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Rules and Regulations

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

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

FEDERAL RESERVE SYSTEM

12 CFR Part 220

[Regulation T]

Credit by Brokers and Dealers; List of Foreign Margin Stocks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; determination of applicability of regulations.

SUMMARY: The List of Foreign Margin Stocks (Foreign List) is composed of certain foreign equity securities that qualify as *margin securities* under Regulation T. The Foreign List is published twice a year by the Board.

EFFECTIVE DATE: March 1, 1999.

FOR FURTHER INFORMATION CONTACT: Peggy Wolffrum, Securities Regulation Analyst, Division of Banking Supervision and Regulation, (202) 452–2837, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. For the hearing impaired only, contact Diane Jenkins, Telecommunications Device for the Deaf (TDD) at (202) 452–3544.

SUPPLEMENTARY INFORMATION: Listed below is a complete edition of the Board's Foreign List, which was last published on October 27, 1998 (63 FR 57237), and became effective November 9, 1998.

The Foreign List is composed of foreign equity securities that qualify as foreign margin stock under Regulation T by meeting the requirements of § 220.11 (c) and (d). Additional foreign securities qualify as margin securities if they are deemed by the Securities and Exchange Commission (SEC) to have a ''ready market'' under SEC Rule 15c3–1 (17 CFR 240.15c3–1) or a ''no-action'' position issued thereunder. This includes all foreign stocks on the Financial Times/Standard & Poor's Actuaries World Indices.

Public Comment and Deferred Effective Date

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this amendment due to the objective character of the criteria for inclusion and continued inclusion on the Foreign List specified in 220.11 (c) and (d). No additional useful information would be gained by public participation. The full requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this amendment because the Board finds that it is in the public interest to facilitate investment and credit decisions based in whole or in part upon the composition of the Foreign List as soon as possible. The Board has responded to a request by the public and allowed approximately a one-week delay before the Foreign List is effective.

List of Subjects in 12 CFR Part 220

Brokers, Credit, Margin, Margin requirements, Investments, Reporting and recordkeeping requirements, Securities.

Accordingly, pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g and 78w), and in accordance with 12 CFR 220.2 and 220.11, there is set forth below a complete edition of the Foreign List.

List of Foreign Margin Stocks

Germany

GEHE AG
Ordinary shares, par DM 50
HOECHST AG
Ordinary shares, par DM 50

Hong Kong

PEREGRINE INVESTMENT HOLDINGS LTD.
Ordinary, par HK $0.60

Japan

AIWA CO., LTD.
¥50 par common
AKITA BANK, LTD.
¥50 par common
AOMORI BANK, LTD.
¥50 par common
ASATSU INC.
¥50 par common
BANDAI CO., LTD.
¥50 par common
BANK OF KINKI, LTD.
¥50 par common
BANK OF NAGOYA, LTD.
¥50 par common
CHUDENKO CORP.
¥50 par common
CHUGOKU BANK, LTD.
¥50 par common
CLARION CO., LTD.
¥50 par common
DAIHATSU MOTOR CO., LTD.
¥50 par common
DAINIPPON SCREEN MFG. CO., LTD.
¥50 par common
DAIWA KOSHO LEASE CO., LTD.
¥50 par common
DENKI KAGAKU KOGYO
¥50 par common
EIGHTEENTH BANK, LTD.
¥50 par common
FUTABA CORP.
¥50 par common
FUTABA INDUSTRIAL CO., LTD.
¥50 par common
HIGO BANK, LTD.
¥50 par common
HITACHI CONSTRUCTION MACHINERY CO., LTD.
¥50 par common
HITACHI SOFTWARE ENGNEERING CO., LTD.
¥50 par common
HITACHI TRANSPORT SYSTEM, LTD.
¥50 par common
HOKKOKU BANK, LTD.
¥50 par common
HOKUETSU BANK, LTD
¥50 par common
HOKUETSU PAPER MILLS, LTD.
¥50 par common
IYO BANK, LTD.
¥50 par common
JACCS CO., LTD.
¥50 par common
JAPAN AIRPORT TERMINAL CO., LTD.
¥50 par common
JAPAN SECURITIES FINANCE CO., LTD.
¥50 par common
JUROKU BANK, LTD
¥50 par common
KAGOSHIMA BANK, LTD.
¥50 par common
KAMIGUMI CO., LTD.
¥50 par common
KATOKICHI CO., LTD.
¥50 par common
KEISEI ELECTRIC RAILWAY CO., LTD.
¥50 par common
KEIYO BANK, LTD.
¥50 par common
KIYO BANK, LTD.
¥50 par common
KOMORI CORP.
¥50 par common
KONAMI CO., LTD.
¥50 par common
KURIMOTO, LTD.
¥50 par common
KYOWA EXEO CORP.
¥50 par common
KYUDENKO CORP.
¥50 par common
MAEDA ROAD CONSTRUCTION CO., LTD.

¥50 par common
MATSUSHITA SEIKO CO., LTD.
¥50 par common
MAX CO., LTD.
¥50 par common
MEIDENSHA CORPORATION
¥50 par common
MICHINOKU BANK, LTD.
¥50 par common
MUSASHINO BANK, LTD.
¥500 par common
NAMCO, LTD.
¥50 par common
NICHICON CORP.
¥50 par common
NICHIMEN CORP.
¥50 par common
NIHON UNISYS, LTD.
¥50 par common
NIPPON COMSYS CORP.
¥50 par common
NIPPON TRUST BANK, LTD.
¥50 par common
NISHI-NIPPON BANK, LTD.
¥50 par common
NISHI-NIPPON RAILROAD CO., LTD.
¥50 par common
NISSAN CHEMICAL INDUSTRIES, LTD.
¥50 par common
NISSAN FIRE & MARINE INSURANCE CO., LTD.
¥50 par common
OGAKI KYORITSU BANK, LTD.
¥50 par common
Q.P. CORP.
¥50 par common
RINNAI CORPORATION
¥50 par common
RYOSAN CO., LTD.
¥50 par common
SAGAMI RAILWAY CO., LTD.
¥50 par common
SAIBU GAS CO., LTD.
¥50 par common
SAKATA SEED CORP.
¥50 par common
SANKI ENGINEERING CO., LTD.
¥50 par common
SANTEN PHARMACEUTICAL CO., LTD.
¥50 par common
SANYO SECURITIES CO., LTD.
¥50 par common
SHIMADZU CORP.
¥50 par common
SHIMAMURA CO., LTD.
¥50 par common
SUMITOMO RUBBER INDUSTRIES, LTD.
¥50 par common
SURUGA BANK, LTD.
¥50 par common
TAIYO YUDEN CO., LTD.
¥50 par common
TAKARA STANDARD CO., LTD.
¥50 par common
TAKASAGO THERMAL ENGINEERING CO.
¥50 par common
TAKUMA CO., LTD.
¥50 par common
TOHO BANK, LTD.
¥50 par common
TOHO GAS CO., LTD.
¥50 par common
TOKYO OHKA KOGYO CO., LTD.
¥50 par common
TOKYO SOWA BANK, LTD.
¥50 par common
TOKYO TATEMONO CO., LTD.
¥50 par common
TOKYO TOMIN BANK, LTD.
¥500 par common
TOSHIBA CERAMICS CO., LTD.
¥50 par common
UNI-CHARM CORP.
¥50 par common
USHIO, INC.
¥50 par common
YAMAHA MOTOR CO., LTD.
¥50 par common
YAMANASHI CHUO BANK, LTD.
¥50 par common
YODOGAWA STEEL WORKS, LTD.
¥50 par common

By order of the Board of Governors of the Federal Reserve System, acting by its Director of the Division of Banking Supervision and Regulation pursuant to delegated authority (12 CFR 265.7(f)(10)), February 17, 1999.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 99–4349 Filed 2–22–99; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–118–AD; Amendment 39–11049; AD 99–04–24]

RIN 2120–AA64

Airworthiness Directives; Aerospatiale Model ATR72 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Aerospatiale Model ATR72 series airplanes, that requires a one-time inspection to detect damage of certain anchor nuts located on the upper surface of the wings, and replacement of the anchor nuts with new or serviceable nuts, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent failure of anchor nuts on the upper surface of the wings, which could result in reduced structural integrity of the airplane.

DATES: Effective March 30, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 30, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Aerospatiale Model ATR72 series airplanes was published in the **Federal Register** on June 4, 1998 (63 FR 30425). That action proposed to require a one-time inspection of certain anchor nuts located on the upper surface of the wings to detect damage, and replacement of the anchor nuts with new or serviceable nuts, if necessary.

Comments

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

Request To Reference Latest Service Bulletin

The commenter requests that the proposed AD be revised to reference Avions de Transport Regional Service Bulletin ATR72–57–1019, Revision 1, dated May 12, 1998, as an additional source of service information for accomplishment of the actions specified in the proposal. The commenter states that Revision 1 is essentially identical to the original issue, which was cited as the appropriate source of service information for accomplishment of the actions specified in the proposed AD, and merely adds additional explanations and editorial corrections that do not affect the airplanes already inspected and repaired in accordance with the original service bulletin.

The FAA concurs with the commenter's request to reference the latest service bulletin. The FAA has reviewed Revision 1 of the service bulletin and finds it is an acceptable method of compliance for accomplishment of the actions required by this AD.

The final rule has been revised accordingly.

Conclusion

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

Cost Impact

The FAA estimates that 39 airplanes of U.S. registry will be affected by this AD, that it will take approximately 8 work hours per airplane to accomplish the required inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the inspection required by this AD on U.S. operators is estimated to be $18,720, or $480 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

99–04–24 Aerospatiale: Amendment 39–11049. Docket 98–NM–118–AD.

Applicability: Model ATR72–102, –201, –202, and –212 series airplanes; as listed in Avions de Transport Regional Service Bulletin ATR72–57–1019, dated July 7, 1997; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of anchor nuts on the upper surface of the wings, which could result in reduced structural integrity of the airplane, accomplish the following:

(a) Within 6 months after the effective date of this AD, inspect the anchor nuts, having part number (P/N) NAS1473A5, located on the upper surface of the wing to detect damage, in accordance with Avions de Transport Regional Service Bulletin ATR72–57–1019, dated July 7, 1997, or Revision 1, dated May 12, 1998.

(1) If no damage is detected, no further action is required by this AD.

(2) If any damage is detected, and the damage is within the allowable limits specified in the Accomplishment Instructions of the service bulletin, prior to the accumulation of an additional 4,000 flight cycles following the inspection, replace the damaged nut having P/N NAS1473A5 with a new or serviceable nut, in accordance with the Accomplishment Instructions of the service bulletin.

(3) If any damage is detected, and the damage is outside the allowable limits specified in the Accomplishment Instructions of the service bulletin, 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).

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

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

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

(d) The actions shall be done in accordance with Avions de Transport Regional Service Bulletin ATR72–57–1019, dated July 7, 1997, or Avions de Transport Regional Service Bulletin ATR72–57–1019, Revision 1, dated May 12, 1998, which contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
1–7, 10, 12, 13, 17	1	May 12, 1998.
8, 9, 11, 14–16	Original	July 7, 1997.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, 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 97–264–034(B), dated September 24, 1997.

(e) This amendment becomes effective on March 30, 1999.

Issued in Renton, Washington, on February 12, 1999.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–4217 Filed 2–22–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AGL–63]

Establishment of Class E Airspace; Ada, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Ada, MN. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 33 has been developed for Norman County Ada/Twin Valley Airport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. This action creates controlled airspace with a 6.3-mile radius for Norman County Ada/Twin Valley Airport.

EFFECTIVE DATE: 0901 UTC, May 20, 1999.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Wednesday, December 9, 1998, the FAA proposed to amend 14 CFR part 71 to establish Class E airspace at Ada, MN (63 FR 67816). The proposal was to add controlled airspace extending upward from 700 to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas extending upward 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 Class E airspace at Ada, MN, to accommodate aircraft executing the proposed GPS Rwy 33 SIAP at Norman County Ada/Twin Valley Airport by creating controlled airspace for the airport. The area will be depicted on appropriate aeronautical charts.

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; 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 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.

* * * * *

AGL MN E5 Ada, MN [New]

Ada, Norman County Ada/Twin Valley Airport, MN
(Lat. 47° 15′ 38″N., long. 96° 24′ 01″W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of the Norman County Ada/Twin Valley Airport.

* * * * *

Issued in Des Plaines, Illinois on February 5, 1999.

David B. Johnson,

Acting Manager, Air Traffic Division.

[FR Doc. 99–4337 Filed 2–22–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

23 CFR Part 1340

[Docket No. NHTSA–98–4280]

RIN 2127–AH46

Uniform Criteria for State Observational Surveys of Seat Belt Use

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Interim final rule; Reopening of comment period.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) published an interim final rule on September 1, 1998, setting forth criteria for State seat belt use surveys to be conducted in connection with a new Federal grant program under section 1403 of the Transportation Equity Act for the 21st Century, ''Safety Incentive Grants for Use of Seat Belts.'' The comment period for the rule closed on January 29, 1999. In response to interest by the States, NHTSA is reopening the comment period and extending it until March 1, 1999.

DATES: Comments must be received by March 1, 1999.

ADDRESSES: Comments should refer to the docket number set forth above and be submitted in writing to: Docket Management, Room PL–401, National Highway Traffic Safety Administration, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590. (Docket hours are Monday through Friday, 10 a.m. to 5 p.m., excluding Federal holidays.)

FOR FURTHER INFORMATION CONTACT: The following persons at the National

Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590: For program issues, Joan Catherine Tetrault, State and Community Services, NSC–01, (202) 366–2674; For legal issues, John Donaldson, Office of the Chief Counsel, NCC–30, (202) 366–1834.

SUPPLEMENTARY INFORMATION: Section 1403 of the recently enacted Transportation Equity Act for the 21st Century (Pub. L. 105–178) added a new Section 157 to Title 23 of the United States Code (replacing a predecessor Section 157). The new section authorizes a State seat belt incentive grant program covering fiscal years 1999 through 2003. Under this program, the Secretary of Transportation is directed to allocate funds to the States (beginning in fiscal year 1999) based on their seat belt use rates.

On September 1, 1998, NHTSA published an interim final rule, the *Uniform Criteria for State Observational Surveys of Seat Belt Use* (23 CFR part 1340; 63 FR 46389), providing guidance to the States on the seat belt use rate information that must be submitted under the new program. The closing date for receipt of comments under that notice was January 29, 1999. On January 28, 1999, during a meeting with the States to discuss a variety of issues related to implementation of NHTSA grant programs, a number of States raised issues or concerns related to this new grant program. In view of the issues and concerns raised, NHTSA has placed a summary of the discussions that took place at this meeting in the docket for this rulemaking action, and concluded that it is in the agency's best interest to allow additional time for comment. Accordingly, the agency is reopening the comment period until March 1, 1999. It is not necessary for commenters to resubmit views that have already been expressed in previous comments.

Authority: 23 U.S.C. 157; delegation of authority at 49 CFR 1.50.

Issued on: February 17, 1999.

Ricardo Martinez,

Administrator, National Highway Traffic Safety Administration.

[FR Doc. 99–4332 Filed 2–22–99; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 539

Weapons of Mass Destruction Trade Control Regulations: Implementation of Executive Order 13094

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control is issuing the Weapons of Mass Destruction Trade Control Regulations to implement additional import measures with respect to the proliferation of nuclear, biological, and chemical weapons of mass destruction and of the means of delivering such weapons.

EFFECTIVE DATE: February 23, 1999.

FOR FURTHER INFORMATION CONTACT: John T. Roth, Chief, Policy Planning and Program Management, tel.: 202/622–2500, Dennis P. Wood, Chief of Compliance Programs, tel.: 202/622–2490, or William B. Hoffman, Chief Counsel, tel.: 202/622–2410, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220.

SUPPLEMENTARY INFORMATION:

Electronic Availability

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Background

In Executive Order 12938 of November 14, 1994 (59 FR 59099, 3 CFR, 1994 Comp., p. 950), President Clinton declared a national emergency with respect to the proliferation of nuclear, biological, and chemical weapons (''weapons of mass destruction'') and of the means of delivering such weapons, invoking the authority, inter alia, of the International Emergency Economic Powers Act, 50 U.S.C. 1701–1706 (''IEEPA''), and the Arms Export Control Act, as amended, 22 U.S.C. 2751–2799aa–2. Executive Order 12938 provided, among other things, that the Secretary of State and the Secretary of Commerce were to use their respective authorities to control certain exports if either Secretary determined that the export would assist a country in acquiring the capability to develop, produce, stockpile, deliver, or use weapons of mass destruction or their means of delivery. Executive Order 12938 also authorized the imposition of measures on a foreign person with respect to chemical and biological weapons proliferation if the Secretary of State determined that the foreign person, on or after November 16, 1990, knowingly and materially contributed to the efforts of any foreign country, project, or entity to use, develop, produce, stockpile, or otherwise acquire chemical or biological weapons. These measures could include a prohibition on the procurement by the United States Government of goods or services from any such foreign person and a prohibition on the importation into the United States of products produced by that foreign person. Finally, the Secretary of State was authorized to impose certain measures against foreign countries found to have used or made substantial preparations to use chemical or biological weapons in violation of international law, or developed, produced, stockpiled, or otherwise acquired chemical or biological weapons in violation of international law.

In Executive Order 13094 of July 28, 1998 (63 FR 40803, July 30, 1998), the President has taken additional steps with respect to the national emergency declared in Executive Order 12938. Section 4 of Executive Order 12938 is amended to authorize the imposition of certain measures upon a determination by the Secretary of State that a foreign person has materially contributed or attempted to contribute materially to the efforts of any foreign country, project, or entity of proliferation concern to use,

acquire, design, develop, produce, or stockpile weapons of mass destruction or missiles capable of delivering such weapons. Executive Order 13094 provides that a procurement ban, assistance ban, and import ban are to be imposed on such a foreign person to the extent determined by the Secretary of State in consultation with the implementing agency and other relevant agencies. Section 1(a) of Executive Order 13094 also amends Executive Order 12938 to authorize the Secretary of the Treasury to prohibit the importation into the United States of goods, technology, or services, other than information or informational materials within the meaning of section 203(b)(3) of IEEPA, which have been produced or provided by a foreign person determined to be subject to the import ban (a ''designated foreign person''). In implementation of the import ban contained in section 1(a) of Executive Order 13094, the Office of Foreign Assets Control of the U.S. Department of the Treasury is promulgating the Weapons of Mass Destruction Trade Control Regulations (the ''Regulations'').

Section 539.201 of the Regulations prohibits the importation of goods, technology, or services produced or provided by a designated foreign person, other than information or informational materials. Section 539.202 prohibits related transactions, including brokering, financing or other participation in the importation into the United States of any goods, technology, or services produced or provided by a designated foreign person. Section 539.203 prohibits any transaction by any United States person or within the United States that evades or avoids, or attempts to violate, these prohibitions, or any conspiracy to violate these prohibitions. Since the Regulations involve a foreign affairs function, the provisions of Executive Order 12866 and the Administrative Procedure Act (5 U.S.C. 553) (the ''APA'') requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

Paperwork Reduction Act

As authorized in the APA, the Regulations are being issued without prior notice and public comment. The collections of information related to the Regulations are contained in 31 CFR part 501 (the ''Reporting and Procedures Regulations''). Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information have been approved by the Office of Management and Budget (''OMB'') under control number 1505–0164. An adjustment to the approved burden hours to reflect the additional burden imposed in administering the Regulations has been filed with OMB. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

List of Subjects in 31 CFR Part 539

Arms and munitions, Imports, Penalties, Reporting and recordkeeping requirements, Weapons of mass destruction.

For the reasons set forth in the preamble, 31 CFR part 539 is added to read as follows:

PART 539—WEAPONS OF MASS DESTRUCTION TRADE CONTROL REGULATIONS

Subpart A—Relation of This Part to Other Laws and Regulations

Sec.
539.101 Relation of this part to other laws and regulations.

Subpart B—Prohibitions

539.201 Prohibited importation of goods, technology, or services.
539.202 Prohibition on import–related transactions.
539.203 Evasions; attempts; conspiracies.
539.204 Exempt transactions.

Subpart C—General Definitions

539.301 Designated foreign person.
539.302 Effective date.
539.303 Entity.
539.304 Entity owned or controlled by a person listed in appendix I to this part.
539.305 General license.
539.306 Goods, technology, or services produced or provided by a designated foreign person.
539.307 Importation into the United States.
539.308 Information or informational materials.
539.309 License.
539.310 Person.
539.311 Specific license.
539.312 United States.
539.313 United States person; U.S. person.

Subpart D—Interpretations

539.401 Reference to amended sections.
539.402 Effect of amendment.
539.403 Transactions incidental to a licensed transaction.
539.404 Transshipments through the United States prohibited.
539.405 Importation of goods or technology from third countries.
539.406 Importation into and release from a bonded warehouse or foreign trade zone.

Subpart E—Licenses, Authorizations and Statements of Licensing Policy

539.501 General and specific licensing procedures.
539.502 Effect of license.
539.503 Exclusion from licenses.
539.504 Departments and agencies of the United States Government.

Subpart F—Reports

539.601 Records and reports.

Subpart G—Penalties

539.701 Penalties.
539.702 Prepenalty notice.
539.703 Response to prepenalty notice; informal settlement.
539.704 Penalty imposition or withdrawal.
539.705 Administrative collection; referral to United States Department of Justice.

Subpart H—Procedures

539.801 Procedures.
539.802 Delegation by the Secretary of the Treasury.

Subpart I—Paperwork Reduction Act

539.901 Paperwork Reduction Act notice.

Appendix I to Part 539—Designated Foreign Persons

Authority: 3 U.S.C. 301; 22 U.S.C. 2751–2799aa–2; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13094, 63 FR 40803, July 30, 1998.

Subpart A— Relation of This Part to Other Laws and Regulations

§ 539.101 Relation of this part to other laws and regulations.

(a) This part is separate from, and independent of, the other parts of this chapter, with the exception of part 501 of this chapter, the provisions of which apply to this part. Actions taken pursuant to part 501 of this chapter with respect to the prohibitions contained in this part are considered actions taken pursuant to this part. Differing foreign policy and national security contexts may result in differing interpretations of similar language among the parts of this chapter. No license or authorization contained in or issued pursuant to those other parts authorizes any transaction prohibited by this part. No license or authorization contained in or issued pursuant to any other provision of law or regulation authorizes any transaction prohibited by this part.

(b) No license contained in or issued pursuant to this part relieves the involved parties from complying with any other applicable laws or regulations.

Subpart B—Prohibitions

§ 539.201 Prohibited importation of goods, technology, or services.

