, 1998, the Secretary published in the **Federal Register** (63 FR 11329-11330) a notice of proposed funding priorities announcing that the Secretary intended to use \$2 million of the FY 1998 funds available under this program to fund one or two projects in each of the three priority categories: (1) waste management innovation; (2) Native Hawaiian language revitalization curricula and teacher training and recruitment; and (3) prisoner education programs that target juvenile offenders and/or youth at risk of becoming juvenile offenders.

In response to the Secretary's notice of proposed funding priorities, eight parties submitted comments. Five of the comments specifically addressed the proposed funding priorities, and were generally supportive of the priorities. Included in these comments were recommendations for specific program design elements. The Secretary believes that many of these recommendations, which form the basis for the additional

program design information provided in the notice inviting applications for new awards published elsewhere in this issue of the **Federal Register**, can be incorporated into applications as part of the proposed projects.

Three commenters requested the Secretary to reinstate aquaculture education as a funding priority. Aquaculture education remains a very significant part of the Native Hawaiian Curriculum Development, Teacher Training, and Recruitment Program. The Department is currently funding three aquaculture education projects and, as discussed in the notice of proposed funding priorities, has reserved funds to continue these projects. The remaining funds available for this program will be used to support projects in the new priority areas.

Note: This notice of final priorities does not solicit applications. A notice inviting applications under this competition is published in a separate notice in this issue of the **Federal Register**.

Absolute Priorities

Under 34 CFR 75.105(c)(3), the Secretary gives an absolute preference to applications that focus entirely on activities in one of the following three areas:

(1) Waste management innovation to study and document traditional Hawaiian practices of sustainable waste management and to prepare teaching materials for educational purposes and for demonstration of the use of native Hawaiian plants and animals for waste treatment and environmental remediation;

(2) Native Hawaiian language revitalization curricula and teacher training and recruitment activities, including K-12 language immersion programs, preservice and inservice teacher training programs, and programs designed to increase the number of Native Hawaiian teachers; or

(3) Prisoner education programs that target juvenile offenders and/or youth at risk of becoming juvenile offenders. Comprehensive and culturally sensitive strategies for reaching the target population will include family counseling, basic education/job skills training, and the involvement of community elders as mentors.

The Secretary funds under the FY 1998 competition under this program only applicants that meet one of these absolute priorities.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79.

The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

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Program Authority: 20 U.S.C. 7909.

Dated: May 1, 1998.

Gerald N. Tirozzi,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 98-11991 Filed 5-4-98; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[CFDA No.: 84.297A]

Office of Elementary and Secondary Education; The Native Hawaiian Curriculum Development, Teacher Training and Recruitment Program

AGENCY: Department of Education.

ACTION: Notice inviting applications for new awards for fiscal year (FY) 1998.

Purpose of Program:

To award grants to Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language for: (1) The development of curricula to address the needs of Native Hawaiian elementary and secondary students, which may include programs of instruction conducted in the Native Hawaiian language and mathematics and science curricula incorporating the relevant application of Native Hawaiian culture and traditions; (2) preservice teacher

training to ensure that student teachers within the State, particularly those who are likely to be employed in schools with a high concentration of Native Hawaiian students, are prepared to better address the unique needs of Native Hawaiian students within the context of Native Hawaiian culture, language, and traditions; (3) inservice teacher training to ensure that teachers, particularly those employed in schools with a high concentration of Native Hawaiian students, are prepared to better address the unique needs of Native Hawaiian students within the context of Native Hawaiian culture, language, and traditions; and (4) teacher recruitment programs to enhance teacher recruitment within communities with a high concentration of Native Hawaiian students and to increase the numbers of teachers who are of Native Hawaiian ancestry. Consistent with this statutory purpose, the Secretary has established absolute priorities that will govern the distribution of funds under this program.

Eligible Applicants: Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language.

Deadline for Transmittal of Applications: June 18, 1998.

Deadline for Intergovernmental Review: August 18, 1998.

Applications Available: May 5, 1998.

