Waste to divest the TransAmerican commercial small container and disposal assets in the Houston area and provide 2,000,000 tons of air space rights for ten years at two USA Waste landfills in the Houston area.

The Hold Separate Stipulation and Order and the Stipulation and Order ensure that the provisions of the proposed Modified Final Judgment will be observed and that the assets to be divested will be held separate and maintained as a viable competitive entity until the divestiture takes place.

Public comments on the proposed Modified Final Judgment should be directed to J. Robert Kramer, Chief, Litigation II Section, Antitrust Division, United States Department of Justice, 1401 H Street, NW, Suite 3000, Washington, DC 20530 (telephone: 202/307–0924). Such comments and responses thereto will be filed with the Court.

Constance K. Robinson,

Director of Operations and Merger Enforcement.

[FR Doc. 98–15209 Filed 5–8–98; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 1929–98; AG Order No. 2161–98]

RIN 1115–AE26

Designation of the Province of Kosovo in the Republic of Serbia in the State of the Federal Republic of Yugoslavia (Serbia-Montenegro) Under Temporary Protected Status

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: Under section 244 of the Immigration and Nationality Act, as amended, (the Act), the Attorney General is authorized to grant Temporary Protected Status (TPS) in the United States to eligible nationals of designated foreign states or parts of such states (or to eligible aliens who have no nationality and who last habitually resided in such designated states) upon a finding that such states are experiencing ongoing civil strife, environmental disaster, or certain other extraordinary and temporary conditions. This notice designates the Province of Kosovo in the Republic of Serbia in the state of the Federal Republic of Yugoslavia (Serbia-Montenegro) for TPS pursuant to section 244(b)(1) of the Act.

EFFECTIVE DATE: This designation is effective on June 9, 1998 and will remain in effect until June 8, 1999.

FOR FURTHER INFORMATION CONTACT: Pearl Chang, Chief, Residence and Status Branch, Adjudications, Immigration and Naturalization Service, 425 I Street, NW., Room 3214, Washington, DC 20536, telephone (202) 514–5014.

SUPPLEMENTARY INFORMATION:

Background

Based on a thorough review by the Departments of State and Justice of all available evidence, the Attorney General finds that there is an on-going armed conflict in the Province of Kosovo in the Republic of Serbia in the state of the Federal Republic of Yugoslavia (Serbia-Montenegro) (hereafter ''Kosovo Province'') and that, due to such conflict, requiring the return of nationals of Serbia-Montenegro to Kosovo Province would pose a serious threat to their personal safety.

Kosovar Albanians constitute approximately 90 percent of the 2 million people in the Province of Kosovo in Serbia-Montenegro, a country governed by a Serb-majority government. Tensions have been particularly high since the government's 1989 revocation of Kosovo's political autonomy. In March 1998, the Serb government crackdown left approximately 90 Kosovar Albanians dead, including non-combatants and children. Although the fighting has subsided, protests continue and the Serb government has shown limited cooperation with the international community's calls for dialogue concerning the killings.

Residents of Kosovo Province (or aliens having no nationality who last habitually resided in Kosovo Province) who have been continuously physically present and have continuously resided in the United States since June 9, 1998, may apply for TPS within the registration period which begins on June 9, 1998, and ends on June 8, 1999.

Any resident of Kosovo Province who has already applied for, or plans to apply for, asylum but whose asylum application has not yet been approved may also apply for TPS. An application for TPS does not preclude or adversely affect an application for asylum or any other immigration benefit. Residents of Kosovo Province who apply for TPS during the initial registration period will remain eligible to re-register for TPS if the designation of TPS is extended, even if an application for asylum or another immigration benefit is denied. However, without a TPS application during the initial registration period, only those residents of Kosovo Province who satisfy the requirements for late initial registration under 8 CFR 244.2(f)(2) would be eligible for TPS registration during any extension of designation. The requirements for late initial registration specify that the applicant have been in valid status or have an application for status pending during the initial registration period.

Residents of Kosovo Province may register for TPS by filing an Application for Temporary Protected Status, Form I–821, which requires a filing fee. The Application for Temporary Protected Status, Form I–821, must always be accompanied by an Application for employment Authorization, Form I–765, which is required for data-gathering purposes. TPS applicants who already have employment authorization, including some asylum applicants, and those who have no need for employment authorization, including minor children, need only pay the I–821 fee although they must complete and file the I–765. In all other cases, the appropriate filing fee must accompany Form I–765, unless a properly documented fee waiver request is submitted under 8 CFR 244.20 to the Service.