Except as otherwise authorized, the importation into the United States, on or

after the effective date, directly or indirectly, of any goods, technology, or services produced or provided by a designated foreign person, other than information or informational materials, is prohibited.

§ 539.202 Prohibition on import–related transactions.

Except as otherwise authorized, no United States person may finance, act as broker for, transfer, transport, or otherwise participate in the importation into the United States on or after the effective date of any goods, technology, or services produced or provided by a designated foreign person, other than information or informational materials.

§ 539.203 Evasions; attempts; conspiracies.

Any transaction by any United States person or within the United States on or after the effective date that evades or avoids, has the purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in this part is prohibited. Any conspiracy formed for the purpose of engaging in a transaction prohibited by this part is prohibited.

§ 539.204 Exempt transactions.

(a) *Personal communications.* The prohibitions contained in this part do not apply to any postal, telegraphic, telephonic, or other personal communication, which does not involve the transfer of anything of value.

(b) *Information or informational materials.* (1) The prohibitions contained in this part do not apply to the importation from any country, or to the exportation to any country, whether commercial or otherwise, regardless of format or medium of transmission, of any information or informational materials as defined in § 539.308, or any transaction directly incident to such importation or exportation.

(2) Paragraph (b)(1) of this section does not exempt from regulation or authorize transactions related to information or informational materials not fully created and in existence at the date of the transaction, or to the substantive or artistic alteration or enhancement of information or informational materials, or to the provision of marketing and business consulting services. Examples of prohibited transactions include, but are not limited to, payment of advances for information or informational materials not yet created and completed (with the exception of prepaid subscriptions for mass–market magazines and other periodical publications that are widely–circulated); importation into the United States of services to market, produce or co–produce, create, or assist in the creation of information or informational materials; and payment of royalties to a designated foreign person with respect to income received for enhancements or alterations made by U.S. persons to informational or informational materials imported from a designated foreign person.

(3) Paragraph (b)(1) of this section does not exempt from regulation or authorize the importation into the United States of or transactions incident to the importation into the United States or leasing of telecommunications transmission facilities (such as satellite links or dedicated lines) for use in the transmission of any data.

(c) *Travel.* The prohibitions contained in this part do not apply to transactions ordinarily incident to travel to or from any country, including importation of accompanied baggage for personal use, maintenance within any country including payment of living expenses and acquisition of goods or services for personal use, and arrangement or facilitation of such travel including nonscheduled air, sea, or land voyages.

Subpart C—General Definitions

§ 539.301 Designated foreign person.

The term *designated foreign person* means any person determined by the Secretary of State pursuant to section 4(a) of Executive Order 12938 of November 14, 1994 (59 FR 59099, 3 CFR, 1994 Comp., p. 950), as amended by section 1(a) of Executive Order 13094 of July 28, 1998 (63 FR 40803, July 30, 1998), to be subject to import measures. Designated foreign persons are any persons listed in appendix I to this part and any entities owned or controlled by any person listed in appendix I to this part unless otherwise indicated in appendix I to this part.

§ 539.302 Effective date.

The term *effective date* means the ''effective date'' specified in the relevant **Federal Register** notice issued by the Department of State identifying a designated foreign person. This date is listed after the name of each designated foreign person in appendix I to this part.

§ 539.303 Entity.

The term *entity* means a partnership, association, trust, joint venture, corporation, or other organization.

§ 539.304 Entity owned or controlled by a person listed in appendix I to this part.

The term *entity owned or controlled by a person listed in appendix I to this part* includes any subsidiaries and branches, wherever located, of entities listed in appendix I to this part, any successors to such entities, and any persons acting or purporting to act for or on behalf of any of the foregoing.

§ 539.305 General license.

The term *general license* means any license the terms of which are set forth in this part.

§ 539.306 Goods, technology, or services produced or provided by a designated foreign person.

With respect to the prohibitions in §§ 539.201 and 539.202, the term *goods, technology, or services produced or provided by a designated foreign person* includes but is not limited to the following:

(a) Goods grown, manufactured, extracted, or processed by a designated foreign person;

(b) Technology developed, owned, licensed, or otherwise controlled by a designated foreign person;

(c) Services performed by or on behalf of a designated foreign person, or by a third party under contract, directly or indirectly, to a designated foreign person, regardless of location.

§ 539.307 Importation into the United States.

The term *importation into the United States* means:

(a) With respect to goods or technology, the bringing of any goods or technology into the United States, except that in the case of goods or technology being transported by vessel, *importation into the United States* means the bringing of any goods or technology into the United States with the intent to unlade. See also § 539.404.

(b) With respect to services, the receipt in the United States of services or of the benefit of services wherever such services may be performed. The benefit of services is received in the United States if the services are:

(1) Performed on behalf of or for the benefit of a person located in the United States;

(2) Received by a person located in the United States;

(3) Received by a person located outside the United States on behalf of or for the benefit of an entity organized in the United States; or

(4) Received by an individual temporarily located outside the United States for the purpose of obtaining such services for use in the United States.

(c) The following example illustrates the provisions of paragraph (b) of this section:

Example: An employee of an entity organized in the United States may not, without specific authorization from the Office of Foreign Assets Control, receive from

a designated foreign person consulting services for use in the United States.

§ 539.308 Information or informational materials.

(a) For purposes of this part, the term *information or informational materials* includes, but is not limited to, publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact disks, CD ROMs, artworks, and news wire feeds.

(b) To be considered information or informational materials, artworks must be classified under chapter heading 9701, 9702, or 9703 of the Harmonized Tariff Schedule of the United States.

§ 539.309 License.

Except as otherwise specified, the term *license* means any license or authorization contained in or issued pursuant to this part.

§ 539.310 Person.

The term *person* means an individual or entity.

§ 539.311 Specific license.

The term *specific license* means any license not set forth in this part but issued pursuant to this part.

§ 539.312 United States.

The term *United States* means the United States, its territories and possessions, and all areas under the jurisdiction or authority thereof.

§ 539.313 United States person; U.S. person.

The term *United States person or U.S. person* means any United States citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States.

Subpart D—Interpretations

§ 539.401 Reference to amended sections.

Except as otherwise specified, reference to any provision in or appendix to this part or chapter or to any regulation, ruling, order, instruction, direction, or license issued pursuant to this part refers to the same as currently amended.

§ 539.402 Effect of amendment.

Unless otherwise specifically provided, any amendment, modification, or revocation of any provision in or appendix to this part or chapter or of any order, regulation, ruling, instruction, or license issued by or under the direction of the Director of the Office of Foreign Assets Control does not affect any act done or omitted, or any civil or criminal suit or proceeding commenced or pending prior to such amendment, modification, or revocation. All penalties, forfeitures, and liabilities under any such order, regulation, ruling, instruction, or license continue and may be enforced as if such amendment, modification, or revocation had not been made.

§ 539.403 Transactions incidental to a licensed transaction.

Any transaction ordinarily incident to a licensed transaction and necessary to give effect to the licensed transaction is also authorized by the license. Except as specifically authorized by the terms of the license, prohibited transactions involving designated foreign persons not named in the license are not considered incidental to a licensed transaction and therefore remain prohibited.

§ 539.404 Transshipments through the United States prohibited.

(a) The prohibitions in §§ 539.201 and 539.202 apply to the importation into the United States, for transshipment or transit, of goods, technology, or services produced or provided by a designated foreign person that are intended or destined for third countries.

(b) In the case of goods or technology transported by vessel, the prohibitions in §§ 539.201 and 539.202 apply to the unlading in the United States and the intent to unlade in the United States of goods or technology produced or provided by a designated foreign person that is intended or destined for third countries.

§ 539.405 Importation of goods or technology from third countries.

Importation into the United States from third countries of goods or technology is prohibited if undertaken with knowledge or reason to know that those goods contain raw materials or components produced or provided by a designated foreign person or technology produced or provided by a designated foreign person.

§ 539.406 Importation into and release from a bonded warehouse or foreign trade zone.

The prohibitions in §§ 539.201 and 539.202 apply to importation into a bonded warehouse or a foreign trade zone of the United States.

Subpart E—Licenses, Authorizations and Statements of Licensing Policy

§ 539.501 General and specific licensing procedures.

For provisions relating to licensing procedures, see part 501, subpart D, of this chapter. Licensing actions taken pursuant to part 501 of this chapter with respect to the prohibitions contained in this part are considered actions taken pursuant to this part.

§ 539.502 Effect of license.

(a) No license contained in this part, or otherwise issued by or under the direction of the Director of the Office of Foreign Assets Control pursuant to this part, authorizes or validates any transaction effected prior to the issuance of the license, unless the prior transaction is specifically authorized in such license.

(b) No regulation, ruling, instruction, or license authorizes any transaction prohibited by this part unless the regulation, ruling, instruction, or license is issued by the Office of Foreign Assets Control and specifically refers to this part. No regulation, ruling, instruction, or license referring to this part authorizes any transaction prohibited by any provision of this chapter unless the regulation, ruling, instruction, or license specifically refers to such provision.

(c) Any regulation, ruling, instruction, or license authorizing any transaction otherwise prohibited by this part has the effect of removing from the transaction a prohibition or prohibitions contained in this part, but only to the extent specifically stated by its terms. Unless the regulation, ruling, instruction, or license otherwise specifies, such an authorization does not create any right, duty, obligation, claim, or interest that would not otherwise exist under ordinary principles of law in or with respect to any property.

§ 539.503 Exclusion from licenses.

The Director of the Office of Foreign Assets Control reserves the right to exclude any person, property, or transaction from the operation of any license or from the privileges conferred by any license. The Director of the Office of Foreign Assets Control also reserves the right to restrict the applicability of any license to particular persons, property, transactions, or classes thereof. Such actions are binding upon all persons receiving actual or constructive notice of the exclusions or restrictions.

§ 539.504 Departments and agencies of the United States Government.

(a) Departments and agencies of the United States Government may by written authorization signed by the head of the Department or Agency or his designee provide for:

(1) Procurement contracts necessary to meet U.S. operational military requirements or requirements under defense production agreements;

intelligence requirements; sole source suppliers, spare parts, components, routine servicing and maintenance of products for the United States Government; and medical and humanitarian items; and

(2) Performance pursuant to contracts in force as of 12:01 a.m. EDT, July 29, 1998, under appropriate circumstances.

(b) Such written authorization shall:

(1) Include details about the goods, technology, and services which have been approved for importation; the rationale for such approval; and 24–hour–a–day contact information for the approving official or designee for use by the U.S. Customs Service should questions arise about an approved import;

(2) Be in the form of license, regulation, order, directive, or exception;

(3) Include information about the results of prior written consultation with the Under Secretary of State for Arms Control and International Security Affairs (through the Office of Chemical, Biological and Missile Nonproliferation and the Office of the Assistant Legal Adviser for Political–Military Affairs); and

(4) Be provided to U.S. Customs Service officials upon the importation of any goods or technology covered by an authorization described in paragraph (a) of this section in a form which clearly establishes that the imported goods or technology is covered by the authorization.

Subpart F—Reports

§ 539.601 Records and reports.

For provisions relating to required records and reports, see part 501, subpart C, of this chapter. Recordkeeping and reporting requirements imposed by part 501 of this chapter with respect to the prohibitions contained in this part are considered requirements arising pursuant to this part.

Subpart G—Penalties

§ 539.701 Penalties.

(a) Attention is directed to section 206 of the International Emergency Economic Powers Act (the ''Act'') (50 U.S.C. 1705), which is applicable to violations of the provisions of any license, ruling, regulation, order, direction, or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the Act. Section 206 of the Act, as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990 (Public Law 101–410, as amended, 28 U.S.C. 2461 note), provides that:

(1) A civil penalty not to exceed $11,000 per violation may be imposed on any person who violates or attempts to violate any license, order, or regulation issued under the Act;

(2) Whoever willfully violates or willfully attempts to violate any license, order, or regulation issued under the Act, upon conviction, shall be fined not more than $50,000, and if a natural person, may also be imprisoned for not more than 10 years; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

(b) The criminal penalties provided in the Act are subject to increase pursuant to 18 U.S.C. 3571.

(c) Attention is also directed to 18 U.S.C. 1001, which provides that whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statement or representation or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry shall be fined under title 18, United States Code, or imprisoned not more than five years, or both.

(d) Violations of this part may also be subject to relevant provisions of other applicable laws.

§ 539.702 Prepenalty notice.

(a) *When required*. If the Director of the Office of Foreign Assets Control has reasonable cause to believe that there has occurred a violation of any provision of this part or a violation of the provisions of any license, ruling, regulation, order, direction, or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the International Emergency Economic Powers Act, and the Director determines that further proceedings are warranted, the Director shall issue to the person concerned a notice of intent to impose a monetary penalty. This prepenalty notice shall be issued whether or not another agency has taken any action with respect to this matter.

(b) *Contents*—(1) *Facts of violation*. The prepenalty notice shall describe the violation, specify the laws and regulations allegedly violated, and state the amount of the proposed monetary penalty.

(2) *Right to respond*. The prepenalty notice also shall inform the respondent of respondent's right to make a written presentation within 30 days of the date of mailing of the notice as to why a monetary penalty should not be imposed or why, if imposed, the monetary penalty should be in a lesser amount than proposed.

§ 539.703 Response to prepenalty notice; informal settlement.

(a) *Deadline for response*. The respondent shall have 30 days from the date of mailing of the prepenalty notice to make a written response to the Director of the Office of Foreign Assets Control.

(b) *Form and contents of response*. The written response need not be in any particular form, but must contain information sufficient to indicate that it is in response to the prepenalty notice. It should contain responses to the allegations in the prepenalty notice and set forth the reasons why the respondent believes the penalty should not be imposed or why, if imposed, it should be in a lesser amount than proposed.

(c) *Informal settlement*. In addition or as an alternative to a written response to a prepenalty notice issued pursuant to this section, the respondent or respondent's representative may contact the Office of Foreign Assets Control as advised in the prepenalty notice to propose the settlement of allegations contained in the prepenalty notice and related matters. In the event of settlement at the prepenalty stage, the claim proposed in the prepenalty notice will be withdrawn, the respondent is not required to take a written position on allegations contained in the prepenalty notice, and the Office of Foreign Assets Control will make no final determination as to whether a violation occurred. The amount accepted in settlement of allegations in a prepenalty notice may vary from the civil penalty that might finally be imposed in the event of a formal determination of violation. In the event no settlement is reached, the 30–day period specified in paragraph (a) of this section for written response to the prepenalty notice remains in effect unless additional time is granted by the Office of Foreign Assets Control.

§ 539.704 Penalty imposition or withdrawal.

(a) *No violation*. If, after considering any response to a prepenalty notice and any relevant facts, the Director of the Office of Foreign Assets Control determines that there was no violation by the respondent named in the prepenalty notice, the Director promptly

shall notify the respondent in writing of that determination and that no monetary penalty will be imposed.

(b) *Violation*. If, after considering any response to a prepenalty notice and any relevant facts, the Director of the Office of Foreign Assets Control determines that there was a violation by the respondent named in the prepenalty notice, the Director promptly shall issue a written notice of the imposition of the monetary penalty to the respondent.

(1) The penalty notice shall inform the respondent that payment of the assessed penalty must be made within 30 days of the date of mailing of the penalty notice.

(2) The penalty notice shall inform the respondent of the requirement to furnish the respondent's taxpayer identification number pursuant to 31 U.S.C. 7701 and that such number will be used for purposes of collecting and reporting on any delinquent penalty amount.

§ 539.705 Administrative collection; referral to United States Department of Justice.

In the event that the respondent does not pay the penalty imposed pursuant to this part or make payment arrangements acceptable to the Director of the Office of Foreign Assets Control within 30 days of the date of mailing of the penalty notice, the matter may be referred for administrative collection measures by the Department of the Treasury or to the United States Department of Justice for appropriate action to recover the penalty in a civil suit in a Federal district court.

Subpart H—Procedures

§ 539.801 Procedures.

For license application procedures and procedures relating to amendments, modifications, or revocations of licenses; administrative decisions; rulemaking; and requests for documents pursuant to the Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a), see part 501, subpart D, of this chapter.

§ 539.802 Delegation by the Secretary of the Treasury.

Any action that the Secretary of the Treasury is authorized to take pursuant to Executive Order 12938 of November 14, 1994 (59 FR 59099, 3 CFR, 1994 Comp., p. 950), as amended by Executive Order 13094 of July 28, 1998 (63 FR 40803, July 30, 1998), and any further Executive orders relating to the national emergency declared in Executive Order 12938 may be taken by the Director of the Office of Foreign Assets Control or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

Subpart I—Paperwork Reduction Act

§ 539.901 Paperwork Reduction Act notice.

For approval by the Office of Management and Budget (''OMB'') under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) of information collections relating to recordkeeping and reporting requirements, licensing procedures (including those pursuant to statements of licensing policy), and other procedures, see § 501.901 of this chapter. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

Appendix I to Part 539—Designated Foreign Persons

The following foreign persons have been determined by the Secretary of State to have materially contributed or attempted to contribute materially to the efforts of a foreign country, project, or entity of proliferation concern to use, acquire, design, develop, produce, or stockpile weapons of mass destruction or missiles capable of delivering such weapons, for purposes of section 4(a) of Executive Order 12938, as amended by section 1(a) of Executive Order 13094, and to be subject to import measures authorized in Executive Orders 12938 and 13094. They, and any entities owned or controlled by them, unless indicated otherwise, are designated foreign persons for purposes of this part. The applicable effective date and citation to the **Federal Register** for each such person is given in brackets after that person's name and identifying information:

1. Baltic State Technical University, including at 1/21, 1–ya Krasnoarmeiskaya Ul., 198005 St. Petersburg, Russia [July 30, 1998; 63 FR 42089, August 6, 1998].
2. Europalace 2000, including at Moscow, Russia [July 30, 1998; 63 FR 42089, August 6, 1998].
3. Glavkosmos, including at 9 Krasnoproletarskaya St., 103030 Moscow, Russia [July 30, 1998; 63 FR 42089, August 6, 1998].
4. Grafit, also known as (''aka'') State Scientific Research Institute of Graphite or NIIGRAFIT, including at 2 Ulitsa Elektrodnaya, 111524 Moscow, Russia [July 30, 1998; 63 FR 42089, August 6, 1998].
5. INOR Scientific Center, including at Moscow, Russia [July 30, 1998; 63 FR 42089, August 6, 1998].
6. MOSO Company, including at Moscow, Russia [July 30, 1998; 63 FR 42089, August 6, 1998].
7. Polyus Scientific Production Association, including at 3 Ulitsa Vvedenskogo, 117342 Moscow, Russia [July 30, 1998; 63 FR 42089, August 6, 1998].
8. D. Mendeleyev University of Chemical Technology of Russia, including at 9 Miusskaya Sq., Moscow 125047, Russia [January 8, 1999; 64 FR 2935, January 19, 1999].
9. Moscow Aviation Institute (MAI), including at 4 Volokolamskoye Shosse, Moscow 125871, Russia [January 8, 1999; 64 FR 2935, January 19, 1999].
10. The Scientific Research and Design Institute of Power Technology, aka NIKIET, Research and Development Institute of Power Engineering [RDIPE], and ENTEK, including at 101000, P.O. Box 788, Moscow, Russia [January 8, 1999; 64 FR 2935, January 19, 1999].

Dated: February 1, 1999.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: February 9, 1999.

Elisabeth A. Bresee,

Assistant Secretary (Enforcement), Department of the Treasury.

[FR Doc. 99–4328 Filed 2–18–99; 11:37 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–96–053]

RIN 2115–AE47

Drawbridge Operation Regulation; Chef Menteur Pass, LA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulation governing the operation of the U.S. Highway 90 swing span bridge across Chef Menteur Pass, mile 2.8 at Lake Catherine, Orleans Parish, Louisiana. This rule permits the draw to remain closed to navigation from 5:30 a.m. to 7:30 a.m., Monday through Friday, except Federal holidays. This change will provide for the uninterrupted flow of vehicular traffic for commuters en route to work during this period, while still providing for the reasonable needs of navigation.

DATES: This regulation becomes effective on March 25, 1999.

ADDRESSES: Unless otherwise indicated documents referred to in this notice are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch,

Hale Boggs Federal Building, room 1313, 501 Magazine Street, New Orleans, Louisiana 70130–3396 between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589–2965. The Commander, Eighth Coast Guard District, Bridge Administration Branch maintains the public docket for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Mr. Phil Johnson, Bridge Administration Branch, at the address given above, telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION:

Regulatory History

On November 18, 1998, the Coast Guard published a notice of proposed rulemaking (NPRM) in the **Federal Register** (63 FR 64022). The Coast Guard received two letters in response to the NPRM. No public hearing was requested and none was held.

Background and Purpose

The U.S. Highway 90 bridge is a swing span structure which provides a vertical clearance of 11 feet above mean high water in the closed-to-navigation position and unlimited clearance in the open-to-navigation position and a horizontal clearance of 97 feet between fenders. Navigation on the waterway consists of tugs with tows, commercial fishing vessels and recreational craft. Vehicular traffic crossing the bridge during peak rush hour traffic periods has increased significantly during recent years. This is the only route available for motorists, who live in the Lake Catherine area and commute to work at the Almonaster Development District.

Data provided by the Louisiana Department of Transportation and Development shows that from July 6, 1998 through July 20, 1998, from 5:30 a.m. to 7:30 a.m. weekdays, excluding Federal holidays, the average number of vehicles which crossed the bridge was 150. Of that average, 127 vehicles were west bound and 23 were east bound. This indicates that the majority of the vehicular traffic is westbound from the Lake Catherine area toward the Almonaster Development District during this time frame. Information taken from bridge tender logs shows that from July, 1997 through June 1998, the number of vessels that passed the bridge and required openings of the draw averaged one vessel daily, during the 5:30 a.m. to 7:30 a.m. closure period on weekdays, excluding Federal holidays. This rule, which allows the draw of the bridge to remain closed to navigation Monday through Friday from 5:30 a.m. until 7:30 a.m. except Federal holidays, will facilitate the free flow of vehicular traffic during a congested rush hour period without disrupting the reasonable needs of navigation.

This final rule necessitates the redesignation of § 117.435 as § 117.434; § 117.436 as § 117.435; and a new § 117.436 to be added as Chef Menteur Pass. All redesignations are administrative in nature and do not substantively affect existing operating regulations.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential cost and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This is because the number of vessels impaired during the closed-to-navigation period is minimal. Commercial fishing vessels still have ample opportunity to transit this waterway before and after the peak vehicular traffic periods.