Available Funds: \$2 million.

Estimated Number of Awards: 1 to 2 awards in each of the three priority categories.

Estimated Size of Awards: \$660,000.

Estimated Range of Awards: \$330,000 to \$660,000.

Note: These estimates are projections for the guidance of potential applicants. The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Applicable Regulations. The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, 79, 81, 82, and 85.

Absolute Priorities. The Secretary has published elsewhere in this issue of the **Federal Register** a notice of final priorities, which establishes absolute priorities in the following areas: (1) waste management innovation; (2) Native Hawaiian language revitalization curricula and teacher training and recruitment activities; and (3) prisoner education programs. Under 34 CFR 75.105(c)(3), the Secretary will fund under this competition only applicants that meet one of the absolute priorities.

Statutory Priorities. In accordance with section 9209(b) of the Elementary and Secondary Education Act, the Secretary gives priority to awarding grants for activities that —

(1) Focus on the needs of at-risk youth; or

(2) Employ a program of instruction conducted in the Native Hawaiian language.

These statutory priorities are included in the selection criteria for this competition.

SUPPLEMENTARY INFORMATION:

Applications will be reviewed on the basis of the absolute priorities and the selection criteria included in this notice. All funded projects must meet one of the absolute priorities. While applicants have discretion in determining how best to address the absolute priorities, the Secretary is particularly interested in receiving quality proposals that include the components described below. Funded proposals may lack some of these specific components, but address the absolute priorities in other effective ways.

(1) Waste management treatment programs

The Secretary believes that quality waste management treatment programs should investigate, describe, and document traditional Hawaiian practices of sustainable waste management. A successful applicant should have specific knowledge of the capacities of Native Hawaiian plants and animals to contribute to the management of modern waste materials. The applicant should have experience in educational programming, especially for elementary and secondary school grades, so that knowledge about traditional Hawaiian methods of sustainable waste management can be developed and used. The applicant should develop curricular materials based on the demonstration and use of Native Hawaiian plants and animals for waste treatment and environmental remediation, and have the capacity to develop operational demonstration projects that would show how traditional Hawaiian sustainable environmental methods can be adapted to modern waste treatment needs.

(2) Native Hawaiian language revitalization curricula, teacher recruitment, and training programs

The Secretary believes that applicants seeking funding for activities relating to Native Hawaiian language revitalization curricula, teacher recruitment, and training should coordinate these activities statewide to provide access to materials, training, and appropriate

lexical development throughout the State. Applicants should provide evidence of demonstrated expertise in the production, illustration, field testing, proofreading, publishing, and distribution of quality printed, audio, video, and computerized Hawaiian language materials. Funded applicants should employ innovative strategies, including the modeling of total immersion in the Native Hawaiian language.

(3) Prisoner education programs

In Hawaii, the number of incarcerated Native Hawaiians, including Native Hawaiian juveniles, far exceeds their relative percentage in the State's population. The Secretary believes that a successful prisoner education program would target Native Hawaiian youth in districts with a high percentage and number of school dropouts and youth offenders. A funded applicant should have experience in working with and in encouraging the re-integration of youth offenders into the community in a culturally sensitive manner. To help ensure success of the program, funded applicants should work in partnership with the Hawaii State Department of Labor and Industrial Relations, the Office of Youth Services, and other appropriate agencies. A strong prisoner education program should focus on activities that will help re-integrate Native Hawaiian juvenile offenders and those at risk of becoming juvenile offenders into a school setting or into a career path.

Selection Criteria

The Secretary will use the following selection criteria in 34 CFR 75.210 to evaluate applications under this competition. Under the criterion "Quality of the project design", the factors are weighed in accordance with the points indicated. With respect to the other criteria, the factors under each criterion are weighed equally. The maximum score for all of the selection criteria is 100 points. The maximum score for each criterion, and the factors within each criterion, are as follows:

(a) *Significance (15 points).* (1) The Secretary considers the significance of the proposed project.