Notice of Designation of Kosovo Province Under Temporary Protected Status Program

By the authority vested in me as Attorney General under section 244 of the Immigration and Nationality Act, as amended (9 U.S.C.A. 1254 (West Supp. 1997)), I find, after consultation with the appropriate agencies of the Government, that:

(1) There exists an ongoing armed conflict in the Province of Kosovo in the Republic of Serbia in the state of the Federal Republic of Yugoslavia (Serbia-Montenegro) (hereafter ''Kosovo Province'') and, due to such conflict, the return of aliens who are residents of Kosovo Province (or aliens having no nationality who last habitually resided in Kosovo Province) would pose a serious threat to their personal safety as a result of the armed conflict in that province;

(2) There exists extraordinary and temporary conditions in Kosovo Province that prevent aliens who are residents of Kosovo Province (or aliens having no nationality who last habitually resided in Kosovo Province) from returning to Kosovo Province in safety; and

(3) Permitting residents of Kosovo Province (or aliens having no nationality who last habitually resided

in Kosovo Province) to remain temporarily in the United States is not contrary to the national interest of the United States.

Accordingly, it is ordered as follows:

(1) Kosovo Province is designated under sections 244(b)(1) (A) and (C) of the Act. Residents of Kosovo Province (or aliens having no nationality who last habitually resided in Kosovo Province) who have been continuously physically present and have continuously resided in the United States since June 9, 1998, may apply for TPS within the registration period which begins on June 9, 1998, and ends on June 8, 1999.

(2) I estimate that there are no more than 5,000 residents of Kosovo Province (or aliens having no nationality who last habitually resided in Kosovo Province) who are currently in nonimmigrant or unlawful status and therefore eligible for TPS.

(3) Except as may otherwise be provided, applications for TPS by residents of Kosovo Province (or aliens having no nationality who last habitually resided in Kosovo Province) must be filed pursuant to the provisions of 8 CFR part 244. Aliens who wish to apply for TPS must file an Application for Temporary Protected Status, Form I–821, together with an Application for Employment Authorization, Form I–765, during the registration period, which begins on June 9, 1998, and will remain in effect until June 8, 1999.

(4) A fee prescribed in 8 CFR 103.7(b)(1) (currently fifty dollars ($50)) will be charged for each Application for Temporary Protected Status, Form I–821, filed during the registration period.

(5) The fee prescribed in 8 CFR 103.7(b)(1) (currently seventy dollars ($70)) will be charged for each Application for Employment Authorization, Form I–765, filed by an alien requesting employment authorization. An alien who does not wish to request employment authorization must nevertheless file Form I–765, together with Form I–821, for data gathering purposes, but in such cases Form I–765 will be without fee.

(6) Pursuant to section 244(b)(3)(A) of the Act, the Attorney General will review, at least 60 days before June 8, 1999, the designation of Kosovo Province under the TPS program to determine whether the conditions for designation continue to exist. Notice of that determination, including the basis for the determination, will be published in the **Federal Register.** If there is an extension of designation, late initial registration for TPS shall be allowed only pursuant to the requirements of 8 CFR 244.2(f)(2).

(7) Information concerning the TPS program for residents of Kosovo Province (or aliens having no nationality who last habitually resided in Kosovo Province) will be available at local Immigration and Naturalization Service offices upon publication of this notice.

Dated: June 3, 1998.

Janet Reno,

Attorney General.

[FR Doc. 98–15329 Filed 6–8–98; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 98–25; Exemption Application No. D–10410, et al.]

Grant of Individual Exemptions; Smart Retirement The OLDE 401(k) Plan

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, DC. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of proposed exemption were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

SmartRetirement: The OLDE 401(k) Plan (the Plan), Located in Detroit, MI

[Prohibited Transaction Exemption 98–25; Application No. D–10410]

Exemption

Section I. Covered Transactions

The restrictions of sections 406(a)(1)(B) and (D) and 406(b) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (B), (D), (E) and (F) of the Code, shall not apply, (1) effective October 4, 1996, to the past and continuing receipt, by OLDE Discount Corporation (OLDE Discount), a wholly owned subsidiary of OLDE Financial Corporation (OLDE Financial), the Plan sponsor, of a portion of certain distribution fees that are paid by third party mutual funds (the Funds) to OLDE Discount pursuant to Rule 12b–1 (Rule 12b–1; the 12b–1 Fees) under the Investment Company Act of 1940 (the 1940 Act) and which are attributable to Plan assets that are invested in the Funds; and (2) the proposed cash rebate of such 12b–1 Fees, by OLDE Discount, to either the Plan or to the individually-directed accounts (the Accounts) of the participants in the Plan.[1]

The transactions are conditioned on the requirements set forth below in Section II.

Section II. General Conditions

(a) The decision to invest the assets of an Account in the Funds is made by a Plan participant and not by OLDE nor is OLDE providing ''investment advice'' to the participant within the meaning of section 3(21) of the Act.

(b) No sales commissions, other than 12b–1 Fees, are paid by an Account in

[1] Unless otherwise noted, OLDE Financial and its affiliates are collectively referred to herein as OLDE.