Discussion of Comments

Two letters were received in reference to the change. The U.S. National Marine Fisheries Service stated that the change to drawbridge operating regulations would not adversely impact marine fishery resources. The Lake Pontchartrain Basin Maritime Museum, Inc. stated that they had no objection to the regulation change.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. ''Small entities'' may include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields and governmental jurisdictions with populations of less than 50,000.

This rule considers the needs of local commercial fishing vessels, as the study of vessels passing the bridge included such commercial vessels. These local commercial fishing vessels will continue to be able to pass the bridge in the early morning, prior to 5:30 a.m. and at any time during the day after 7:30 a.m., as well as 24 hours per day on weekends and Federal holidays. Additionally, an alternate route is available by transiting Rigolets Pass, approximately 20 miles east of Chef Menteur Pass, via the Intracoastal Waterway. Thus, the economic impact is expected to be minimal. There is no indication that other waterway users would suffer any type of economic hardship by being precluded from transiting the waterway during the two hours per day that the draw is scheduled to remain in the closed-to-navigation position. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule does not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The authority to regulate the permits of bridges over the navigable waters of the U.S. belongs to the Coast Guard by Federal statutes.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under Figure 2–1, paragraph 32(e) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard is amending Part 117 of Title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

§§ 117.435 and 117.436 [Redesignated]

2. § 117.435 is redesignated as § 117.434; § 117.436 is redesignated as § 117.435; and a new § 117.436 is added to read as follows:

§ 117.436 Chef Menteur Pass.

The draw of the U.S. Highway 90 bridge, mile 2.8, at Lake Catherine, shall open on signal; except that, from 5:30 a.m. to 7:30 a.m., Monday through Friday except Federal holidays, the draw need not open for the passage of vessels. The draw shall open at any time for a vessel in distress.

Dated: February 2, 1999.

Paul J. Pluta,

RADM, USCG Commander, 8th CG District.

[FR Doc. 99–4432 Filed 2–22–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–99–004]

RIN 2115–AA97

Safety Zone: Scharfman Batmitzvah Fireworks, East River, Newtown Creek, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Scharfman Batmitzvah Fireworks program located on the East River, Newtown Creek, New York. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic on a portion of the East River.

DATES: This rule is effective from 10:15 p.m. until 11:45 p.m., on Saturday, April 10, 1999. There is no rain date for this event.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at Coast Guard Activities New York, 212 Coast Guard Drive, room 205, Staten Island, New York 10305, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (718) 354–4193.

FOR FURTHER INFORMATION CONTACT: Lieutenant J. Lopez, Waterways Oversight Branch, Coast Guard Activities New York, at (718) 354–4193.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing an NPRM in the **Federal Register.** Due to the date the Application for Approval of Marine Event was received, there was insufficient time to draft and publish an NPRM. Any delay encountered in this regulation's effective date would be contrary to public interest since immediate action is needed to close a portion of the waterway and protect the maritime public from the hazards associated with this fireworks display.

Background and Purpose

On January 18, 1999, Bay Fireworks submitted an application to hold a fireworks program on the waters of the East River. The fireworks program is being sponsored by Shiela Scharfman. This regulation establishes a safety zone in those waters of the East River within a 250-yard radius of the fireworks barge located in approximate position 40°44′24″N 073°57′57″W (NAD 1983), approximately 300 yards from shore near Newton Creek, New York. The safety zone is in effect from 10:15 p.m. until 11:45 p.m. on Saturday, April 10, 1999. There is no rain date for this event. The safety zone prevents vessels from transiting a portion of the East River and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will still be able to transit through the western 350 yards of the 900-yard-wide East River during the event. The Captain of the Port does not anticipate any negative impact on commercial and recreational traffic due to this event. Public notifications will be made prior to the event via local notice to mariners, and marine information broadcasts.

Regulatory Evaluation

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This finding is based on the minimal time that vessels will be restricted from the area, that vessels may safely transit to the west of the zone, and extensive advance notifications which will be made.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule will have a significant economic impact on a substantial number of small entities. ''Small entities'' include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

For reasons discussed in the Regulatory Evaluation above, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

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

Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), the Coast Guard must consider whether this rule will result in an annual expenditure by state, local, and tribal governments, in the aggregate of $100 million (adjusted annually for inflation). If so, the Act requires that a reasonable number of regulatory alternatives be considered, and that, from those alternatives, the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule be selected. No state, local, or tribal government entities will be affected by this rule, so this rule will not result in annual or aggregate costs of $100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Act.

Environment

The Coast Guard has considered the environmental impact of this final rule and concluded that under Figure 2–1, paragraph 34(g), of Commandant

Instruction M16475.1C, this final rule is categorically excluded from further environmental documentation. A written Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

Regulation

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. Add temporary § 165.T01–004 to read as follows:

§ 165.T01–004 Safety Zone: Scharfman Batmitzvah Fireworks, East River, Newtown Creek, New York

(a) *Location.* The following area is a safety zone: those waters of the East River within a 250–yard radius of the fireworks barge in approximate position 40°44′24″N 073°57′57″W (NAD 1983), approximately 300 yards from shore near Newtown Creek, New York.

(b) *Effective period.* This section is effective from 10:15 p.m. until 11:45 p.m. on Saturday, April 10, 1999. There is no rain date for this event.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply. (2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: February 8, 1999.

R.E. Bennis,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 99–4433 Filed 2–22–99; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DE036–1018a; FRL–6303–4]

Approval and Promulgation of Air Quality Implementation Plans; State of Delaware—Transportation Conformity Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve a revision to the Delaware State Implementation Plan (SIP). The revision consists of the addition of Delaware's transportation conformity regulation, for the purpose of assuring conformity of Delaware transportation plans, programs and projects to related requirements in the SIP. EPA is approving the transportation conformity regulation as a SIP revision in accordance with the requirements of the Clean Air Act.

DATES: This rule is effective on April 26, 1999 without further notice, unless EPA receives adverse written comment by March 25, 1999. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be mailed to Robert Kramer, Chief; Energy Radiation and Indoor Environment Branch, Mailcode 3AP23, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and Delaware Department of Natural Resources & Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.

FOR FURTHER INFORMATION CONTACT: Larry Budney, (215) 814–2184, or by e-mail at budney.larry@epamail.epa.gov. While clarifying questions and requests for additional information may be transmitted via e-mail, comments on this rulemaking must be submitted in writing in accordance with the procedures provided earlier in this document.

SUPPLEMENTARY INFORMATION:

I. Background

On April 23, 1998, the Delaware Department of Natural Resources and Environmental Control (DNREC) submitted a formal revision to its State Implementation Plan (SIP). The SIP revision consists of Delaware's transportation conformity regulation, Regulation No. 32—Transportation Conformity, to meet the requirements of 40 CFR Part 51, Subpart T, ''Conformity to State or Federal Implementation Plans, Programs and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws''. Part 51, subpart T requires states to submit to EPA a SIP revision that contains criteria and procedures for state Departments of Transportation (DOTs), Metropolitan Planning Organizations (MPOs) and related state and local agencies to assess the conformity of transportation plans, programs and projects, consistent with part 51, subpart T and part 93, subpart A. This action to approve the Delaware's transportation conformity regulation as a SIP revision is being taken under Section 110 of the Clean Air Act (CAA).

II. Summary of SIP Revision

Delaware Regulation 32—Transportation Conformity establishes policy, criteria and procedures to follow when evaluating the conformity of transportation plans, programs and projects to all applicable SIPs developed pursuant to section 110 and part D of the CAA. The regulation includes the provisions of 40 CFR 93.100–128 and meets the requirements of 40 CFR 51.390. Regulation 32 was developed through consultation between Delaware's DNREC, DOT, MPOs, the Federal Highway Administration and the U.S. Environmental Protection Agency.

The geographic coverage of Regulation 32 includes Delaware's nonattainment and maintenance areas. Under the regulation, Delaware's transportation plans, programs and projects must conform to the purpose of the SIP, and must not:

a. cause or contribute to any new violation of a National Ambient Air Quality Standard (NAAQS) in any area;

b. interfere with SIP provisions for maintenance of any such standard;

c. increase the frequency or severity of any existing violation of such a standard in any area; or

d. delay timely attainment of any such standard in any area.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial

amendment and anticipates no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed.

This rule will be effective on April 26, 1999 without further notice unless EPA receives adverse comment by March 25, 1999. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect, and will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

III. Final Action

EPA is approving Delaware Regulation 32—Transportation Conformity as a SIP revision as requested by DNREC on April 23, 1998.

IV. Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If EPA complies by consulting, E.O. requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.'' Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

E.O. 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), applies to any rule that the EPA determines (1) is ''economically significant,'' as defined under E.O. 12866, and (2) the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This final rule is not subject to E.O. 13045 because it is not an economically significant regulatory action as defined by E.O. 12866, and it does not address an environmental health or safety risk that would have a disproportionate effect on children.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.'' Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

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

E. Unfunded Mandates

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

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

F. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small

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

G. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 26, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action to approve the Delaware Regulation 32—Transportation Conformity may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Nitrogen oxides, Ozone.

Dated: February 5, 1999.

W. Michael McCabe,

Regional Administrator, EPA Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart I—Delaware

2. In Section 52.420, an entry for the Delaware Transportation Conformity Regulation (Regulation No. 32) in the ''EPA-Approved Regulations in the Delaware SIP'' table in paragraph (c) is added to read as follows:

§ 52.420 Identification of plan.

* * * * *

(c) EPA approved regulations.

EPA—APPROVED REGULATIONS IN THE DELAWARE SIP

State citation	Title/subject	State effective date	EPA approval date	Comments
*	*	*	*	*
Regulation No. 32	Transportation Conformity	April 11, 1998	Type: February 23, 1999.	
*	*	*	*	*

[FR Doc. 99–3990 Filed 2–22–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–134; RM–9271]

Radio Broadcasting Services; Sheridan, WY and Colstrip, MT

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Community Media, Inc., substitutes Channel 229C for Channel 243C3 at Sheridan, Wyoming, and modifies Station KYTI(FM)'s authorization accordingly. To accommodate the upgrade, we will also allow Brian M. Encke (''Encke'') to amend his construction permit (File No. 970731MK) to specify operation on Channel 258A in lieu of Channel 229A at Colstrip, Montana. *See* 63 FR 40873, July 31, 1998. Channel 229C can be allotted to Sheridan in compliance with the Commission's minimum distance separation requirements at Station WYTI(FM)'s authorized construction permit site. The coordinates for Channel 229C at Sheridan are 44–37–20 North Latitude and 107–06–57 West Longitude. Additionally, Channel 258A can be allotted at Colstrip, Montana, at Encke's authorized construction permit site. The coordinates for Channel 258A at Colstrip are 45–53–42 North Latitude and 106–36–38 West Longitude With this action, this proceeding is terminated.

EFFECTIVE DATE: March 29, 1999.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 98–134, adopted February 3, 1999, and released February 12, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Wyoming, is amended by adding Channel 229C and removing Channel 243C3 at Sheridan.

3. Section 73.202(b), the Table of FM Allotments under Montana, is amended by adding Channel 258A and removing Channel 229A at Colstrip.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–4447 Filed 2–22–99; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF DEFENSE

48 CFR Chapter 2

[DFARS Case 98–D008]

Defense Federal Acquisition Regulation Supplement; Television-Audio Support Activity

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to reflect the reassignment of contracting responsibility for radio and television communication equipment under the DoD Coordinated Acquisition Program.

EFFECTIVE DATE: February 23, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Melissa Rider, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0131; telefax (703) 602–0350. Please cite DFARS Case 98–D008.

SUPPLEMENTARY INFORMATION:

A. Background

DFARS Subpart 208.70 prescribes policy and procedures for DoD acquisition of items under the Coordinated Acquisition Program. Commodity assignments under the program are listed in DFARS Appendix B. This final rule amends DFARS Appendix B to reflect the reassignment of contracting responsibility for radio and television communication equipment, from the Army to the Television-Audio Support Activity.

B. Regulatory Flexibility Act

The final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98–577 and publication for public comment is not required. However, comments from small entities concerning the affected DFARS subpart will be considered in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 98–D008.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the final rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Chapter 2

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Appendix B to Chapter 2 is amended as follows:

1. The authority citation for 48 CFR Appendix B to subchapter I continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

Appendix B to Chapter 2 [Amended]

2. Appendix B to Chapter 2 is amended in Part 1 by removing the entry at 5820 P.

3. Appendix B to Chapter 2 is amended in Part 4 by adding a new entry 5820 P, by adding a sentence at the end of Footnote 6, and by adding a new Footnote 10 to read as follows:

Appendix B—Coordinated Acquisition Assignments

PART 1—ARMY ASSIGNMENTS

* * * * *

PART 4—DEFENSE LOGISTICS AGENCY ASSIGNMENTS

Federal supply class code	Commodity	DLA center [6]
*	*	*
5820 P[10]	Radio and Television Communication Equipment, except Airborne	T–ASA
*	*	*

Footnotes:

* * * * * * *

[6] * * * DLA also serves as the head of the contracting activity for the Television-Audio Support Activity (T–ASA).

* * * * * * *

[10] This partial assignment applies to broadcasting, visual information, and graphics presentation communications equipment used by the Armed Forces Radio and Television Services, centralized visual information support activities, media centers, closed circuit educational and training programs, language training activities, combat camera units, and individual base visual information centers. This assignment does not apply to equipment with airborne applications. Examples of the types of equipment covered by this assignment include radio and television transmitters, video recording and playback equipment, video cameras, editing and switching equipment, electronic imaging equipment, language training equipment, monitors, audio equipment, and other nontactical, off-the-shelf, commercially available, nondevelopmental electronic equipment used to support broadcast and visual information missions.

[FR Doc. 99–4345 Filed 2–22–99; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

48 CFR Parts 201 and 230

[DFARS Case 97–D016]

Defense Federal Acquisition Regulation Supplement; Deviations From Cost Accounting Standards Administration Requirements

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to reflect changes to the Federal Acquisition Regulation (FAR) that removed the prohibition against authorizing deviations from cost accounting standards administration requirements.

EFFECTIVE DATE: February 23, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra Haberlin, Defense Acquisition Regulations Council, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0131; telefax (703) 602–0350. Please cite DFARS Case 97–D016.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule amends DFARS 201.402 to reflect the FAR amendments published as Item I of Federal Acquisition Circular 97–03 (62 FR 64913, December 9, 1997) that removed the prohibition against authorizing deviations from FAR Part 30, Cost Accounting Standards Administration. The rule also makes editorial changes to update DFARS part numbers and titles.

B. Regulatory Flexibility Act

The final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98–577 and publication for public comment is not required. However, comments from small entities concerning the affected DFARS subparts will be considered in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 97–D016.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the final rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 201 and 230

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 201 and 230 are amended as follows:

1. The authority citation for 48 CFR Parts 201 and 230 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 201—FEDERAL ACQUISITION REGULATIONS SYSTEM

2. Section 201.402 is amended by revising paragraph (1) introductory text and paragraph (1)(i); and in paragraph (3)(iii) by removing the period at the end and adding a semicolon in its place. The revised text reads as follows:

201.402 Policy.

(1) The Director of Defense Procurement, Office of the Under Secretary of Defense (Acquisition and Technology), USD(A&T)DP, is the approval authority within DoD for—

(i) Any individual deviation from—

(A) FAR 3.104, Procurement Integrity, or DFARS 203.104, Procurement Integrity;

(B) FAR Subpart 27.4, Rights in Data and Copyrights, or DFARS Subpart 227.4, Rights in Data and Copyrights;

(C) FAR Part 30, Cost Accounting Standards Administration, or DFARS Part 230, Cost Accounting Standards Administration;

(D) FAR Subpart 31.1, Applicability, or DFARS Subpart 231.1, Applicability (contract cost principles);

(E) FAR Subpart 31.2, Contracts with Commercial Organizations, or DFARS Subpart 231.2, Contracts with Commercial Organizations; or

(F) FAR Part 32, Contract Financing (except Subparts 32.7 and 32.8 and the payment clauses prescribed by Subpart 32.1), or DFARS Part 232, Contract Financing (except Subparts 232.7 and 232.8).

* * * * *

PART 230—COST ACCOUNTING STANDARDS ADMINISTRATION

3. The heading of Part 230 is revised to read as set forth above.

[FR Doc 99–4339 Filed 2–22–99; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

48 CFR Parts 211 and 253

[DFARS Case 98–D022]

Defense Federal Acquisition Regulation Supplement; Specifications and Standards Requisition

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to remove references to an obsolete form that formerly was used for ordering specifications and standards.

EFFECTIVE DATE: February 23, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Melissa Rider, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0131; telefax (703) 602–0350. Please cite DFARS Case 98–D022.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule amends DFARS 211.201 and Part 253 to remove references to DD Form 1425, Specifications and Standards Requisition, which is now obsolete. The rule also updates the address for submission of requests to purchase specifications and standards.

B. Regulatory Flexibility Act

The final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98–577 and publication for public comment is not required. However, comments from small entities concerning the affected DFARS subparts will be considered in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 98–D022.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the final rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et. seq.*

List of Subjects in 48 CFR Parts 211 and 253

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 211 and 253 are amended as follows:

1. The authority citation for 48 CFR Parts 211 and 253 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 211—DESCRIBING AGENCY NEEDS

2. Section 211.201 is amended in paragraph (b) by removing the word ''which'' and adding in its place the word ''that'', and by revising the introductory text of paragraph (d) to read as follows:

211.201 Identification and availability of specifications.

* * * * *

(d) The AMSDL, all unclassified specifications and standards listed in the DoDISS, and data item descriptions listed in the AMSDL also may be purchased from the Department of Defense Single Stock Point (DoDSSP), Building 4, Section D, 700 Robbins Avenue, Philadelphia, PA 19111–5094. Include with the request—

* * * * *

PART 253—FORMS

3. The note at the end of Part 253 is amended by removing the entry ''243.303–1425 Specifications and Standards Requisition.''.

[FR Doc. 99–4340 Filed 2–22–99; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

48 CFR Parts 212, 225, and 252

[DFARS Case 98–D305]

Defense Federal Acquisition Regulation Supplement; People's Republic of China

AGENCY: Department of Defense (DoD).

ACTION: Interim rule.

SUMMARY: The Director of Defense Procurement has issued an interim rule

amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 8120 of the DoD Appropriations Act for fiscal year 1999. Section 8120 places restrictions on the award of contracts to companies owned or partially owned by the People's Republic of China or the People's Liberation Army of the People's Republic of China.

DATES: *Effective date:* February 23, 1999.

Comment date: Comments on the interim rule should be submitted in writing to the address shown below on or before April 26, 1999, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telefax (703) 602–0350.

E-mail comments submitted over the Internet should be addressed to: dfars@acq.osd.mil

Please cite DFARS Case 98–D305 in all correspondence related to this issue. E-mail comments should cite DFARS Case 98–D305 in the subject line.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, (703) 602–0131.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule amends DFARS 212.301, adds a new section at 225.771, and adds a new solicitation provision at 252.225–7017. The rule implements Section 8120 of the DoD Appropriations Act for fiscal year 1999 (Pub. L. 105–262). Section 8120 provides that no funds appropriated under Title III (Procurement) or Title IV (Research, Development, Test and Evaluation) of the Act may be used to enter into or renew a contract with any company owned or partially owned by the People's Republic of China or the People's Liberation Army of the People's Republic of China.

B. Regulatory Flexibility Act

The interim rule is not expected to 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.*, because the rule pertains only to companies owned or partially owned by the People's Republic of China or the People's Liberation Army of the People's Republic of China. Therefore, an initial regulatory flexibility analysis has not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts also will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 98–D305 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the interim rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to publish this interim rule prior to affording the public an opportunity to comment. This rule implements Section 8120 of the DoD Appropriations Act for fiscal year 1999 (Pub. L. 105–262). Section 8120 provides that no funds appropriated under titles III and IV of the Act may be used to enter into or renew a contract with any company owned or partially owned by the People's Republic of China or the People's Liberation Army of the People's Republic of China. Section 8120 became effective on October 17, 1998. Comments received in response to the publication of this interim rule will be considered in formulating the final rule.

List of Subjects in 48 CFR Parts 212, 225, and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 212, 225, and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 212, 225, and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 212—ACQUISITION OF COMMERCIAL ITEMS

2. Section 212.301 is amended in paragraph (f)(ii) in the second sentence by revising the reference ''252.225–7000'' to read ''252.212–7000'', and by adding a new paragraph (f)(v) to read as follows:

212.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

(f) * * *

(v) Use the provision at 252.225–7017, Prohibition on Award to Companies Owned by the People's Republic of China, as prescribed in 225.771.

PART 225—FOREIGN ACQUISITION

3. Sections 225.771, 225.771–1, 225.771–2, 225.771–3, and 225.771–4 are added to read as follows:

225.771 Prohibition on acquisition from the People's Republic of China.

225.771–1 Definition.

''People's Republic of China'' is defined in the provision at 252.225–7017, Prohibition on Award to Companies Owned by the People's Republic of China.

225.771–2 Legal authority.

This section implements Section 8120 of the DoD Appropriations Act for fiscal year 1999 (Pub. L. 105–262).

225.771–3 Prohibition on contract award.

Do not award or renew a contract with any company owned or partially owned by the People's Republic of China or the People's Liberation Army of the People's Republic of China, if using funds made available by Title III (Procurement) or Title IV (Research, Development, Test and Evaluation) of Pub. L. 105–262.

225.771–4 Solicitation provision.

Use the provision at 252.225–7017, Prohibition on Award to Companies Owned by the People's Republic of China, in solicitations for contracts that will use funds made available by Title III or IV of Pub. L. 105–262.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

4. Section 252.225–7017 is added to read as follows:

252.225–7017 Prohibition on Award to Companies Owned by the People's Republic of China.

As prescribed in 225.771–4, use the following provision:

Prohibition on Award To Companies Owned by the People's Republic of China (Feb. 1999)

(a) *Definition.* ''People's Republic of China,'' as used in this provision, means the government of the People's Republic of China, including its political subdivisions, agencies, and instrumentalities.

(b) *Prohibition on award.* Section 8120 of the Department of Defense Appropriations Act for fiscal year 1999 (Pub. L. 105–262) prohibits the award of a contract under this solicitation to any company owned, or partially owned, by the People's Republic of China or the People's Liberation Army of the People's Republic of China.

(c) *Representation.* By submission of an offer, the offeror represents that it is not

owned, or partially owned, by the People's Republic of China or the People's Liberation Army of the People's Republic of China.