(2) In determining the significance of the proposed project, the Secretary considers the following factors:

(i) The significance of the problem or issue to be addressed by the proposed project.

(ii) The importance or magnitude of the results or outcomes likely to be attained by the proposed project, especially improvements in teaching and student achievement.

(b) *Quality of the project design (35 points)*. (1) The Secretary considers the quality of the design of the proposed project.

(2) In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(i) The extent to which the proposed project represents an exceptional approach for meeting statutory purposes and requirements. (10 points)

(ii) The extent to which the proposed project represents an exceptional approach to the priorities established for the competition. (10 points)

(iii) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable. (10 points)

(iv) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs. (5 points)

(c) *Quality of project personnel (10 points)*. (1) The Secretary considers the quality of the personnel who will carry out the proposed project.

(2) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The qualifications, including relevant training and experience, of the project director.

(ii) The qualifications, including relevant training and experience, of key project personnel.

(iii) The qualifications, including relevant training and experience, of project consultants or subcontractors.

(d) *Adequacy of resources (5 points)*. (1) The Secretary considers the adequacy of resources for the proposed project.

(2) In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

(i) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization.

(ii) The extent to which the budget is adequate to support the proposed project.

(e) *Quality of the management plan (15 points)*. (1) The Secretary considers the quality of the management plan for the proposed project.

(2) In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(ii) The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project.

(iii) The extent to which the time commitments of the project director and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

(f) *Quality of the project evaluation (20 points)*. (1) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(2) In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation provide for examining the effectiveness of project implementation strategies.

(ii) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

FOR APPLICATIONS OR INFORMATION CONTACT: Beth Baggett, U.S. Department of Education, 600 Independence Avenue, S.W., Portals 4500, Washington, D.C. 20202-6140. Telephone (202) 260-2502. Individuals who use a telecommunications device

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Note: The official version of a document is the document published in the **Federal Register**.

Program Authority: 20 U.S.C. 7909.

Dated: May 1, 1998.

Gerald N. Tirozzi,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 98-11992 Filed 5-4-98; 8:45 am]

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INTERIOR DEPARTMENT**Surface Mining Reclamation and Enforcement Office**

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Mississippi; comments due by 5-14-98; published 4-14-98

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JUSTICE DEPARTMENT**Drug Enforcement Administration**

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LABOR DEPARTMENT**Pension and Welfare Benefits Administration**

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LIBRARY OF CONGRESS**Copyright Office, Library of Congress**

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INTERIOR DEPARTMENT**National Indian Gaming Commission**

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Class III gaming operations; tribal self-regulation; certification process; comments due by 5-11-98; published 3-12-98

SMALL BUSINESS ADMINISTRATION

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Towers, telephone and telegraph apparatus, etc.; comments due by 5-14-98; published 4-23-98

SOCIAL SECURITY ADMINISTRATION

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Endocrine system and obesity impairments; revised medical criteria for determining disability; comments due by 5-11-98; published 3-11-98

TRANSPORTATION DEPARTMENT**Coast Guard**

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Towing vessel safety; meetings; comments due by 5-11-98; published 2-27-98

TRANSPORTATION DEPARTMENT**Federal Aviation Administration**

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AERMACCHI, S.p.A.; comments due by 5-12-98; published 4-13-98

Aerospatiale; comments due by 5-11-98; published 4-10-98

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Cessna; comments due by 5-15-98; published 3-19-98

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Eurocopter France; comments due by 5-12-98; published 3-13-98

Fokker; comments due by 5-15-98; published 4-15-98

GKN Westland Helicopters Ltd.; comments due by 5-15-98; published 3-16-98

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Piaggio P-180 airplanes; comments due by 5-11-98; published 3-11-98

Lucas Air; comments due by 5-11-98; published 4-10-98

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TRANSPORTATION DEPARTMENT**National Highway Traffic Safety Administration**

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Antilock brake system; equipment in medium and heavy vehicles; comments due by 5-15-98; published 3-16-98

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Pipeline safety:

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