(End of provision)

[FR Doc. 99–4341 Filed 2–22–99; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

48 CFR Parts 225, 231, and 242

[DFARS Case 95–D040]

Defense Federal Acquisition Regulation Supplement; Independent Research and Development and Bid and Proposal Costs for Fiscal Year 1996 and Beyond

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to reflect changes to the Federal Acquisition Regulation (FAR) that treat independent research and development and bid and proposal costs for fiscal year 1996 and beyond as fully allowable, subject only to the FAR normal standards of reasonableness and allocability.

EFFECTIVE DATE: February 23, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra Haberlin, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0131; telefax (703) 602–0350. Please cite DFARS Case 95–D040.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule amends DFARS 225.7303–2, 231.205–18, and 242.771 to reflect FAR changes that were published as Item VIII of Federal Acquisition Circular 97–03 (62 FR 64931, December 9, 1997). The FAR changes treat independent research and development and bid and proposal costs for fiscal year 1996 and beyond as fully allowable, subject only to the FAR normal standards of reasonableness and allocability.

A proposed DFARS rule was published on January 3, 1997 (62 FR 374). Two sources submitted comments in response to the proposed rule. All comments were considered in the development of the final rule.

B. Regulatory Flexibility Act

The Department of Defense certifies that this final 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., because most contracts awarded to small entities use simplified acquisition procedures or are awarded on a competitive, fixed-price basis, and do not require application of the cost principle contained in this rule.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the final rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Parts 225, 231, and 242

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 225, 231, and 242 are amended as follows:

1. The authority citation for 48 CFR Parts 225, 231, and 242 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 225—FOREIGN ACQUISITION

2. Section 225.7303–2 is amended in paragraph (c) introductory text by revising the first sentence to read as follows:

225.7303–2 Cost of doing business with a foreign government or an international organization.

* * * * *

(c) The cost limitations for major contractors on independent research and development and bid and proposal (IR&D/B&P) costs for projects that are of potential interest to DoD, in 231.205–18(c)(iii), do not apply to FMS contracts, except as provided in 225.7303–5. * * * * * * * * *

PART 231—CONTRACT COST PRINCIPLES AND PROCEDURES

3. Section 231.205–18 is revised to read as follows:

231.205–18 Independent research and development and bid and proposal costs.

(a) *Definitions.* As used in this subsection—

(i) *Covered contract* means a DoD prime contract for an amount exceeding the simplified acquisition threshold, except for a fixed-price contract without cost incentives. The term also includes a subcontract for an amount exceeding the simplified acquisition threshold, except for a fixed-price subcontract without cost incentives under such a prime contract.

(ii) *Covered segment* means a product division of the contractor that allocated more than $1,100,000 in independent research and development and bid and proposal (IR&D/B&P) costs to covered contracts during the preceding fiscal year. In the case of a contractor that has no product divisions, the term means that contractor as a whole. A product division of the contractor that allocated less than $1,100,000 in IR&D/B&P costs to covered contracts during the preceding fiscal year is not subject to the limitations in paragraph (c) of this subsection.

(iii) *Major contractor* means any contractor whose covered segments allocated a total of more than $11,000,000 in IR&D/B&P costs to covered contracts during the preceding fiscal year. For purposes of calculating the dollar threshold amounts to determine whether a contractor meets the definition of ''major contractor,'' do not include contractor segments allocating less than $1,100,000 of IR&D/B&P costs to covered contracts during the preceding fiscal year.

(c) *Allowability.*

(i) Departments/agencies shall not supplement this regulation in any way that limits IR&D/B&P cost allowability.

(ii) See 225.7303–2(c) for allowability provisions affecting foreign military sale contracts.

(iii) For major contractors, the following limitations apply:

(A) The amount of IR&D/B&P costs allowable under DoD contracts shall not exceed the lesser of—

(1) Such contracts' allocable share of total incurred IR&D/B&O costs; or

(2) The amount of incurred IR&D/B&P costs for projects having potential interest to DoD.

(B) Allowable IR&D/B&P costs are limited to those for projects that are of potential interest to DoD, including activities intended to accomplish any of the following:

(1) Enable superior performance of future U.S. weapon systems and components.

(2) Reduce acquisition costs and life-cycle costs of military systems.

(3) Strengthen the defense industrial and technology base of the United States.

(4) Enhance the industrial competitiveness of the United States.

(5) Promote the development of technologies identified as critical under 10 U.S.C. 2522.

(6) Increase the development and promotion of efficient and effective applications of dual-use technologies.

(7) Provide efficient and effective technologies for achieving such

environmental benefits as: Improved environmental data gathering, environmental cleanup and restoration, pollution reduction in manufacturing, environmental conservation, and environmentally safe management of facilities.

(iv) For major contractors, the cognizant administrative contracting officer (ACO) or corporate ACO shall—

(A) Determine whether IR&D/B&P projects are of potential interest to DoD; and

(B) Provide the results of the determination to the contractor.

(v) The cognizant contract administration office shall furnish contractors with guidance on financial information needed to support IR&D/B&P costs and on technical information needed from major contractors to support the potential interest to DoD determination (also see 242.771–3).

PART 242—CONTRACT ADMINISTRATION

4. Sections 242.771, 242.771–1, 242.771–2, and 242.771–3 are revised to read as follows:

242.771 Independent research and development and bid and proposal costs.

242.771–1 Scope.

This section implements 10 U.S.C. 2372, Independent research and development and bid and proposal costs: Payments to contractors.

242.771–2 Policy.

Defense contractors are encouraged to engage in independent research and development and bid and proposal (IR&D/B&P) activities of potential interest to DoD, including activities cited in 231.205–18(c)(iii)(B).

242.771–3 Responsibilities.

(a) The cognizant administrative contracting officer (ACO) or corporate ACO shall—

(1) Determine cost allowability of IR&D/B&P costs as set forth in 231.205–18 and FAR 31.205–18.

(2) Determine whether IR&D/B&P projects performed by major contractors (see 231.205–18(a)) are of potential interest to DoD; and

(3) Notify the contractor promptly of any IR&D/B&P activities that are not of potential interest to DoD.

(b) The Defense Contract Management Command of the Defense Logistics Agency or the military department responsible for performing contract administration functions is responsible for providing the Defense Contract Audit Agency (DCAA) with IR&D/B&P statistical information, as necessary, to assist DCAA in the annual report required by paragraph (c) of this subsection.

(c) DCAA is responsible for submitting an annual report to the Director of Defense Procurement (USD(A&T)DP) setting forth required statistical information relating to the DoD-wide IR&D/B&P program.

(d) The Director, Defense Research and Engineering (USD(A&T)DDR&E), is responsible for establishing a regular method for communication—

(1) From DoD to contractors, of timely and comprehensive information regarding planned or expected DoD future needs; and

(2) From contractors to DoD, of brief technical descriptions of contractor IR&D projects.

[FR Doc. 99–4343 Filed 2–22–99; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

48 CFR Parts 225 and 252

[DFARS Case 98–D029]

Defense Federal Acquisition Regulation Supplement; Singapore Accession to Government Procurement Agreement

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to remove the limitation on the eligibility of Singapore as a designated country under the Trade Agreements Act. The limitation previously applied to procurements by the U.S. Army Corps of Engineers. Singapore has acceded to the World Trade Organization Government Procurement Agreement and is now fully eligible under the Trade Agreements Act.

EFFECTIVE DATE: February 23, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0131; telefax (703) 602–0350. Please cite DFARS Case 98–D039.

SUPPLEMENTARY INFORMATION:

A. Background

On March 19, 1996 (61 FR 11233), the U.S. Trade Representative directed that products of Singapore be treated as eligible products under the Trade Agreements Act. However, this treatment was inapplicable to procurements by the Army Corps of Engineers. Singapore's accession to the World Trade Organization Government Procurement Agreement on October 20, 1997, supercedes the previous limitation on Army Corps of Engineers procurements. Therefore, this final rule amends DFARS 225.408, 252.225–7007, and 252.225–7021 to remove the limitation.

B. Regulatory Flexibility Act

The final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98–577 and publication for public comment is not required. However, comments from small entities concerning the affected DFARS subparts will be considered in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 98–D029.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the final rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 225 and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 225 and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 225 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 225—FOREIGN ACQUISITION

225.408 [Amended]

2. Section 225.408 is amended in paragraph (a)(ii) by removing the last sentence, and in paragraph (a)(iv) by removing the last sentence.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.225–7021 [Amended]

3. Section 252.225–7007 is amended by removing Alternate I.

252.225–7007 [Amended]

4. Section 252.225–7021 is amended by removing Alternate I.

[FR Doc. 99–4342 Filed 2–22–99; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

48 CFR Parts 232 and 252

[DFARS Case 98–D400]

Defense Federal Acquisition Regulation Supplement; Flexible Progress Payments

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to remove references to the flexible progress payments method of contract financing. Prior to issuance of this rule, the DFARS coverage did not permit use of flexible progress payments for contracts awarded as a result of solicitations issued on or after November 11, 1993.

EFFECTIVE DATE: February 23, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra G. Haberlin, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0131; telefax (703) 602–0350. Please cite DFARS Case 98–D400.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule removes references to flexible progress payments from the DFARS. Prior to issuance of this rule, Table 32–1 at DFARS 232.502–1–71 indicated that flexible progress payments were not permitted for contracts awarded as a result of solicitations issued on or after November 11, 1993. Therefore, this rule does not reflect a policy change but merely removes obsolete coverage.

This final rule is unchanged from the proposed rule that was published in the **Federal Register** on September 8, 1998 (63 FR 47460). All comments received in response to the proposed rule were considered in the development of the final rule.

B. Regulatory Flexibility Act

The Department of Defense certifies that this final 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.*, because most contracts awarded to small entities have a dollar value less than the simplified acquisition threshold, and, therefore, would not use the flexible progress payments method of financing. In addition, prior to issuance of this rule, flexible progress payments were not permitted for contracts awarded as a result of solicitations issued on or after November 11, 1993.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the final rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 232 and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 232 and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 232 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 232—CONTRACT FINANCING

2. Section 232.501 is revised to read as follows:

232.501 General.

232.501–1 [Amended]

3. Section 232.501–1 is amended by removing paragraph (a)(iii).

232.501–2 [Amended]

4. Section 232.501–2 is amended in the second sentence by revising the parenthetical ''(232.171)'' to read ''(see 232.071)''.

232.502–1–71 [Removed]

5. Section 232.502–1–71 is removed.

232.502–4–70 [Amended]

6. Section 232.502–4–70 is amended by removing paragraph (b) and redesignating paragraph (c) as paragraph (b).

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.232–7003 [Removed and Reserved]

7. Section 252.232–7003 is removed and reserved.

8. Section 252.232–7004 is amended by revising the introductory text to read as follows:

252.232–7004 DoD progress payment rates.

As prescribed in 232.502–4–70(b), use the following clause:

* * * * *

[FR Doc. 99–4344 Filed 2–22–99; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 981021264–9016–02; I.D. 021799A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Mothership Component in the Bering Sea Subarea

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

ACTION: Inseason adjustment; request for comments.

SUMMARY: NMFS closes the directed fishing season for pollock by vessels catching pollock for processing by the mothership component in the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). NMFS adjusts the time of closure to prevent the underharvest of the interim A season pollock total allowable catch (TAC) specified to the mothership component for harvest within the Bering Sea subarea.

DATES: Effective 2400 hrs, Alaska local time (A.l.t.), February 17, 1999, until 1200 hrs, A.l.t., August 1, 1999.

ADDRESSES: Comments should be mailed to Susan J. Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, NMFS, P.O. Box 21668, Juneau AK 99802–1668.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907–586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

In accordance with § 679.20(a)(5)(i)(C)(3), the revised interim 1999 TAC amounts for pollock in the Bering Sea subarea (64 FR 3437, January 22, 1999), and section 206(b)(3) of the American Fisheries Act, the interim A season TAC of pollock specified as a directed fishing allowance for the mothership component for harvest within the Bering Sea subarea is 33,569 metric tons (mt).

In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance soon will be reached. Consequently, NMFS is prohibiting directed fishing for pollock by vessels catching pollock for processing by the mothership component in the Bering Sea subarea of the BSAI.

Current information shows the catching capacity of vessels catching pollock for processing by the mothership component is in excess of 1,900 mt per day.

Section 679.23(b) specifies that the time of all openings and closures of fishing seasons other than the beginning and end of the calendar fishing year is 1200 hrs, A.l.t. The Administrator, Alaska Region, NMFS, has determined that the remaining portion of the allocation to the mothership component would be underharvested if a 1200 hrs closure were allowed to occur.

NMFS, in accordance with § 679.25(a)(1)(i), is adjusting the season for pollock by vessels catching pollock for processing by the mothership component in the Bering Sea subarea by closing directed fishing at 2400 hrs, A.l.t., February 17, 1999. NMFS is taking this action to prevent the underharvest of the pollock allocation to vessels catching pollock for processing by the mothership component in the Bering Sea subarea of the BSAI as authorized by § 679.25(a)(2)(i)(C). In accordance with § 679.25(a)(2)(iii), NMFS has determined that closing the season at 2400 hrs on February 17, 1999, is the least restrictive management adjustment to harvest the pollock allocated to vessels catching pollock for processing by the offshore component in the AI of the BSAI and will allow other fisheries to continue in noncritical areas and time periods.

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

Classification

This action responds to the interim TAC limitations and other restrictions on the fisheries established in the interim 1999 harvest specifications for groundfish for the BSAI. Without this inseason adjustment, the pollock allocation for vessels catching pollock for processing by the offshore component in the AI of the BSAI would be underharvested, resulting in an economic loss of more than $220,000.

Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until March 10, 1999.

This action is required by § 679.22 and is exempt from review under E.O. 12866.

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

Dated: February 17, 1999.

Bruce C. Morehead,

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

[FR Doc. 99–4333 Filed 2–17–99; 4:54 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 64, No. 35
Tuesday, February 23, 1999

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

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 274

RIN 0584–AC71

Food Stamp Program: Electronic Benefits Transfer Benefit (EBT) Statement on Auditing Standards 70 (SAS 70) Audit Requirements

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food and Nutrition Service (FNS) proposes to revise Food Stamp Program (FSP) regulations about approval of Electronic Benefits Transfer (EBT) systems and how States arrange for those systems to be audited. States with EBT systems delivering FSP benefits would be required to obtain an annual audit of their FSP EBT system. States could direct their EBT system contractor to have audits done, contract separately for the audits, or have competent state personnel conduct them. The audits would be a new requirement recommended by the United States Department of Agriculture (USDA) Office of the Inspector General (OIG). EBT audits must comply with the American Institute of Certified Public Accountants (AICPA) Statement on Auditing Standards No. 70, Reports on the Processing of Transactions by Service Organizations (SAS 70). Audits would also follow EBT review guidelines developed by the USDA OIG to the extent the guidelines refer to FSP benefits.

DATES: Comments must be received on or before May 24, 1999 to be assured of consideration.

ADDRESSES: Submit comments in writing to Jeffrey N. Cohen, Chief, Electronic Benefit Transfer Branch, Benefit Redemption Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, Virginia 22302. Comments may also be datafaxed to Mr. Cohen at (703) 605–0232 or they may be sent via e-mail to jeff__cohen@fcs.usda.gov. Comments will be open for public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5 p.m., Monday through Friday) at 3101 Park Center Drive, Room 718, Alexandria, Virginia 22302.

FOR FURTHER INFORMATION CONTACT: Questions regarding this proposed rulemaking should be addressed to Mr. Cohen as above or by telephone at (703) 305–2517.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

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

Public Law 104–4

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, the Food and Nutrition Service generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local or tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. When such a statement is needed for a rule, Section 205 of the UMRA generally requires the Food and Nutrition Service to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective or least burdensome alternative that achieves the objectives of the rule.

This rule contains no Federal mandates (under the regulatory provisions of Title II of UMRA) for State, local and tribal governments or the private sector of $100 million or more in any one year. Thus this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Executive Order 12372

The Food Stamp Program is listed in the Catalog of Federal Domestic Assistance under No. 10.551. For the reasons set forth in the final rule in 7 CFR 3015, Subpart V and related Notice (48 FR 29115), this Program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Regulatory Flexibility Act

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601–612). Shirley R. Watkins, the Under Secretary for Food, Nutrition and Consumer Service, has certified that this proposed rule will not have a significant economic impact on a substantial number of small entities. State agencies and their EBT contractors will be the most affected to the extent that they administer the Program.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full implementation. This rule is not intended to have retroactive effect. Prior to any judicial challenge to the provisions of this rule or the application of its provisions, all applicable administrative procedures must be exhausted.

Paperwork Reduction Act

This rule does not contain additional reporting or recordkeeping requirements other than those already approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. Those reporting and recordkeeping requirements are assigned OMB control number 0584–0083.

Background

Electronic Benefits Transfer (EBT) Systems and Financial Statements

All States must change from paper coupon systems to EBT systems for the issuance of Food Stamp Program (FSP) benefits by October 1, 2002. Currently, thirty-seven States have implemented EBT systems and more than 50 percent of FSP benefits are issued through those systems. State agencies contract individually for EBT systems. Some States work together in groups to solicit and select an EBT contractor; however,

each State signs its own contract with the winning bidder.

For the FSP, EBT systems move money from Federal accounts held in the name of each State to accounts at banks and other financial institutions held by food retailers. Each food retailer must first be authorized by the Food and Nutrition Service (FNS) to accept food stamp benefits. Currently, about $1.3 billion in food stamp benefits are paid to food retailers for recipient purchases each month. Over half of that amount, about $700,000,000, is now being moved by EBT systems each month.

States usually contract for EBT systems that deliver the benefits of several programs, not just food stamp benefits. Data from EBT systems are reported to State and Federal financial systems and used in financial statements of many agencies. State EBT systems report food stamp data to FNS financial systems which in turn provide data used in the annual FNS financial statements. Annual audits of EBT systems would ensure that EBT systems are secure and that data used in financial systems and statements is correct. Annual audits would provide government auditors of state and federal agencies financial statements with an independent assessment of EBT data.

Statement on Auditing Standards 70

The American Institute of Certified Public Accountants (AICPA) produces standards for accounting which are generally accepted by government and business. This rule requires EBT audits to follow the Statement on Auditing Standards No. 70, Reports on the Processing of Transactions by Service Organizations (SAS 70). SAS 70 is available from AICPA located at 1211 Avenue of the Americas, New York, NY, 10036–8775, phone (212) 596–6200 or at 1455 Pennsylvania Avenue, Washington, DC, 20004–1081, phone (202) 737–6600.

EBT Review Guidelines

The United States Department of Agriculture's Office of the Inspector General (USDA's OIG) is the lead agency for EBT issues for the President's Council on Integrity and Efficiency (PCIE). The PCIE was created by Executive Order 12805, May 11, 1992, to identify weaknesses and to promote efficiency in Federal programs. USDA's OIG, with the help of a PCIE work group, drafted guidelines to assist auditors of EBT systems. The guidelines are titled ''Review Guidelines for Service Organizations Providing EBT Services for Government Programs'' (EBT guidelines). The PCIE work group included Federal, State, and public accounting representatives. Comments were obtained from the Office of Management and Budget, the Government Accounting Office, and from the AICPA.

The guidelines are being revised now. They will be available by March 1, 1999. We propose to require States to use the final guidelines in auditing FSP EBT systems to the extent the guidelines refer to FSP. The draft EBT guidelines are available from FNS or USDA's OIG. The final guidelines will be also be available on the FNS website at http://www.usda.gov/fcs/stamps/ebt.htm.

Efficient Audits

EBT companies often have EBT contracts with several states for the delivery of many program benefits. This rule is based on the idea that one annual audit at each company, covering all the States and all programs handled by that company, is most efficient. The review guidelines anticipate that kind of audit. Individual States would meet FNS' requirement for an annual SAS 70 audit if their EBT system contractor has been audited as part of a SAS 70 audit which covered all the States and programs handled by that contractor. FNS encourages States to complete audits this way to save costs.

Costs of EBT Audits

The way the State arranges for the audits is not being addressed in this proposed rule. States may contract directly with auditing companies, they may require their EBT contractor to arrange for audits, competent State staff may conduct the audits, and there may be other possibilities. Therefore, the way the State is billed for costs will vary. Costs could be directly billed by an auditing firm, or contained in a monthly case fee charged by their EBT contractor, or charged separately by their EBT contractor. If a single audit is done for several States and programs as anticipated by the EBT review guidelines, the costs must be appropriately allocated to each State and each program covered by the audit.

FNS will reimburse States for 50 percent of their costs related to the FSP audit work. The only limit on reimbursement from the FSP for EBT costs is the already existing limit of cost neutrality in the food stamp regulations at 7 CFR 274.12(c)(3).

Whose Work Must Be Audited

SAS 70 audits review ''service organizations'' that perform transactions which affect the financial statements of ''user organizations.'' In the FSP EBT environment, EBT contractors are the service organizations and States are the user organizations. States usually have a contract with one company, called the EBT primary contractor. The primary contractor often has many subcontractors to do some of the work for the EBT contract. Some or all of the contractors and subcontractors may be reviewed as part of the audit. This will depend on which contractors or subcontractors perform the functions required to be reviewed by the SAS 70 or the EBT review guidelines.

States sometimes do EBT work themselves instead of hiring a contractor. For example, one State is acting as EBT primary contractor and handling all subcontracts. Another State is producing and distributing EBT cards. Only the work of contractors would be covered by this rule and the SAS 70 audit requirements. State work would be exempt from this proposed SAS 70 audit requirement. State work would, however, be subject to review by FNS or audit by USDA's OIG.

EBT Management Reports Requirements

Regulations at 7 CFR 274.12(j)(2) require States to obtain reports from and about their EBT systems. This rule adds an annual SAS 70 audit report using the EBT review guidelines as a required report in the section. States would be required to provide the EBT SAS 70 audit report to USDA's OIG auditors or to FNS within 30 days of a written request.

Additional Audits or Reviews

USDA's OIG and FNS reserve the right to conduct other audits or reviews of EBT if they find that is needed.

Implementation

The Department is proposing that this rule should be effective during the first Federal Fiscal Year that begins after the date of publication of the final rule.

List of Subjects in 7 CFR Part 274

Administrative procedures and practices, Food Stamps, Grant programs-social programs, Reporting and recordkeeping requirements.

Accordingly, for the reasons set forth in the preamble, 7 CFR part 274 is proposed to be amended as follows:

PART 274—ISSUANCE AND USE OF COUPONS

1. The authority citation for 7 CFR part 274 continues to read as follows:

Authority: 7 U.S.C. 2011–2032.

2. In § 274.12:

a. Revise the heading of paragraph (j); and

b. Add new paragraph (j)(5).

The revision and addition read as follows:

§ 274.12 Electronic Benefit Transfer Issuance System approval standards.

* * * * *

(j) *Reconciliation, Management Reporting, and Audits.* * * *

(5) *Audits.* (i) The state agency must obtain an annual audit of their EBT system contractors regarding the issuance, redemption, and settlement of Food Stamp Program benefits. The audit must comply with American Institute of Certified Public Accountants (AICPA) Statement on Auditing Standards No. 70 (SAS 70). The audit must also follow the EBT review guidelines developed by the United States Department of Agriculture (USDA), Office of the Inspector General to the extent the guidelines refer to food stamp benefits. EBT work done by the State does not have to be audited in this manner but may be subject to audits by USDA's Office of the Inspector General or to reviews done by the Food and Nutrition Service.

(ii) The state agency must retain a copy of the SAS 70 report. If the Food and Nutrition Service or the USDA Office of Inspector General asks for the SAS 70 audit report in writing it must be provided within thirty days of the receipt of the written request.

(iii) The Food and Nutrition Service and the USDA Office of Inspector General reserve the right to conduct other reviews or audits of the State's Food Stamp Program EBT system or parts of the EBT system.

* * * * *

Dated: February 16, 1999.

Samuel Chambers, Jr.,

Administrator, Food and Nutrition Service.

[FR Doc. 99–4410 Filed 2–22–99; 8:45 am]

BILLING CODE 3410–30–U

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 3

[Docket No. 93–076–11]

RIN 0579–AA59

Animal Welfare; Marine Mammals

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the Animal Welfare Act regulations concerning the humane handling, care, treatment, and transportation of marine mammals in captivity. These proposed regulations were developed by the Marine Mammal Negotiated Rulemaking Advisory Committee and appear to be necessary to ensure that the minimum standards for the humane handling, care, treatment, and transportation of marine mammals in captivity are based on current general, industry, and scientific knowledge and experience.

DATES: Consideration will be given only to comments received on or before April 26, 1999.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 93–076–11, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 93–076–11. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Barbara Kohn, Senior Staff Veterinarian, Animal Care, APHIS, 4700 River Road Unit 84, Riverdale, MD 20737–1228, (301) 734–7833.

SUPPLEMENTARY INFORMATION:

Background

The Animal Welfare Act (the Act) (7 U.S.C. 2131 *et seq.*, enacted in 1966 and amended in 1970, 1976, 1985, and 1990) authorizes the Secretary of Agriculture to promulgate standards and other requirements governing the humane handling, care, treatment, and transportation of certain animals by dealers, research facilities, exhibitors, and carriers and intermediate handlers. Regulations established under the Act are contained in 9 CFR parts 1, 2, and 3.

The Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture established regulations under the Act in 1979 for the humane handling, care, treatment, and transportation of marine mammals used for research or exhibition purposes. These standards, contained in 9 CFR part 3, subpart E, were amended in 1984. During the 14 years since the standards were amended, advances have been made, new information has been developed, and new concepts have been implemented with regard to the handling, care, treatment, and transportation of marine mammals in captivity.

On July 23, 1993, APHIS published in the **Federal Register** (58 FR 39458, Docket No. 93–076–1) an advance notice of proposed rulemaking that solicited comments on appropriate revisions or additions to the standards for the humane handling, care, treatment, and transportation of marine mammals used for research or exhibition (referred to below as the regulations). The comments we received supported our intent to revise the regulations and suggested it would be highly desirable to involve all interested parties in developing appropriate regulations. We determined that consensus among interested parties was attainable, and that we should proceed with negotiated rulemaking.

On May 22, 1995, we published in the **Federal Register** (60 FR 27049–27051, Docket No. 93–076–3) a notice of intent to establish an advisory committee to advise the Department on how to revise the regulations. The notice included a list of groups tentatively identified by the Department as potential participants on the advisory committee. A committee, called the Marine Mammal Negotiated Rulemaking Advisory Committee (the Committee), was subsequently established in accordance with the Federal Advisory Committee Act (5 U.S.C. App. I). It included all of the groups that were identified in the notice as potential participants, with the exception of the Society for Marine Mammology, which was unable to participate.

The following organizations were included on the Committee as voting members:

American Zoo and Aquarium Association
Alliance of Marine Mammal Parks and Aquariums
International Association of Amusement Parks and Attractions
Marine Mammal Coalition
United States Navy
Center for Marine Conservation
Humane Society of the United States
Animal Welfare Institute, representing a broad coalition of animal concern groups
American Association of Zoo Veterinarians
International Association for Aquatic Animal Medicine
International Marine Animal Trainers Association
Animal and Plant Health Inspection Service

The following organizations or individuals were included on the Committee as observers or consultants. These individuals did not vote on the final consensus reached by the Committee:

Marine Mammal Commission
National Marine Fisheries Service
Fish and Wildlife Service
Dr. Joseph Geraci, independent consultant to the Committee

The Committee conducted three sessions, on September 25 and 26, 1995, in College Park, MD; on April 1, 2, and 3, 1996, in Riverdale, MD; and on July 8, 9, and 10, 1996, in Riverdale, MD. All meetings were open to the public, with specified times during the meetings established for public participation and comment.

Under the rules governing the negotiated rulemaking process, and in accordance with the organizational protocols established by the Committee, APHIS agreed to publish as a proposed rule any consensus language developed during the meetings unless substantive changes were made as a result of authority exercised by another Federal government entity. Committee members agreed to refrain from commenting negatively on the consensus-based language in the proposed rule. Consensus language was reached on 13 of the 18 sections that comprise the regulations, and on one paragraph in a fourteenth section: §§ 3.101, 3.104(a), 3.105, 3.107 through 3.110, and 3.112 through 3.118. Sections 3.101 and 3.104(a) contain facility and operating standards. Section 3.101 contains general requirements for facilities housing marine mammals, including construction, water and power supply, drainage, storage, waste disposal, and washroom facilities; § 3.104(a) contains general space requirements for primary enclosures. Sections 3.105 and 3.107 through 3.110 concern animal health and husbandry. Section 3.105 contains feeding requirements; § 3.107 concerns sanitation and pest control; § 3.108 sets standards for employees and attendants; § 3.109 concerns separation of marine mammals; and § 3.110 concerns veterinary care. Sections 3.112 through 3.118 concern transportation of marine mammals. Section 3.112 concerns consignment of marine mammals to carriers and intermediate handlers; § 3.113 contains standards for primary enclosures used to transport marine mammals; § 3.114 contains standards for primary conveyances used to transport marine mammals; § 3.115 contains requirements for provision of food and water during transport; § 3.116 concerns the care of marine mammals by employees or attendants during transport; § 3.117 concerns terminal facilities; and § 3.118 contains requirements for handling marine mammals during transport.

This proposed rule contains the consensus language developed by the Committee for these sections of the regulations. No Federal government entity made any substantive changes to this language. The Committee considered the remaining sections of the marine mammal regulations, but, because there was not enough time, did not reach consensus on changes to these sections. With one exception, only sections on which consensus language was attained are included in this proposed rule. The exception is a provision in current § 3.110(d) concerning maintenance of necropsy records. We have included this provision in § 3.110(g)(2) in this proposed rule. Consensus on this provision was not attained. We are including it in this proposed rule in order to complete the section. Further, including the provision will allow members of the Committee and other interested persons to comment on it, especially as it pertains to the consensus paragraphs in § 3.110. Amendments to the remaining sections in the regulations are currently being considered by APHIS and will be proposed in a separate **Federal Register** document for comment at that time. Comments on this proposal should be confined to the proposed language in this document.

Proposed Rule

Facilities and Operating Standards

As discussed above, consensus language was reached for §§ 3.101 and 3.104(a) of the marine mammal regulations. Sections 3.101 and 3.104 address facilities and operating standards.

In § 3.101, paragraph (a)(1) requires that indoor and outdoor housing facilities for marine mammals be structurally sound and maintained in good repair to protect animals from injury, to contain the animals, and to restrict the entry of unwanted animals. We are proposing to additionally specify that lagoon and similar natural seawater facilities must maintain effective barrier fences or other appropriate barrier measures around all sides of the enclosure not contained by dry land, and that the barriers must extend above the high tide water level. Such barriers for lagoon and natural seawater facilities would contain the marine mammals within the facility and restrict the entry of unwanted animals. During the negotiated rulemaking discussions, the Committee agreed that this requirement in not intended to preclude the temporary (less than 1 day at a time) lowering or removal of part of the barrier fencing above the water line to accommodate filming or similar actions. It would remain the facility's responsibility to ensure the safety and containment of the marine mammals at all times.

Section 3.101, paragraph (a)(2), requires that all marine mammals be protected from abuse and harassment by the viewing public by the use of a sufficient number of employees or attendants to supervise the viewing public, or by physical barriers, such as fences, walls, glass partitions, or distance. We are proposing to require that the employees and attendants be uniformed or in some way readily identifiable as employees or attendants of the facility. The Committee believes that the presence of persons readily identifiable as employees or attendants of the facility is necessary to deter abuse and harassment of animals by the public, and to readily identify persons to whom questions or complaints may be directed.

Section 3.101, paragraph (a)(3), requires that a primary enclosure (except for natural seawater pools subject to tidewater action) be constructed of materials that have a nonporous, waterproof finish, and that facilitate proper cleaning and disinfection, and be maintained in good repair as part of a regular ongoing maintenance program. Paragraph (a)(3) further states that any ramps or haul-out areas for primary enclosure pools, and any natural seawater pools subject to tidal action, must be constructed of materials that facilitate proper cleaning and disinfection and must be maintained in good repair as part of a regular ongoing maintenance program. The Committee believes that these requirements do not accommodate changes and advances in marine habitat design, or materials used in marine habitats that may not be amenable to disinfection. For example, some primary enclosures designed to be realistic include wood or textured surfaces that are difficult to disinfect completely. Further, the Committee does not believe that absolute disinfection is necessary in cases where the habitat design is not amenable to it.

We are proposing to revise paragraph (a)(3) to require that all surfaces in a primary enclosure be constructed of durable, nontoxic material that facilitates cleaning, and, as appropriate, disinfection. We further propose to require that materials used be compatible with maintaining the water quality parameters specified in § 3.106 of the regulations. (The standards for water quality contained in § 3.106 generally address bacterial standards, salinity, filtration, and water flow.) Additionally, we propose to require facilities to develop and follow a written protocol for cleaning enclosure surfaces that does not employ methods or materials hazardous to the marine

mammals. Having a written protocol would help ensure that facility employees have clear directions and would provide a written plan that could be evaluated by APHIS inspectors if a problem arises. Specific references to natural seawater facilities are not included in the proposed language because the Committee judged it unnecessary to distinguish between these and other kinds of facilities, given the proposed language. Even though natural seawater facilities are not made predominantly of materials that can be cleaned and disinfected, they may have constructed barrier fences or other structures that should be maintained as in other facilities. The intent of proposed paragraph (a)(3) is to ensure that all surfaces that can be cleaned and disinfected are cleaned and disinfected.

Section 3.101, paragraph (a)(4), exempts facilities that utilize natural water areas, such as tidal basins, bays, or estuaries (subject to natural tidewater action), for housing marine mammals from the drainage requirements in § 3.101(c)(1) (discussed later in this document). Paragraph (a)(4) also provides that, regardless of the exemption stated above, facilities must meet the minimum standards with regard to space, depth, and sanitation, and must monitor the water for coliforms and for pH and chemical content, if chemicals are added. We are proposing to remove the language concerning the minimum standards with regard to space, depth, and sanitation, and for monitoring the water coliforms and pH and chemical content. Requirements for meeting minimum space standards are contained in § 3.104, and requirements for monitoring water for coliforms and pH and chemicals are contained in § 3.106. The Committee believes that these changes would simplify the paragraph without substantively changing the requirements for natural water area facilities.

Section 3.101, paragraph (b), requires that reliable and adequate sources of water and electric power be provided by the facility, and that written contingency plans be submitted to and approved by APHIS' Veterinary Services regarding emergency sources of water and electric power in the event of failure of the primary sources. We are proposing two changes to paragraph (b). First, we would require that written contingency plans be submitted to the Deputy Administrator of Animal Care, rather than to Veterinary Services. This change is necessary because, since the last amendments to subpart E, APHIS reorganized so that Animal Care is no longer part of APHIS' Veterinary Services program, but is an independent APHIS program. Additionally, we are proposing to require that contingency plans include, but not be limited to, specific animal evacuation plans in the event of a disaster, and that the plans should describe back-up systems and/or arrangements for relocating marine mammals requiring artificially cooled or heated water. If a contingency plan includes release of marine mammals, the plan also would have to include provisions for recall training and retrieval of the animals.

Paragraph (c) of § 3.101 concerns drainage. Paragraph (c)(1) requires, among other things, that adequate drainage be provided for all primary enclosure pools in marine mammal facilities, and that drainage be located so that all of the water contained in the pools may be ''rapidly eliminated'' when necessary for cleaning the pools or for other purposes. We are proposing to change the phrase ''rapidly eliminated'' to ''effectively eliminated.'' ''Rapid'' emptying of enclosure pools is not always practical and, in some cases, can be unsafe for both humans and animals. For example, a 2 million gallon pool cannot be rapidly emptied without having a drain and pipes that are extremely large, much larger than needed for water circulation. Further, if a pool is rapidly emptied with an animal or human in the water, the animal or human could be pulled down by an undertow or be trapped in the drain. The intended goal of the requirement is to ensure that all water in the pool can be eliminated when necessary. The Committee believes ''effectively eliminated'' is a better term to convey this intended goal.

In § 3.101, paragraph (c)(2) requires, among other things, that drainage be provided for primary enclosures and areas immediately surrounding pools. Members of the Committee were concerned about the possibility of animals becoming entrapped by suction created by the drains. This can occur when a drain cover or strainer becomes unfastened so that the drain hole is exposed. To help prevent the possibility of such occurrences, we are proposing to add a requirement to paragraph (c)(2) that all drain covers and strainers be securely fastened to minimize the risk of animal entrapment.

Paragraph (d) of § 3.101 concerns food storage, and requires that supplies of food be stored in facilities that adequately protect the food supplies from deterioration, molding, or contamination by vermin. We are proposing to state instead that the food supplies must be protected from deterioration, spoilage (meaning harmful microbial growth), vermin, or other contamination. The Committee believes that the proposed change is necessary to address microbial growth and other potential contaminants, such as bacteria or chemicals. Paragraph (d) also requires that refrigerators and freezers be used for perishable food. We are proposing to permit temporary storage of food in chilled and/or iced coolers for periods of less than 12 hours. This change would accommodate the practice of using coolers to bring food to the marine mammal enclosure to be used throughout the day. The intent of the Committee in agreeing to this proposed addition is that the chilled and/or iced coolers would have to function adequately and have sufficient ice and insulation to maintain the integrity of the food inside. Finally, paragraph (d) specifies that no substances that are known to be, or may be, toxic or harmful to marine mammals may be stored or maintained in the marine mammal food storage areas. We are proposing to allow cleaning agents to be maintained in these areas if they are kept in secured cabinets designed and located to prevent food contamination. We also propose to prohibit food, supplements, or medications to be used beyond the commonly accepted shelf life or dating on the label. The Committee believes that this prohibition would help ensure that only wholesome and efficacious food, supplements, and medications are used.

Paragraph (e) of § 3.101 concerns waste disposal and requires, among other things, that disposal facilities be provided and operated in a manner that minimizes vermin infestation, odors, and disease hazards. We are proposing to state instead that disposal facilities must be provided and operated in a manner that minimizes odors and the risk of vermin infestation and disease hazards. We are proposing this rewording because the Committee was concerned that the current language could be misunderstood to imply that some degree of vermin infestation and disease hazard is acceptable.

Section 3.101, paragraph (f), concerns washroom facilities and requires that facilities such as washrooms, basins, showers, or sinks be provided to maintain cleanliness among employees and attendants. The Committee agreed to several changes to make this paragraph more specific. We are proposing that washroom facilities containing basins, sinks, and, as appropriate, showers (not all washrooms require a shower) must be provided and must be conveniently located to maintain cleanliness among

employees, attendants, and volunteers. We would also require that such facilities be cleaned and sanitized daily.

The Committee also agreed to add a new paragraph (g) to § 3.101, to address the use of enclosure or pool environmental enhancements. Proposed paragraph (g) would require that any nonfood item used to provide entertainment or stimulation for marine mammals be of sufficient size and strength to prevent ingestion or breakage or causing injury to marine mammals. These items would also have to be able to be cleaned, sanitized and/or replaced effectively.

As discussed previously in this document, consensus language was not developed for the bulk of § 3.104. However, consensus language for paragraph (a) of § 3.104 was developed and is included in this proposed rule. Paragraph (a) states that primary enclosures must comply with the minimum space requirements prescribed by the regulations. (The minimum space requirements are contained in § 3.104(b) and (c), which are not affected by this rulemaking.) Paragraph (a) further requires that primary enclosures be constructed and maintained so that marine mammals contained within have sufficient space to make normal postural and social adjustments, with adequate freedom of movement, in or out of the water, except as provided in § 3.110, ''Veterinary care.'' Paragraph (a) also provides that primary enclosures smaller than required by the standards may be used for temporary holding purposes such as training and transfer of marine mammals, but may not be used for permanent housing or for periods longer than specified by an attending veterinarian.

The Committee agreed to make several changes to paragraph (a) to add specificity. First, we propose to replace the general reference to § 3.110 with a reference to § 3.110(b) (discussed later in this document). Paragraph (b) concerns isolation or separation for medical treatment and/or medical training. We also propose to provide that enclosures smaller than allowed by the standards may be used temporarily for nonmedical training, breeding, holding, and transfer purposes. However, we propose that, if a marine mammal is to be kept in such an enclosure for nonmedical training, breeding, or holding for longer than 2 weeks, or for transfer purposes for longer than 1 week, the attending veterinarian must provide written justification on a weekly basis. We propose to specify that enclosures that do not meet the minimum space requirements, including gated side pools abutting primary enclosures, may not be used for permanent housing of marine mammals. We also propose to specify that rotating animals between compliant and noncompliant sized pools or enclosures is not acceptable to comply with this paragraph.

Animal Health and Husbandry Standards

Sections 3.105 through 3.111 address animal health and husbandry. The Committee developed consensus language for §§ 3.105 and 3.107 through 3.110.

Section 3.105 contains feeding requirements. Paragraph (a) of § 3.105 requires, among other things, that the diet for marine mammals be prepared with consideration for age, species, condition, size, and type of marine mammal being fed. We propose to state that *factors such as* age, species, condition, and size must be considered when preparing the animals' diet. The Committee's intent is that this language would clarify that the list is not meant to be all inclusive, but that the listed factors must be considered in developing the animals' diet. The specification that ''type'' of marine mammal must be considered would be removed because the Committee believes that listing ''species'' is adequate. Paragraph (a) also requires that marine mammals be offered food at least once a day, except as directed by veterinary treatment or professionally accepted practices. We are proposing to require, instead, that marine mammals be offered food at least once a day, except as directed by the attending veterinarian.

The Committee agreed that no changes were necessary to § 3.105(b).

Section 3.105, paragraph (c), requires, among other things, that employees or attendants responsible for giving food to the marine mammals be able to recognize deviations from a normal state of good health in each marine mammal so that the food intake can be adjusted accordingly. We propose to add a requirement that inappetence exceeding 24 hours must be reported immediately to the attending veterinarian. Loss of appetite may indicate a medical problem. The Committee believes that requiring that loss of appetite exceeding 24 hours be reported to the attending veterinarian would help ensure that the marine mammal is provided with adequate veterinary care.

Paragraph (c) further requires that public feeding may only be permitted in the presence and under the supervision of a uniformed employee or attendant. We are proposing to revise this requirement to further stipulate that a sufficient number of knowledgeable, uniformed employees or attendants must supervise public feeding. The Committee believes that adding the requirement for ''a sufficient number'' of employees or attendants during public feeding would ensure that adequate supervision is available depending on the number of animals being fed. If a large number of animals is involved in the public feeding, more than one employee or attendant would be needed. The Committee agreed that the term ''knowledgeable'' would indicate that the employee or attendant not only has knowledge about the individual animals, but knowledge about the harmful effects of feeding marine mammals in the wild, and knowledge that such practices are prohibited under the Marine Mammal Protection Act. The Committee believes that clarification of this intent in the preamble of the proposed rule, rather than in the rule itself, would be sufficient. This interpretation of the word ''knowledgeable'' is consistent with the general welfare and conservation programs embraced by the majority of the animal exhibition community.

We are also proposing to add to paragraph (c) a provision that individual feeding records noting the estimated daily food consumption must be maintained at the facility for a period of 1 year, and must be made available for APHIS inspection. The Committee agreed on clarification of this requirement as follows: For marine mammals that are individually fed, and not subject to public feeding, the feeding records should reflect an accurate account of food intake; for animals fed, in part, by the public, and for large, group fed colonies of marine mammals where individual rations are not practical or feasible to maintain, the daily food consumption should be estimated as precisely as possible. However, the Committee agreed that it would not be necessary to add this clarification to the proposed regulatory language. The Committee agreed that the remaining requirements of paragraph (c) would remain unchanged.

Paragraph (d) of § 3.105 concerns food preparation and handling, and requires, among other things, that food be prepared and handled so as to minimize bacterial or chemical contamination and to assure the wholesomeness and nutritive value of the food. We are proposing to remove the portion of that sentence referring to minimizing bacterial or chemical contamination because the Committee was concerned that it implied that some degree of bacterial or chemical contamination

would be permissible. The Committee believes that requiring food to be prepared and handled in a manner that assures the wholesomeness and nutritive value of the food would make it clear that contamination by bacteria or chemicals is not acceptable.

We are also proposing to add several requirements concerning thawed food. Paragraph (d) requires that storage of food (including the length of time food is stored and the method of storage) and thawing of frozen food be done in a manner that minimizes contamination and assures that the food retains nutritive value and wholesome quality. We are proposing to also require that thawed food be maintained in a manner that minimizes contamination and assures that the food retains nutritive value and wholesome quality *until the time of feeding.* The Committee believes this new provision would clarify that proper maintenance of food extends beyond the thawing process to the time the food is fed to the animal. We are also proposing to specify that when food is thawed in standing or running water, cold water must be used. Use of other water to thaw frozen food may increase the risk of food contamination and loss of nutritive value. Finally, paragraph (d) requires that food be fed to the marine mammals within 24 hours of removal from the freezer for thawing. We propose that, if the food is thawed under refrigeration, it must be fed to the marine mammals within 24 hours of thawing. The Committee agreed to make this change to accommodate changes in recognized and acceptable methods of food storage and handling, primarily the thawing of food under refrigeration (as opposed to thawing under running or standing water). This time frame for using food thawed under refrigeration has been approved by APHIS for use on an individual facility basis in the past.

Section 3.107 concerns sanitation. We are proposing several amendments to this section that the Committee believes will simplify language and clarify issues. Paragraph (a) of § 3.107 concerns sanitation in primary enclosures. Paragraph (a)(1) requires that animal and food waste in areas other than the primary enclosure pool of water be removed at least daily, and more often when necessary, to prevent contamination of the marine mammals and to minimize disease hazards. Paragraph (a)(2) requires that particulate animal and food waste, trash, or debris that enters the primary enclosure pool of water be removed as often as necessary to maintain the required water quality and to prevent health hazards to the marine mammals. We are proposing to revise both paragraphs to refer to minimizing ''health and disease hazards.'' We are proposing to use this language to make these paragraphs consistent with the rest of the proposed rule. In paragraph (a)(1), we would also add that the removal of animal and food waste be done ''to provide a clean environment.'' In paragraph (a)(2), we would add that the removal of waste, trash, and debris from pools of water must be done at least daily, or more often as necessary. This would be consistent with the requirement in paragraph (a)(1), and would help ensure that the pool water is kept clean.

Paragraph (a)(3) of § 3.107 requires that the wall and bottom surfaces of the primary enclosure pool of water be cleaned as often as necessary to maintain proper water quality. We are proposing to add that natural organisms (such as algae, coelenterates, or molluscs) that do not degrade water quality (according to the standards in § 3.106), prevent proper maintenance, or pose a health or disease hazard to the animals will not be considered contaminants. The Committee believes this addition would accommodate current trends and accepted practices of recreating more naturalistic habitats for captive marine mammals.

Paragraph (b) of § 3.107 concerns cleaning of food preparation areas and food receptacles. The first sentence reads ''Containers, such as buckets, tubs, and tanks, as well as utensils, such as knives and cutting boards, or any other equipment which has been used for holding, thawing, or preparing food for marine mammals shall be cleaned and sanitized after each feeding, if the marine mammals are fed once a day, and at least daily if the marine mammals are fed more than once a day.'' We are proposing to simplify this sentence to read, ''All equipment and utensils used in food preparation shall be cleaned and sanitized after each use.'' The Committee believes that the revised sentence would retain the intent of the original, while eliminating unnecessary complexity. The remaining requirements in paragraph (b) would be left unchanged.

Paragraph (c) of § 3.107 concerns housekeeping. The last sentence reads, ''Primary enclosures housing marine mammals shall not have any loose objects, sharp projections, and/or edges which may cause injury or trauma to the marine mammals contained therein.'' We are proposing to change this sentence by removing the commas after ''loose objects'' and ''sharp projections'' and adding an ''or'', so that the phrase would read ''shall not have any loose objects or sharp projections and/or edges which may cause injury.'' The Committee believes that this change would clarify the sentence.

The Committee agreed that no changes are necessary in § 3.107(d).

Section 3.108 contains standards for employees and attendants who handle marine mammals. The Committee agreed to clarify and expand the requirements for employees and attendants. Currently, § 3.108 requires that a sufficient number of adequately trained employees or attendants responsible to management be utilized to maintain the prescribed level of husbandry practices set forth in the regulations. We are proposing to add that the employees and attendants must also work in concert with the attending veterinarian.

Section 3.108 further requires that employees and attendants work under the supervision of a marine mammal caretaker who has a background in marine mammal husbandry and care. We are proposing to revise this requirement to state that the marine mammal caretaker must have ''demonstrable experience'' in marine mammal husbandry and care. A marine mammal caretaker could meet this requirement by, for example, having on file at the facility a resume with verifiable information showing where and when the employee had worked previously and a summary of job duties. Similar and equivalent means to verify experience and training would be acceptable to demonstrate experience under this requirement. In the past, APHIS has received public complaints about the lack of training and applicable experience of employees in licensed facilities. When an employee's experience has not been demonstrable or verifiable, it impedes the effective enforcement of the provisions intended to make sure the animals are cared for by trained and competent personnel. The Committee believes that the proposed revisions would help ensure that personnel are adequately trained and supervised to manage the care of the marine mammals.

To the same end, we are proposing to put the provisions described above into a new paragraph (a) in § 3.108, and to add new paragraphs (b), (c), and (d) to address employee and attendant training and animal training. Paragraph (b) would require that each facility provide and document participation in and successful completion of a facility training course for its employees. This training course would have to include, but would not be limited to, species appropriate husbandry techniques, animal handling techniques, and information on proper reporting protocols, including recordkeeping and

notification of veterinary staff when there are medical concerns. New paragraph (c) would require that any training of marine mammals be done by or under the direct supervision of experienced trainers, and new paragraph (d) would require that all trainers and handlers meet professionally recognized standards for experience and training. The Committee agreed that, for purposes of enforcing this requirement, APHIS should use professional organization standards, such as those used by the International Marine Animal Trainers Association, as a point of reference.

Section 3.109 concerns separation of animals, and prohibits marine mammals that are not compatible from being housed in the same enclosure, and prohibits marine mammals from being housed near animals that cause them stress or discomfort or interfere with their good health. Section 3.109 also requires that captive marine mammals be given access to other animals except when they are temporarily maintained in isolation for such purposes as medical treatment or training and given special attention. The Committee agreed to revise these requirements to better define under what conditions usually social animals may be kept with or separated from the same or related species. We are proposing to retain the provisions that prohibit marine mammals that are not compatible from being housed in the same enclosure, and that prohibit marine mammals from being housed near animals that cause them stress or discomfort or interfere with their good health. However, we would add the term ''unreasonable'' in front of ''stress or discomfort'' to recognize that any new situation or change in conditions can cause a marine mammal to experience some stress.

We are proposing to remove the requirement in § 3.109 that captive marine mammals must be given access to other animals except when they are temporarily maintained in isolation for such purposes as medical treatment or training and given special attention. In its place, we are proposing to add that marine mammals that are known to be primarily social in the wild must be housed in their primary enclosure with at least one compatible animal of the same or biologically related species. An exception to this requirement would be made when the attending veterinarian, in consultation with the husbandry/training staff, determines that such housing is not in the best interests of the marine mammal's health or well-being. We also propose to require a written plan for animals that are housed separately that includes justification for the length of time the animal will be kept separated or isolated, the type and frequency of enrichment activities, plans for interaction, if appropriate (for example, interactions with trainers/handlers would be appropriate for cetacean species and some pinnipeds but not, necessarily, for polar bears), and provisions for periodic review of the plan by the attending veterinarian. The written plan would have to be approved by the attending veterinarian and developed in consultation with the husbandry/training staff. Finally, we propose to require that marine mammals that are held separately for nonmedical reasons be in facilities (enclosures) that meet the minimum space requirements found in § 3.104. The Committee believes that these proposed regulations would minimize separation or isolation of social animals except for medical or compatibility considerations, and would ensure that there is an ongoing accountability for the isolation or separation of a marine mammal.

Section 3.110 contains standards for veterinary care of marine mammals. Proposed § 3.110 would retain most of the current requirements, with some minor changes, and would add additional standards for veterinary care.

Proposed paragraph (a) of § 3.110 would require all newly acquired marine mammals to be isolated from resident animals at the facility. This requirement is in current § 3.110(a). Current § 3.110(a) further stipulates that the newly acquired marine mammals be isolated until they can reasonably be determined to be in good health. In accordance with the Committee's agreement, we propose to require instead that newly acquired marine mammals with a known medical history be isolated unless or until the attending veterinarian can reasonably determine that they are in good health. Marine mammals without a known medical history would have to be isolated until the attending veterinarian determines that they are in good health. This revision is intended to mean that newly acquired marine mammals with a known medical history might not have to be isolated at all if the attending veterinarian determines they are in good health. Paragraph (a) also requires that any communicable disease condition in a newly acquired marine mammal be remedied before the new animal is placed with resident marine mammals. We propose to add that this requirement will not apply if the attending veterinarian judges that the potential benefits of a resident animal as a companion to the newly acquired animal outweigh the risks to the resident animal.

Proposed paragraph (b) of § 3.110 would, in part, contain a revised version of the provisions currently found in paragraph (c) of § 3.110. Paragraph (c) requires that temporary holding facilities with adequately and properly designed pools, tanks, restraining devices, or primary enclosures, be provided for isolation, medication, treatment, and other purposes, such as transfer and training of marine mammals. To simplify this requirement, proposed § 3.110(b) would state that holding facilities must be in place and available to meet the needs for isolation, separation, medical treatment, and medical training of the marine mammals. Paragraph (c) also currently provides that the pools, tanks, and primary enclosures may be less than minimum size in both lateral dimensions and depth when used in special situations when prescribed by the professional staff for temporary use. To simplify and clarify this requirement, as well, proposed paragraph (b) would state that holding facilities used to house isolated or separated marine mammals for nonmedical purposes would have to meet the space requirements of § 3.104; holding facilities used only for medical treatment and medical training would not have to meet the minimum space requirements of § 3.104.

The remainder of proposed § 3.110(b) would contain new requirements agreed on by the Committee. We are proposing to require that, if an animal is to be housed for longer than 2 weeks for medical or medical training purposes in a facility that does not meet the minimum space requirements in § 3.104, it must be noted and justified on the animal's medical records by the attending veterinarian on a weekly basis. We are also proposing in paragraph (b) provisions for veterinary care of marine mammals in natural lagoon and coastal enclosures because water circulation cannot be controlled or isolated in such facilities. In natural lagoon and coastal enclosures, newly acquired marine mammals would have to be separated from resident animals using separate enclosures within the facility, located to prevent direct contact of newly acquired animals with resident animals and to minimize the risk of airborne or waterborne contamination between newly acquired animals and resident animals.

Currently, paragraph (b) of § 3.110 also contains provisions concerning cleaning of primary enclosures containing a marine mammal with an infectious or contagious disease. We are proposing to put provisions for cleaning in paragraph (c) of § 3.110. The

proposed provisions would be similar to the current provisions, except that we would refer to cleaning of holding facilities used for medical purposes, instead of to primary enclosures. The Committee's intent is to clarify that holding facilities may include primary enclosures, as well as other types of facilities used for medical purposes. We are proposing to require that any holding facility that is used for medical purposes and that has contained a marine mammal with an infectious or contagious disease be cleaned and sanitized in the manner prescribed by the attending veterinarian. No healthy animals could be introduced into the holding facility prior to such cleaning and/or sanitizing, to minimize the risk of spreading disease. Any marine mammal exposed to a contagious animal would have to be evaluated by the attending veterinarian. The attending veterinarian would determine if the exposed animal needs to be monitored and/or isolated, and would determine the appropriate time period for monitoring or isolation.

In proposed § 3.110, paragraphs (d), (e), and (f) would add new requirements for veterinary care beyond what is currently required. The new requirements are intended to provide more specific standards concerning what constitutes adequate veterinary care.

Proposed § 3.110, paragraph (d), would require that individual medical records be kept for each animal and be made available to APHIS inspectors. These records would have to indicate the animal's identification/name and a physical description of the animal, including any identifying markings, scars, etc. The age and sex of the animal must also be recorded. The Committee agreed that, in enforcing this requirement, records may include the actual age of the animal or an estimated age, if the actual age is not known. The individual medical record would also have to include the results of all physical examinations, including, but not limited to, length, weight, physical examination results by body system, identification of all medical and physical problems and proposed plan(s) of action (i.e. the treatment protocol), all diagnostic test results, and documentation of all treatment.

Proposed § 3.110, paragraph (e), would require that a copy of the individual animal medical record accompany any marine mammal when it is transferred to another facility. This would include transfers to all contract (lease) and satellite facilities. The intent of this requirement is to ensure that a copy or the original of the animal's individual medical record would always be available to animal care personnel, including the attending veterinarian at the receiving facility, and to APHIS inspectors.

Proposed § 3.110, paragraph (f), would require that all marine mammals be visually examined by the attending veterinarian at least twice a year, and physically (hands on) examined under the supervision of the attending veterinarian whenever the attending veterinarian determines that physical examination is necessary. All cetaceans and sirenians (whales, dolphins, and manatees) would have to be physically examined by the attending veterinarian at least once a year. The annual physical examination for cetaceans and sirenians would have to include, but not be limited to, a hands on physical examination, hematology and blood chemistry analysis, and other diagnostic tests as determined by the attending veterinarian. APHIS could grant an exception from the requirement for a yearly physical examination of cetaceans and sirenians based on considerations related to the health and safety of the individual animal. It was agreed by the Committee that use of trained husbandry behaviors should be encouraged, to minimize the stress of the required examinations. However, the Committee determined that this would not be specified in the regulations. We are proposing to leave the frequency of physical examinations for marine mammals other than cetaceans and sirenians to the discretion of the attending veterinarian. The Committee particularly felt that hands on physical examinations of animals in large, untrained pinniped colonies may not be warranted unless the attending veterinarian believes a particular animal requires such an examination. This is because examination of an untrained pinniped colony may cause undue stress to the colony or individual animals and may present a significant risk of injury to personnel.

In proposed § 3.110, paragraph (g) would contain requirements for necropsy. The proposed requirements are essentially the same as those in current § 3.110(d), with some additional provisions. Currently, § 3.110(d) requires that a complete necropsy be conducted by or under the supervision of a veterinarian on all marine mammals that die in captivity. We would retain this requirement in proposed paragraph (g)(1), but would further specify that the necropsy must include histopathology samples, microbiological cultures, and other testing as appropriate, and that the necropsy must be conducted by or under the supervision of the *attending* veterinarian. Current paragraph (d) further requires that the veterinarian prepare a necropsy report listing all pathological lesions observed and giving the apparent cause of death. Proposed paragraph (g)(1) would require both a preliminary report and a final report. The preliminary necropsy report would have to include a list all pathological lesions observed. The final report would have to include all gross and histopathological findings, lab test results, and a pathological diagnosis (this may or may not be the immediate cause of death).

Current paragraph (d) also requires that the management of the facility at which the marine mammal died must maintain necropsy records for a period of 3 years and must make them available for APHIS inspection when requested. The Committee discussed whether or not to revise the regulations to require that necropsy records be submitted to and maintained by APHIS, but the Committee did not reach agreement on this issue. APHIS has encountered no significant problems investigating marine mammal deaths, when indicated, using necropsy records kept at the facility. Further, we do not wish to place an additional reporting burden on licensees and registrants concerning these records. Therefore, we are including the requirement from paragraph (d), with one change, in proposed paragraph (g)(2), despite the fact that consensus was not reached on the requirement. Because proposed paragraph (g)(2) is nonconsensus language, it is open for all public comment, including comments from Committee members.

Proposed paragraph (g)(2) would require that necropsy reports be maintained at the facility for a period of 3 years and made available for APHIS inspection. We intend this to mean at the home facility of the marine mammal. We are proposing not to retain the requirement that records be kept at the facility where the marine mammal died, in order to allow for the records of leased or borrowed animals to be maintained at the home institution. Some facilities maintain marine mammals only on a seasonal basis, and are therefore not open for inspection for significant parts of the year. While we would still expect records to be available at the site of demise for investigative purposes following an animal's death, once an investigation (if warranted) is completed, the records could be maintained at the home facility of the animal.

Transportation Standards

Sections 3.112 through 3.118 contain standards for transportation of marine mammals. Consensus language was attained for each of these sections. One of the changes we are proposing appears throughout §§ 3.112 through 3.118. These sections frequently use the term ''primary enclosure'' to mean the primary enclosure used during transport of a marine mammal. However, the term ''primary enclosure'' is also used throughout the regulations to mean an animal's permanent housing structure, such as the pool at the facility where the animal is kept. To avoid confusion, we are proposing to replace the term ''primary enclosure'' with the term ''primary transport enclosure'' throughout §§ 3.112 through 3.118, wherever we believe such change is necessary for clarity. This change would appear in § 3.112(b), § 3.113(h), § 3.114(c), § 3.117, and § 3.118(b). In other places, the regulations specify ''primary enclosure used to transport marine mammals.'' We would not make any changes in these places because we believe the intent is clear.

Section 3.112 concerns consignment of marine mammals to carriers and intermediate handlers. The Committee agreed to retain almost all of current § 3.112, with a few changes and additions.

Paragraph (a) of § 3.112 currently states that carriers and intermediate handlers may not accept any marine mammal for transport more than 4 hours prior to the scheduled departure of the primary conveyance on which the animal is to be transported, with an exception made to 6 hours if agreed on by both the carrier or intermediate handler and the person or group presenting the animal for transport. We are proposing to also prohibit a carrier or intermediate handler from accepting any marine mammal for transport if the animal is not accompanied by a health certificate signed by the attending veterinarian and stating that the animal was examined within 10 days prior to transport and was found to be in acceptable health for transport. A requirement for a pre-transport veterinary examination and health certificate already exists for dogs, cats, and nonhuman primates (see 9 CFR 2.38 and 2.78). The Committee believes that adding a similar requirement for marine mammals would help ensure that the health of marine mammals is assessed prior to transport.

Paragraph (b) of § 3.112 states, among other things, that any carrier or intermediate handler may accept a marine mammal for transport if the consignor provides a certificate stating that the primary transport enclosure complies with § 3.113 of the regulations (discussed later in this document). The certificate must include the name and address of the consignor, the number of animals in the enclosure, a statement certifying that the enclosure complies with the standards in 9 CFR part 3, and the signature of the consignor. We are proposing to add that the certificate must also include the age and sex of each animal in the primary transport enclosure. The Committee agreed that, in enforcing this requirement, APHIS may accept on the certificate the actual age of the animal or an estimated age, if the actual age is not known.

Section 3.112(c) concerns temperature. It states that carriers or intermediate handlers whose facilities fail to meet the minimum temperature allowed by the regulations may accept a marine mammal for transport if the marine mammal is accompanied by a certificate executed by an accredited veterinarian and stating that the marine mammal is acclimated to air temperatures lower than those prescribed in §§ 3.117 and 3.118 of the regulations. We are proposing first to clarify the temperature requirement in this paragraph by stating the acceptable temperature range required by §§ 3.117 and 3.118 (7.2 °C–23.9 °C, or 45 °F–75 °F) and by stating that the air temperature must be within this range. We also propose to amend paragraph (c) to state that carriers or handlers whose facilities fail to maintain a temperature within that range may accept a marine mammal for transport if the marine mammal is accompanied by a certificate stating that the marine mammal is acclimated to an air temperature range specified on the certificate that is either lower or higher than the prescribed range. Including the air temperature to which the animal is acclimated would provide additional guidance to carriers and intermediate handlers in determining if the animal should be accepted for shipment. We are also proposing to require that the certificate be executed by the attending veterinarian instead of by an accredited veterinarian. We are proposing this change because the attending veterinarian responsible for the marine mammal would know better to what temperature the animal is acclimated than would an accredited veterinarian who is not usually responsible for the animal's care.

In addition to certifying acclimation to a certain air temperature, paragraph (c) requires that the certificate include the name and address of the consignor and the number of animals in the shipment. We are proposing to additionally require that the certificate include the age and sex of each marine mammal in the shipment. The Committee agreed that, in enforcing this requirement, the certificate may include the actual age of the animal or an estimated age, if the actual age is not known.

Section 3.113 contains standards for construction and design of primary transport enclosures for marine mammals. The Committee's proposal retains almost all of the current provisions in § 3.113, with some revisions and additions.

Paragraph (a) contains specific requirements for primary transport enclosures used to transport any marine mammal to help ensure the animals' safety and comfort.

One of the requirements, contained in paragraph (a)(4), is that the primary transport enclosure have interiors that are free from any protrusions that could be injurious to the marine mammals. We are proposing to add that the interior must also be free from any hazardous openings that could be injurious to the marine mammals. This requirement appears necessary to prevent injuries caused by marine mammals' flippers, heads, or feet being caught in openings from which they can not readily free themselves.

Paragraph (a)(7) requires that primary transport enclosures have openings located in a manner that makes them easily accessible at all times for emergency removal of the marine mammal inside. We are proposing to add that the openings must also allow potential treatment of the marine mammal. The Committee believes this requirement is necessary because treatment during transport (emergency or otherwise) would not always require, and is often best performed without, removal of the marine mammal from the enclosure.

Paragraph (a)(8) requires that primary transport enclosures have ventilation openings located on all four sides of the enclosure that are not less than 16 percent of the total surface area of each side. We are proposing to require that the ventilation openings be not less than 20 percent of the total surface area on each side. The Committee determined that this was a reasonable requirement that would ensure adequate ventilation without interfering with the strength and integrity of the transport enclosure. The Committee also believes that 20 percent is an easier percentage to work with than 16 percent.

Paragraph (a)(9) requires that primary transport enclosures have projecting rims or other devices placed on the ends

and sides of enclosures with ventilation openings to provide a minimum air circulation space of 1.9 centimeters (.75 inches) between the enclosure and any adjacent cargo or the conveyance wall. We are proposing to require the minimum air circulation space be 7.6 centimeters (3 inches). The Committee believes this additional space is necessary to ensure adequate airflow around the enclosure.

We would redesignate current paragraph (a)(10) as (a)(11), without changing its content. We propose to add a new paragraph (a)(10) in its place to state that primary transport enclosures must be constructed so as to provide air circulation space sufficient to maintain the temperature limits required by the regulations (in subpart E). Temperature limits required by the regulations would include temperature limits found within §§ 3.112 through 3.118, as well as any temperature limits for specific species that may be set in §§ 3.102 and 3.103 in a future rulemaking.

Paragraph (b) of § 3.113 concerns devices used for supporting or restraining marine mammals during transport. The Committee agreed that no substantive changes were necessary in this paragraph. The Committee did propose an editorial change in paragraph (b)(1), to remove the phrase ''during transportation.'' This phrase was considered redundant, since it is already clear that the standards in this section apply to transportation.

Paragraph (c) of § 3.113 contains standards for the size of primary transport enclosures, specific for different types of marine mammals. We are proposing to restructure this paragraph for the purpose of simplification. Paragraph (c)(1) concerns enclosures for polar bears and sea otters, and paragraph (c)(2) concerns enclosures for pinnipeds (seals, sea lions, and walruses). We would add pinnipeds to paragraph (c)(1), without changing the space requirements and would remove paragraph (c)(2). Current paragraph (c)(3) would be redesignated as paragraph (c)(2).

Current paragraph (c)(1) requires that enclosures for polar bears and sea otters provide sufficient space for the animals to turn about freely in a stance whereby all four feet are on the floor. Because we are adding pinnipeds to this paragraph, we would also add a reference to all flippers being on the floor. Current paragraph (c)(3) (proposed to be redesignated as paragraph (c)(2)) states that animals may be restricted in their movement ''according to professionally acceptable standards. . . .'' We propose to refer instead to ''professionally accepted standards.''

Paragraph (d) of § 3.113 concerns the compatibility of marine mammals transported together. One of the requirements in paragraph (d) is that socially dependent animals (for example, siblings, dams, or other members of a family group) must be allowed visual and olfactory contact. We are proposing to require that visual and olfactory contact be allowed *whenever reasonable.* The Committee believes that this proposed revision is necessary because there are occasions when, due to transportation circumstances and the animals involved, visual or olfactory contact is not possible. For example, currently accepted industry standards for transporting cetaceans involves transportation in individual enclosures with solid sides. These enclosures invariably have solid sides even when the animal is in a sling. Although there may be auditory contact with other group members being transported at the same time, visual contact is not practical.

Section 3.113, paragraph (e), contains provisions for the construction of primary transport enclosure floors. We are proposing to retain the first requirement in paragraph (e) that primary transport enclosures have solid bottoms to prevent leakage in shipment and, if the enclosure has been previously used, that it be cleaned and sanitized in a manner prescribed in § 3.107 of the regulations. The remainder of paragraph (e) requires that primary transport enclosures contain clean litter, unless the animals are on wire or other nonsolid floors. We are proposing to replace these provisions with a requirement that, within the primary transport enclosure, marine mammals be maintained on sturdy, rigid, solid floors with adequate drainage. The use of litter and some wire flooring can be potentially dangerous for the animals if litter is ingested or body parts are caught in or abraded on the wire flooring. The Committee believes the revision is necessary to reflect currently accepted practices regarding the flooring of transport enclosures for marine mammals, and to provide the best flooring for the safe transport of the marine mammals.

Paragraph (f) of § 3.113 requires primary transport enclosures to be marked with the phrase ''Live Animal'' or ''Wild Animal'' (whichever is appropriate), and gives specifications as to how those markings must appear. One of the specifications is that the enclosure must be marked on top and on one or more sides. However, some primary transport enclosures are open, and do not have tops (such as those used for cetaceans or sirenians). Other primary transport enclosures do not have solid areas on more than one side. To accommodate these situations, we are proposing to revise this requirement to state that the enclosure must be marked with the appropriate phrase ''on top (when present) and on at least one side, or on all sides whenever possible.'' We are also proposing to remove the phrase ''whichever is appropriate'' after ''Live Animal'' or ''Wild Animal'' because the Committee believes it is unnecessary.

Paragraph (g) of § 3.113 requires that documents accompanying the shipment of marine mammals be attached to the outside of a primary transport enclosure that is part of the shipment. We are proposing to add, as an alternative, that the documents may be in the possession of the shipping attendant. This alternative would allow the documents to be kept away from water that is in the enclosures or that is used to spray the animals.

The Committee proposed no changes to § 3.113, paragraph (h), except to change ''primary enclosure'' to ''primary transport enclosure'', for the reasons given previously in this document.

Section 3.114 contains standards for primary conveyances (motor vehicle, rail, air, and marine) used to transport marine mammals. Paragraph (a) provides that the animal cargo space of any primary conveyance used to transport live marine mammals must be constructed in a manner that will protect the health and ensure the safety and comfort of the marine mammals being transported. Historically, most problems with discomfort, stress, and injuries to marine mammals during transportation have been caused by excessive heat or cold. To help prevent such problems, we are proposing to add a provision to paragraph (a) that would require primary conveyances to be sufficiently temperature controlled to provide an appropriate environmental temperature for the species of marine mammal being transported, to ensure the safety and comfort of the marine mammal, or to employ other safeguards (for example, cold water, ice, or fans) to maintain the animal at an appropriate temperature.

The Committee did not propose any revisions to § 3.114(b).

In § 3.114, paragraph (c), we are proposing to make some editorial changes to make the regulations easier to read and understand, but we are proposing no substantive changes.

The Committee did not propose any changes to paragraphs (d), (e), or (f) of § 3.114.

We are proposing to add a new paragraph (g) to § 3.114 to address lighting in the requirements for primary conveyances. The Committee believes that adequate lighting is essential to provide adequate care for the animals during transport. Proposed paragraph (g) would require that adequate lighting be made available so that attendants may properly inspect the marine mammals in their care at any time. If the carrier cannot provide such lighting, the shipper (consignor) must arrange for the lighting.

Section 3.115 contains requirements for food and drink availability during transport. Currently, paragraph (a) requires that those marine mammals that require drinking water be offered potable water within 4 hours prior to being transported in commerce or offered for transportation in commerce. We propose to change this language to state that those marine mammals that require drinking water be offered potable water within 4 hours of being placed in the primary transport enclosure for transport in commerce. The Committee believes this change is necessary because marine mammals are sometimes placed in a primary transport enclosure and then transported to the primary conveyance for transport in commerce. In these cases, the marine mammal may be in the primary transport enclosure several hours before transport in commerce begins. The Committee intends that this change will ensure that the marine mammal is given water within a reasonable time prior to being placed in the primary transport enclosure.

Paragraph (b) of § 3.115 requires that marine mammals may not be transported for more than 36 hours without being offered food; when an employee or attendant is required to accompany the shipment, the marine mammals must be fed during transit when necessary to provide for their good health and well-being. The Committee agreed that not all marine mammal species require or benefit from food during transportation. To reflect this, we are proposing to require instead that marine mammals being transported in commerce be offered food as often as necessary and appropriate for the species involved or as determined by the attending veterinarian. The attending veterinarian would take into account the species of marine mammal, the condition of the individual animal, and the length of transport to determine if food needs to be offered.

Section 3.116 contains requirements for care of marine mammals in transit. The Committee chose to extensively revise this section to address the specific needs and considerations for the transport of marine mammals. While the specific proposed regulations are discussed below, a key overriding component of the proposed language is that all marine mammals in transit must be accompanied by a sufficient number of knowledgeable and experienced escorts. The proposed regulations may specify that the escort be a licensed veterinarian, an employee, or an attendant of the shipper or receiver. This additional consideration appears throughout proposed § 3.116.

Section 3.116(a) requires that an employee or attendant of the shipper or receiver knowledgeable in the area of marine mammal care accompany cetaceans, sirenians, pinnipeds, and sea otters during transport to provide for their good health and well-being, to observe the marine mammals and determine whether they need veterinary care, and to obtain any needed veterinary care as soon as possible. We are proposing to retain this requirement, but with a few changes. We would add ''licensed veterinarian'' to the list of persons who may accompany the marine mammal during transport. We would require that, in addition to being knowledgeable in the area of marine mammal care, the licensed veterinarian, employee, or attendant must also be experienced in the area of marine mammal care and knowledgeable and experienced in the area of marine mammal transport. We would also replace the phrase ''cetaceans, sirenians, pinnipeds, and sea otters'' with ''all marine mammals,'' which would include polar bears. We also propose to require that any transport of greater than 2 hours duration have a transport plan approved by the attending veterinarian. Among other things, this plan would have to specify whether a veterinarian must accompany the shipment. We also propose that, if the attending veterinarian does not accompany the shipment, arrangements must be made to stay in contact with him/her during transport, in accordance with 9 CFR 2.40(b)(3). Section 2.40 of the regulations contains requirements for adequate veterinary care of any animal covered under the Animal Welfare Act. Section 2.40(b)(3) requires, among other things, that there be daily observations of all animals to assess their health and well-being, and that there be a mechanism of direct and frequent communication so that timely and accurate information on problems of animal health, behavior, and well-being can be conveyed to the attending veterinarian.

Currently, specific requirements concerning care of cetaceans and sirenians in transit appear in paragraph (b) of § 3.116; specific requirements concerning care of sea otters in transit appear in paragraph (c) of § 3.116. In proposed § 3.116, requirements concerning these animals would appear in paragraphs (d) and (f), respectively. Proposed paragraphs (b) and (c) would contain new requirements. Paragraph (b) would contain requirements for handling the transportation of a marine mammal under circumstances where additional care or planning may be needed. A pregnant marine mammal in the last half of pregnancy, a dependent unweaned young animal, a nursing mother with young, or an animal with a medical condition requiring veterinary care that would be compromised by transport could not be transported in commerce unless the transport is determined to be appropriate by the attending veterinarian. Earlier in this document, we discussed the proposal in § 3.112 to require that marine mammals presented for transport be accompanied by a health certificate, signed by the attending veterinarian, certifying that the animal is in acceptable health for transport. In conjunction with this, we are proposing in § 3.116(b) that the attending veterinarian must note the existence of any of the above conditions on the health certificate, and determine whether a veterinarian should accompany the animal during transport.

Proposed paragraph (c) of § 3.116 would require the carrier to inform the crew of the primary conveyance that a marine mammal is on board the craft, and inform the persons accompanying the marine mammal of any unforseen delays as soon as they become known. The carrier would also be required to accommodate requests by the shipper or his agent to provide access to the animal or take other actions necessary for the welfare of the animal during any delay, unless the carrier is precluded from doing so because of safety considerations.

As stated previously, proposed paragraph (d) of § 3.116 would contain specific requirements for the care of cetaceans and sirenians during transport. Most of the requirements we are including in proposed paragraph (d) currently appear in § 3.116(b), and would simply be moved to proposed paragraph (d). Currently, § 3.116(b) requires that an employee or attendant of the shipper or receiver of cetaceans or sirenians being transported in commerce provide certain care to ensure the comfort and health of the animal during transport. We would change this requirement in proposed paragraph (d) to state that ''a sufficient number of employees or attendants'' of the shipper

or receiver must provide care to the animals during transport. Current paragraph (b) then lists four specific things that must be done by the employees or attendants to care for the marine mammals during transport. These would all be included in proposed paragraph (d), and are as follows:

- Keeping the skin moist or preventing the drying of the skin by methods such as intermittent spraying of water or application of a nontoxic emollient. (We would remove the reference to lanolin as an example of a nontoxic emollient, as it is not currently used often, and there are more effective emollients available.);
- Assuring that the pectoral flippers are allowed freedom of movement at all times;
- Making adjustments in the position of such marine mammals when necessary to prevent necrosis of the skin at weight pressure points; and
- Calming the marine mammals to avoid struggling, thrashing, and other unnecessary activity which may cause overheating or physical trauma.

We also propose to add a fifth requirement, that the employees or attendants must keep the marine mammals cooled or warmed sufficiently to prevent overheating, hypothermia, or temperature related stress. Finally, current paragraph (b) states that no cetacean or sirenian in need of veterinary care may be transported in commerce unless the transport is for the purpose of obtaining such care. The Committee believes it is unnecessary to include this requirement in proposed paragraph (d) because proposed § 3.116(b) (discussed previously in this document) would prohibit any marine mammal with a medical condition requiring veterinary care from being transported unless the transport is determined to be appropriate by the attending veterinarian.

Currently, provisions for transport of polar bears are contained in § 3.116(d). This paragraph provides that polar bears need not be accompanied by an employee or attendant unless the period of transportation will exceed 24 hours in duration, and requires that the carrier inspect unaccompanied polar bears at specific intervals during transport to ascertain the need for any veterinary care. There are no specific requirements in § 3.116 for the transport of pinnipeds. We are proposing to place new requirements for the transport of polar bears and pinnipeds in paragraph (e) of § 3.116. We do not propose to include the current requirements discussed above concerning polar bears in proposed paragraph (e) because the Committee believes they are inadequate to ensure the health and well-being of polar bears being transported.

Proposed paragraph (e) of § 3.116 would require that a sufficient number of employees or attendants of the shipper or receiver of pinnipeds or polar bears being transported in commerce provide for the pinnipeds and polar bears during transport by keeping the animals cooled and/or warmed sufficiently to prevent overheating, hypothermia, or temperature related stress, and by calming the animals to avoid struggling, thrashing, and other unnecessary activity that may cause overheating or physical trauma.

As discussed previously, provisions for the care of sea otters during transport are currently found in § 3.116(c). Paragraph (c) requires that not less than one-half of the floor area in a primary transport enclosure be leakproof and contain sufficient crushed ice or ice water to provide each sea otter with moisture necessary to prevent its hair coat from drying and minimize soiling of the hair coat with urine and fecal material. We are proposing to remove these requirements for sea otters from paragraph (c), and place new requirements for sea otters in paragraph (f) of § 3.116. Proposed paragraph (f) would require that sea otters be transported in primary enclosures that contain false floors through which water and waste can freely pass to keep the interior of the transport unit free from waste materials. The Committee believes this change is necessary because contact with waste materials can rapidly foul a sea otter's coat and cause serious problems for the animal. Requiring a false floor would help eliminate such problems. Also, paragraph (f) would require that moisture be provided by water sprayers or ice during transport. This would allow employees and attendants options for maintaining the availability of sufficient water for grooming by the sea otters during transport.

Currently, paragraph (e) of § 3.116 states that wild or otherwise dangerous marine mammals may not be taken from their primary transport enclosures except under extreme emergency conditions and then only by their trainer or other person who is capable of handling the animals safely. We are proposing to revise this requirement to state that marine mammals may be removed from their primary transport enclosures only by attendants or other persons who are capable of handling the animals safely. The Committee believes this revision is necessary to make the requirement apply to all marine mammals, not just wild or dangerous marine mammals, and to make it apply to removal of the animals from their primary transport enclosure for any reason. This requirement would appear in a new paragraph (g) in § 3.116.

Section 3.117 of the regulations contains requirements for terminal facilities. This proposal would retain most of the requirements in § 3.117, with some changes. We would retain the current requirement from § 3.117 that carriers and intermediate handlers may not commingle marine mammal shipments with inanimate cargo. Section 3.117 also states that all animal holding areas of a terminal facility of any carrier or intermediate handler in which marine mammal shipments are maintained must be cleaned and sanitized in a manner prescribed in § 3.107 often enough to prevent an accumulation of debris or excreta, to minimize vermin infestation, and to prevent a disease hazard. We would amend this provisions to remove the phrase ''often enough to prevent an accumulation of debris * * * and to prevent a disease hazard'' and replace this phrase with ''to minimize health and disease hazards.'' The Committee believes this revision would clarify that the purpose of maintaining clean and sanitary conditions in a terminal facility is to ensure the health of the animals held there. An accumulation of excreta or debris or an infestation of vermin would be a threat to the animals' health, and would, therefore, not be acceptable. We would retain without change the next requirement in § 3.117 that an effective program for the control of insects, ectoparasites, and avian and mammalian pests be established and maintained for all animal holding areas.

Section 3.117 next states that any animal holding area containing marine mammals must be provided with fresh air by means of windows, doors, vents, or air conditioning and may be ventilated or have air circulated by means of fans, blowers, or an air conditioning system so as to minimize drafts, odors, and moisture condensation. We propose to state instead that animal holding areas must be ''ventilated with fresh air or air circulated by means of fans, blowers, or an air conditioning system'' to minimize drafts, odors, and moisture condensation. The Committee believes this wording is easier to understand and would make the intent of the requirement more clear.

Finally, current § 3.117 addresses air temperature and auxiliary ventilation. Auxiliary ventilation, such as exhaust fans and vents, or fans, blowers, or air conditioning, must be used for any animal holding area containing marine

mammals when the air temperature within the animal holding area is 23.9 °C (75 °F) or higher. The air temperature around any marine mammal in any animal holding area must not be allowed to fall below 7.2 °C (45 °F). The air temperature around any polar bear must not be allowed to exceed 29.5 °C (85 °F) at any time and no polar bear may be subjected to surrounding air temperatures that exceed 23.9 °C (75 °F) for more than 4 hours at any time. The Committee agreed to retain these requirements in proposed § 3.117.

Section 3.117 also describes how compliance with the air temperature requirements described above must be ascertained, and states that the air temperature around any marine mammal must be measured and read outside the primary enclosure containing the animal at a distance not to exceed 0.91 meters (3 feet) from any one of the external walls of the primary enclosure and on a level parallel to the bottom of the primary enclosure at a point that approximates half the distance between the top and bottom of the enclosure. We would retain this requirement, as well, but would add that the air temperature must be ascertained in this manner upon arrival of the shipment in the holding area by the attendant, carrier, or intermediate handler.

Section 3.118 contains requirements for handling of marine mammals by carriers and intermediate handlers in holding areas of terminal facilities and when transporting marine mammals between holding areas and primary conveyances. The introductory text of paragraph (a) requires carriers and intermediate handlers to move marine mammals from the animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the animal holding area of the terminal facility as expeditiously as possible. We would retain this requirement in proposed § 3.118 and designate it as paragraph (a)(1).

In § 3.118, paragraph (a)(1) is titled ''Shelter from sunlight.'' We propose to redesignate this paragraph as paragraph (a)(2) and to revise the heading to read ''Shelter from overheating and direct sunlight.'' Currently, this paragraph states that when sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to protect the marine mammals from the direct rays of the sun. It also provides that marine mammals may not be subjected to surrounding air temperatures exceeding 29.5 °C (85 °F) for more than 45 minutes. We propose to require that shade must also be provided when sunlight is likely to cause sunburn. We are also proposing to lower the maximum surrounding air temperature to 23.9 °C (75 °F), but would allow the temperature to exceed that if the marine mammal is accompanied by an acclimation certificate in accordance with § 3.112.

Paragraph (a)(1) currently requires that the surrounding air temperature discussed above be measured and read in the manner prescribed in § 3.117 (concerning terminal facilities), for a period of more than 45 minutes. Section 3.117 concerns the environmental ambient temperature in a terminal facility holding area. The Committee believes that, to ensure that an animal is not exposed to overheating from direct sunlight, monitoring of temperature should be for conditions in the transport enclosure itself. For example, the surrounding air temperature may be acceptable, but if the transport enclosure is exposed to direct sunlight, the interior temperature of the enclosure may be too high for the animal's well-being. Therefore, we propose to require that the air temperature surrounding the primary transport enclosure be measured and read within or immediately adjacent to the primary transport enclosure. The Committee's intent is that the temperature be taken as close to the animal's immediate environment as possible, without endangering the person taking the temperature.

Paragraph (a)(2) of § 3.118 is titled ''Shelter from cold weather.'' We propose to redesignate this paragraph as paragraph (a)(3) and to make several changes to the requirements. Currently, this paragraph requires that transporting devices be covered to provide protection for marine mammals when the outdoor temperature falls below 10 °C (50 °F). We propose to require instead that marine mammals be provided with species appropriate protection against cold weather, to accommodate animals that do not need additional protection at temperatures below 10 °C. We propose to retain the current requirement that the marine mammals may not be subjected to surrounding air temperatures that fall below 7.2 °C (45 °F) unless they are accompanied by an acclimation certificate in accordance with § 3.112. Like the current provisions described above to protect marine mammals from overheating, the current provisions concerning cold weather require that the surrounding air temperature be measured and read in the manner prescribed in § 3.117 for a period of more than 45 minutes. For the reasons explained previously, we propose to require that the surrounding air temperature be measured and read within or immediately adjacent to the primary transport enclosure.

Paragraph (b) of § 3.118 requires that care be exercised to avoid handling of the primary enclosure in a manner that may cause physical or emotional trauma to the marine mammal inside. We propose to replace the phrase ''physical or emotional trauma'' with ''physical harm or distress.'' The Committee believes that ''distress'' would be more easily identified by carriers and intermediate handlers than ''emotional trauma.'' This would eliminate anthropomorphic terminology, and is consistent with § 2.131, which contains general handling requirements for all animals covered under the Act.

Paragraph (c) of § 3.118 prohibits primary enclosures used to transport any marine mammal from being tossed, dropped, needlessly tilted, or stacked in a manner that may reasonably be expected to result in their falling. We propose to replace the phrase ''in a manner that may reasonably be expected to result in their falling'' with the phrase ''unless properly secured.'' The Committee believes that requiring stacked enclosures to be secured would more likely ensure that they would not fall.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget.

This proposed rule would amend the Animal Welfare Act regulations concerning the humane handling, care, treatment, and transportation of marine mammals in captivity. These proposed regulations were developed by the Marine Mammal Negotiated Rulemaking Advisory Committee, and appear to be necessary to ensure the minimum standards for the humane handling, care, treatment, and transportation of marine mammals in captivity are based on current general, industry, and scientific knowledge and experience.

There are 116 establishments that contain marine mammals in the United States: 40 aquariums, 70 zoos, and 6 research facilities. Of the aquariums, 28 are private, 5 belong to small cities, and 7 are owned by States. Of the zoos, 19 are private, 12 are owned by large cities, 23 are owned by small cities, 3 are owned by counties, and 13 belong to States. Of the research facilities, 2 are privately owned and 4 are owned by the public (such as State universities). The average annual revenue for an

establishment is approximately $1.46 million. Nearly 95 percent of the establishments have annual revenues of less than $5 million and, thus, are considered to be small according to the Small Business Administration size standards.[1] There were 1,429 marine mammals in these establishments during FY 1997. These included 357 Group I cetaceans, 89 Group II cetaceans, 796 Group I pinnipeds, 16 Group II pinnipeds, 39 sirenians, 21 mustelidae and 111 polar bears. (Group designations for cetaceans and pinnipeds are as shown in Table III of § 3.104 of the regulations.) The Atlantic bottlenose dolphin, harbor seal, California sea lion, and polar bear are the predominant varieties of captive marine mammals, accounting for approximately 74 percent of the total number of captive marine mammals. The second largest group includes the West Indian manatee, walrus, common dolphin, Pacific bottlenose dolphin, and Atlantic white-sided dolphin. These represented 13.3 percent of the total number of captive marine mammals in FY 1997.

Arboreta and botanical or zoological gardens comprise an important subgroup of the amusement parks industry, generating more than $653 million dollars in revenues and attracting close to 50 million visitors annually. There were 448 establishments in this subgroup in 1992, including the 116 that are regulated for marine mammals. About 27 percent of these are operated for-profit; the rest are nonprofit organizations owned publicly by States, counties, or cities, or owned privately. Ten percent of the 116 facilities regulated for marine mammals display regulated captive marine mammals exclusively; the others may exhibit a combination of marine mammals and terrestrial animals or terrestrial animals exclusively. Some facilities licensed to exhibit marine mammals host only a single variety of marine mammal (e.g., only dolphins, only harbor seals, or only polar bears). Marine mammals account for a very small fraction of all animals in captivity, which number in the hundreds of species.

Most facilities exhibiting marine mammals charge admission fees. Overall, visitor admission fees cover less than 30 percent of the annual budget of zoos and aquariums, although the fees vary substantially between facilities. A few facilities, mostly those that are city owned, do not charge visitors for admission. Fees range from $1 to $41 dollars for adults, from $0 to $33 for children, and from $0 to $36 for seniors. Admission rates to the for-profit facilities are higher than those of nonprofit facilities, which have some of their budget covered through appropriations and donations.[2] If the proposed regulatory changes significantly increase the operational expenses of a facility, admission fees for that facility could be increased. However, the increases in operational expenses as a result of this proposed rule should not have any significant impact on entrance fees in most facilities.

Other than admission charges, these facilities often generate income by renting space for large group functions such as family reunions, wedding receptions, and corporate parties. City- and State-owned facilities finance their budgets through annual appropriations, membership sales, concessions, grants, and donations. The principal sources of income for privately-owned nonprofit establishments include food service, funding drives, membership dues, gift shops, grants, and donations. Many facilities encourage membership through yearly passes that also provide members of one facility with access to other similar facilities. Some zoos offer guided excursions to other parts of the world. A portion of the generated income is often directed to conservation efforts.

The proposed rule changes are intended to result in clearer, more easily understood regulatory language and increased levels of care for marine mammals. Alternatives to the proposed language were well discussed and debated during the course of the negotiated rulemaking meetings, and the consensus language reflects the best efforts of all participating parties to ensure the health and well-being of marine mammals in captivity.

Several of the proposed amendments would simplify and clarify the language of the existing requirements without requiring any substantial changes. Some of the proposed amendments would result in some additional costs for facilities housing marine mammals if they are not already in compliance with the proposed standards. Since approximately 90 percent of the facilities already meet the proposed standards set by consensus and already practice sound marine mammal husbandry, costs for them should remain unaffected. For the remaining facilities, increased costs as a result of this proposed rule would likely be passed on to the public in the form of increased admission fees or would result in changes in the facility's collection size or diversity.

While it is difficult to quantify all the benefits of this proposed rule, the conditions of captive marine mammals are expected to improve as a result of this action. As stated above, we believe that approximately 90 percent of licensed marine mammal facilities are already meeting or exceeding the proposed requirements. Therefore, the impact of the proposed requirements would be most apparent within the approximately 10 percent of licensed marine mammal facilities that are not already meeting or exceeding the proposed requirements. The proposed requirements that would likely have the most impact on these facilities are the requirements that clarify veterinary care for marine mammals. Preventive care during annual or semiannual examinations (as proposed in this rule) would potentially reduce emergency veterinary costs and result in fewer marine mammal deaths because of increased health of the animals. Healthier animals would also have an increased life expectancy and improved reproductive outcomes. In general, any improvements in the care and maintenance of marine mammals would be reflected in lower levels of animal distress and suffering and improved quality of life. In addition, improved conditions for captive marine mammals would result in increased satisfaction for the public that views these animals in zoos and aquariums. This rulemaking represents an important, sensitive, and precedent-setting effort. We believe the benefits of regulating standards of care for captive marine mammals outweigh the potential costs to facilities exhibiting these animals.

Following are the proposed rule changes that could generate minor cost increases in facilities that do not already meet the proposed standards.

Section 3.101 requires facilities to have a contingency plan addressing relocation during an emergency or natural disaster. We are proposing that additional and more detailed contingency plans be kept.

In § 3.105, we are proposing to require that a daily record of animal feeding be kept by an employee or attendant of the facility, noting daily food consumption of the marine mammals in the facility. Individual feeding records would have to be maintained at the facility for a

[1] Arboreta and botanical or zoological gardens with less than $5 million in annual revenues are classified as being small according to the Small Business Administration guide for defining industries for size standards. Source: 13 CFR 121.601, SIC 0272, p. 354.

[2] Much of the admission fee information was obtained from Internet home pages of aquariums and botanical and zoological gardens. Data obtained from the home pages was checked with recorded messages of many of the facilities.

period of 1 year. Personnel costs to provide for planning, observation, documentation, and record maintenance may increase as a result of these proposed requirements, depending on present staffing.

In § 3.108, we are proposing to expand the training requirements for employees and attendants. Facilities would have to provide and document participation in, and successful completion of, a facility training course by a sufficient number of employees (meaning a number sufficient to maintain the prescribed level of husbandry set forth in the regulations. This would generally mean a minimum of two employees, but could be more, depending on the size of the facility.). Training would need to be done under the direct supervision of experienced trainers who meet professionally recognized standards for their own experience and training. The length of such training sessions are estimated here to be about 4 hours for each trainee. Any increase in costs as a result of this requirement would depend on the current training practice of a facility.

In § 3.109, we are proposing to require a written plan for any animals kept in isolation. The plan would have to be approved by the attending veterinarian and developed in consultation with the husbandry/training staff of the facility. The plan would have to include justification for the length of time an animal will be isolated, the type and frequency of enrichment used to offset the separation or isolation, the interactions planned, and provision for a periodic review by the attending veterinarian. At present, there are not more than 20 animals being housed separately throughout the country. Such record preparation and review by professionals would probably not require more than 30 minutes per animal per week.

In § 3.110, medical recordkeeping requirements for each animal would be added. Again, this would probably not entail more than 30 minutes for each animal twice per year. We are also proposing to add requirements concerning examinations of marine mammals by the attending veterinarian. All marine mammals in a facility would have to be visually examined at least semiannually and physically examined when deemed necessary, except that cetaceans and sirenians would have to be physically examined at least annually. The physical examinations would have to include a hands-on physical examination, hematology and blood chemistry, and other diagnostic tests as determined by the attending veterinarian. Examinations would take an average of approximately 2 hours per animal. Proposed § 3.110 would also require that both a preliminary and final necropsy report be completed by the attending veterinarian. While most facilities currently provide preliminary and final reports, only one necropsy report is required under current regulations.

In § 3.112, we are proposing to require that a health certificate, and possibly an acclimation certificate, signed by the attending veterinarian accompany each animal that is moved to another facility. Issuance of these certificates would not take more than 15 minutes per animal, with an average of two animals moving per facility per year.

In § 3.116, we are proposing to require that any transport of a marine mammal for longer than 2 hours duration would require preparation of a transport plan. Preparing such transport plans would take about ½ to 2 hours, depending on circumstances. Most facilities transport marine mammals fewer than two times per year. Facilities that transport marine mammals more often generally have protocols already in place to address this issue. We are proposing that certain pregnant marine mammals, unweaned young, nursing mothers with young, and marine mammals with certain medical conditions be transported only after approval of the attending veterinarian and with a determination by the attending veterinarian as to whether or not a veterinarian should accompany the marine mammal during transport. We estimate that not more than five marine mammals that fit one of these categories are transported per year. We also propose that an employee or attendant must travel with polar bears being transported to provide care for the animal. Nationally, not more than 10 polar bears are transported per year; an average transport by land takes about 12 hours.

Taken together, these proposed requirements could result in total increase in expenditures of about $473,000 for all regulated facilities together (see Table A for details). This would yield an average increase in expenditures of $378 per animal per year or about $1.04 per animal per day. The table below details the potential additional expenses for marine mammal facilities as a result of the requirements in this proposed rule.

TABLE A.—ADDITIONAL COSTS OF RECORDKEEPING AND TRAINING REQUIREMENTS FOR ALL REGULATED MARINE MAMMAL FACILITIES COMBINED

Section	Non-professional staff ($15/hour) [1]	Professional staff ($20/hour) [2]	Veterinarian ($25/hour) [3]	Total value in dollars
	Time in hours			
3.101	.....	58	.....	$1,160.00
3.105	21,170	.....	464	329,150.00
3.108	928	928	.....	32,480.00
3.109	.....	.....	10	250.00
3.110	.....	[4] 2,858	1,893	104,485.00
3.112	.....	29	29	1,305.00
3.116	120	.....	[5] 60.5	3,312.50
Total Hours	22,218	3,873	2,456.5	.....
Total Cost	333,270	77,460	61,412.50	472,142.50

Note: [1,2,3] Denote estimated hourly wages of nonprofessional attendant, nonveterinarian professional, and veterinarian professional, respectively.

[4] Represents number of hematology and blood chemistry tests based on two tests per marine mammal per year. Average cost of each test is about $20. However, the cost of tests are variable depending on volume and whether they are done in private laboratories or on site. Additionally, most of these tests are already done.

[5] Represents approval of 1 transport plan per year per facility (116) at 30 minutes each and approval of transport for 5 marine mammals with medical conditions per year at 30 minutes each.

Because this regulatory action was initiated at the request of the major stakeholders and was undertaken using negotiated rulemaking, the resulting proposal is broadly supported by affected groups. Additionally, since 90 percent of licensed marine mammal facilities are already meeting or exceeding the proposed requirements, the actual economic effect of this proposed rule is expected to be minimal.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

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

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. This rule would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. The Act does not provide administrative procedures which must be exhausted prior to a judicial challenge to the provisions of this rule.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please state that your comments refer to Docket No. 93–076–11. Please send a copy of your comments to:

1. Docket No. 93–076–11, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238, and

2. Clearance Officer, OCIO, USDA, room 404–W, 14th Street and Independence Avenue SW., Washington, DC 20250. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

This proposed rule would introduce various information collection and recordkeeping requirements to enable us to determine that a marine mammal is receiving adequate care. These include requirements that licensed facilities prepare written protocols for cleaning primary enclosure surfaces, written contingency plans for emergency sources of power and water in the event of a failure, and written transport plans; maintain feeding records and medical records; prepare preliminary and final necropsy reports; acquire health certificates to accompany transports; and make requests to APHIS if exception from various other requirements is desired.

We are soliciting comments from the public (as well as affected agencies) concerning our proposed information collection and recordkeeping requirements. We need this outside input to help us:

1. Evaluate whether the proposed information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

2. Evaluate the accuracy of our estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected;

4. Minimize the burden of the information collection on those who are to respond (such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission responses).

Estimate of burden: Public reporting burden for this collection of information is estimated to average .34189 hours per response.

Respondents: Facilities licensed to exhibit marine mammals, such as aquariums and zoos, and research facilities that use marine mammals.

Estimated annual number of respondents: 129.

Estimated annual number of responses per respondent: 110.147.

Estimated annual number of responses: 14,209.

Estimated total annual burden on respondents: 4858 hours. (Due to rounding, the total annual burden hours may not equal the product of the annual number of responses multiplied by the average reporting burden per response.)

Copies of this information collection can be obtained from: Clearance Officer, OCIO, USDA, room 404–W, 14th Street and Independence Avenue SW., Washington, DC 20250.

List of Subjects in 9 CFR Part 3

Animal welfare, Marine mammals, Pets, Reporting and recordkeeping requirements, Research, Transportation.

Accordingly, we propose to amend 9 CFR part 3, as follows:

PART 3—STANDARDS

1. The authority citation for part 3 would continue to read as follows:

Authority: 7 U.S.C. 2131–2159; 7 CFR 2.22, 2.80, and 371.2(d).

2. Section 3.101 is revised to read as follows:

§ 3.101 Facilities, general.

(a) *Construction requirements*. (1) Indoor and outdoor housing facilities for marine mammals shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals within the facility, and to restrict the entrance of unwanted animals. Lagoon and similar natural seawater facilities must maintain effective barrier fences, or other appropriate measures, on all sides of the enclosure not contained by dry land, extending above the high tide water level, to fulfill the requirements of this section.

(2) All marine mammals shall be provided with protection from abuse and harassment by the viewing public by the use of a sufficient number of uniformed or readily identifiable employees or attendants to supervise the viewing public, or by physical barriers, such as fences, walls, glass partitions, or distance, or any combination thereof.

(3) All surfaces in a primary enclosure shall be constructed of durable, nontoxic materials which facilitate cleaning, and disinfection as appropriate, sufficient to maintain water quality parameters as designated in § 3.106. All surfaces shall be maintained in good repair as part of a regular, ongoing maintenance program. All facilities shall implement a written protocol on cleaning so that surfaces do not constitute a health hazard to animals.

(4) Facilities which utilize natural water areas, such as tidal basins, bays, or estuaries (subject to natural tidewater action) for housing marine mammals shall be exempt from the drainage requirements of paragraph (c)(1) of this section.

(b) *Water and power supply*. Reliable and adequate sources of water and electric power shall be provided by the facility housing marine mammals.

Written contingency plans must be submitted to and approved by the Deputy Administrator regarding emergency sources of water and electric power in the event of failure of the primary sources, when such failure could reasonably be expected to be detrimental to the good health and well-being of the marine mammals housed therein. Contingency plans shall include, but not be limited to, specific animal evacuation plans in the event of a disaster, and should describe back-up systems and/or arrangements for relocating marine mammals requiring artificially cooled or heated water. If the emergency contingency plan includes release of marine mammals, the plan must include provision for recall training and retrieval of such animals.

(c) *Drainage.* (1) Adequate drainage shall be provided for all primary enclosure pools and shall be located so that all of the water contained in such pools may be effectively eliminated when necessary for cleaning the pool or for other purposes. Drainage effluent from primary enclosure pools shall be disposed of in a manner that complies with all applicable Federal, State, and local pollution control laws.

(2) Drainage shall be provided for primary enclosures and areas immediately surrounding pools. All drain covers and strainers shall be securely fastened in order to minimize the potential risk of animal entrapment. Drains shall be located so as to rapidly eliminate excess water (except in pools). Drainage effluent shall be disposed of in a manner that complies with all applicable Federal, State, and local pollution control laws.

(d) *Storage.* Supplies of food shall be stored in facilities which adequately protect such supplies from deterioration, spoilage (harmful microbial growth), or vermin or other contamination. Refrigerators and freezers (or chilled and/or iced coolers for under 12 hours) shall be used for perishable food. No substances which are known to be or may be toxic or harmful to marine mammals may be stored or maintained in the marine mammal food storage or preparation areas, except that cleaning agents may be kept in secured cabinets designed and located to prevent food contamination. Food, supplements, and medications may not be used beyond commonly accepted shelf life or date listed on the label.

(e) *Waste disposal.* Provision shall be made for the removal and disposal of animal and food wastes, dead animals, trash, and debris. Disposal facilities shall be provided and operated in a manner which will minimize odors, and the risk of vermin infestation and disease hazards. All waste disposal procedures must comply with all applicable Federal, State, and local laws pertaining to pollution control, protection of the environment, and public health.

(f) *Employee washroom facilities.* Washroom facilities containing basins, sinks, and showers as appropriate, shall be provided and conveniently located to maintain cleanliness among employees, attendants, and volunteers. These facilities shall be cleaned and sanitized daily.

(g) *Enclosure or pool environmental enhancements.* Any nonfood objects provided for the entertainment or stimulation of marine mammals must be of sufficient size and strength to not be ingestible, readily breakable, or likely to cause injury to marine mammals, and be able to be cleaned, sanitized, and/or replaced effectively.

3. In § 3.104, paragraph (a) is revised to read as follows:

§ 3.104 Space requirements.

(a) *General.* Marine mammals must be housed in primary enclosures which comply with the minimum space requirements prescribed by this part. These enclosures shall be constructed and maintained so that the animals contained therein are provided with sufficient space, both horizontally and vertically, so that they are able to make normal postural and social adjustments with adequate freedom of movement, in or out of the water. (An exception to these requirements is provided in § 3.110(b), concerning isolation or separation for medical treatment and/or medical training.) Enclosures smaller than required by the standards may be temporarily used for nonmedical training, breeding, holding, and transfer purposes. If maintenance in such enclosures for nonmedical training, breeding, or holding, is to last longer than 2 weeks, such extension must be justified in writing by the attending veterinarian on a weekly basis. If maintenance in such enclosures for transfer is to last longer than 1 week, such extension must be justified in writing by the attending veterinarian on a weekly basis. Such enclosures, for example, gated side pools abutting primary enclosures, shall not be used for permanent housing purposes. Rotating animals between enclosures which do and do not meet minimum space requirements is not acceptable to comply with these standards.

* * * * *

4. Section 3.105 is revised to read as follows:

§ 3.105 Feeding.

(a) The food for marine mammals shall be wholesome, palatable, and free from contamination, and shall be of sufficient quantity and nutritive value to maintain marine mammals in a state of good health. The diet shall be prepared with consideration for factors such as age, species, condition, and size of the marine mammal being fed. Marine mammals shall be offered food at least once a day, except as directed by the attending veterinarian.

(b) Food receptacles, if used, shall be located so as to be accessible to all marine mammals in the same primary enclosure and shall be placed so as to minimize contamination of the food contained therein. Such food receptacles shall be cleaned and sanitized after each use.

(c) Food, when given to each marine mammal individually, shall be given by an employee or attendant responsible to management who has the necessary knowledge to assure that each marine mammal receives an adequate quantity of food to maintain it in good health. Such employee or attendant is required to have the ability to recognize deviations from a normal state of good health in each marine mammal so that the food intake can be adjusted accordingly. Inappetence exceeding 24 hours must be reported immediately to the attending veterinarian. Public feeding shall be permitted only in the presence and under the supervision of a sufficient number of knowledgeable, uniformed employees or attendants. Such employees or attendants must assure that the marine mammals are receiving the proper amount and type of food. Only food supplied by the facility where the marine mammals are kept shall be fed to such marine mammals by the public. Marine mammal feeding records noting the estimated individual daily consumption shall be maintained at the facility for a period of 1 year and shall be made available for APHIS inspection.

(d) Food preparation and handling shall be conducted so as to assure the wholesomeness and nutritive value of the food. Frozen fish or other frozen food shall be stored in freezers which are maintained at a maximum temperature of −18 °C (0 °F). The length of time food is stored and the method of storage, the thawing of frozen food, and the maintenance of thawed food shall be conducted in a manner which will minimize contamination and which will assure that the food retains nutritive value and wholesome quality until the time of feeding. When food is thawed in standing or running water, cold water shall be used. All foods shall

be fed to the marine mammals within 24 hours following the removal of such foods from the freezers for thawing, or if the food has been thawed under refrigeration, it must be fed to the marine mammals within 24 hours of thawing.

5. Section 3.107 is revised to read as follows:

§ 3.107 Sanitation.

(a) *Primary enclosures*. (1) Animal and food waste in areas other than the pool of water shall be removed from the primary enclosures at least daily, and more often when necessary in order to provide a clean environment and minimize health and disease hazards.

(2) Particulate animal and food waste, trash, or debris that enters the primary enclosure pools of water shall be removed at least daily, or as often as necessary to maintain the required water quality and to minimize health and disease hazards to the marine mammals contained therein.

(3) The wall and bottom surfaces of the primary enclosure pools of water shall be cleaned as often as necessary to maintain proper water quality. Natural organisms (such as algae, coelenterates, or molluscs, for example) that do not degrade water quality as defined in § 3.106, prevent proper maintenance, or pose a health or disease hazard to the animals shall not be considered contaminants.

(b) *Food preparation*. Equipment and utensils used in food preparation shall be cleaned and sanitized after each use. Kitchens and other food handling areas where animal food is prepared shall be cleaned at least once daily and sanitized at least once every week. Sanitizing shall be accomplished by washing with hot water (82 °C, 180 °F, or higher) and soap or detergent in a mechanical dishwasher, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with live steam. Substances such as cleansing and sanitizing agents, pesticides, and other potentially toxic agents must be stored in properly labeled containers away from food preparation surface areas.

(c) *Housekeeping*. Buildings and grounds, as well as exhibit areas, shall be kept clean and in good repair. Fences shall be maintained in good repair. Primary enclosures housing marine mammals shall not have any loose objects or sharp projections and/or edges which may cause injury or trauma to the marine mammals contained therein.

(d) *Pest control*. A safe and effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained. Insecticides or other such chemical agents shall not be applied in primary enclosures housing marine mammals except when deemed essential by an attending veterinarian.

6. Section 3.108 is revised to read as follows:

§ 3.108 Employees or attendants.

(a) A sufficient number of adequately trained employees or attendants, responsible to management and working in concert with the attending veterinarian, shall be utilized to maintain the prescribed level of husbandry practices set forth in this subpart. Such practices shall be conducted under the supervision of a marine mammal caretaker who has demonstrable experience in marine mammal husbandry and care.

(b) The facility will provide and document participation in and successful completion of a facility training course for such employees. This training course will include, but is not limited to, species appropriate husbandry techniques, animal handling techniques, and information on proper reporting protocols, such as recordkeeping and notification of veterinary staff for medical concerns.

(c) Any training of marine mammals shall be done by or under the direct supervision of experienced trainers.

(d) Trainers and handlers must meet professionally recognized standards for experience and training.

7. Section 3.109 is revised to read as follows:

§ 3.109 Separation.

Marine mammals, whenever known to be primarily social in the wild, shall be housed in their primary enclosure with at least one compatible animal of the same or biologically related species, except when the attending veterinarian, in consultation with the husbandry/training staff, determines that such housing is not in the best interest of the marine mammal's health or well-being. However, marine mammals which are not compatible shall not be housed in the same enclosure. Marine mammals shall not be housed near other animals that cause them unreasonable stress or discomfort, or interfere with their good health. Animals housed separately must have a written plan, approved by the attending veterinarian, developed in consultation with the husbandry/training staff, which includes information on the justification for the length of time the animal will be kept separated or isolated, type and frequency of enrichment, and interaction if appropriate, and provisions for periodic review of the plan by the attending veterinarian. Marine mammals that are separated for nonmedical purposes must be held in facilities which meet minimum space requirements as outlined in § 3.104.

8. Section 3.110 is revised to read as follows:

§ 3.110 Veterinary care.

(a) Newly acquired marine mammals shall be isolated from resident marine mammals. Animals with a known medical history shall be isolated unless or until the newly acquired animal(s) can be reasonably determined to be in good health by the attending veterinarian. Animals without a known medical history shall be isolated until it is determined that the newly acquired animal(s) is (are) determined to be in good health by the attending veterinarian. Any communicable disease condition in a newly acquired marine mammal must be remedied before it is placed with resident marine mammals, unless, in the judgement of the attending veterinarian, the potential benefits of a resident animal(s) as a companion(s) to the newly acquired animal outweigh the risks to the resident animal(s).

(b) Holding facilities shall be in place and available to meet the needs for isolation, separation, medical treatment, and medical training of marine mammals. Marine mammals that are isolated or separated for nonmedical purposes must be held in facilities which meet minimum space requirements as outlined in § 3.104. Holding facilities used only for medical treatment and medical training, need not meet the minimum space requirements as outlined in § 3.104. Holding of a marine mammal in a medical treatment or medical training enclosure which does not meet minimum space requirements for periods longer than 2 weeks must be noted in the animal's medical record and justified therein by the attending veterinarian. If holding in such enclosures for medical treatment and/or medical training is to last longer than 2 weeks, such extension must be justified in writing by the attending veterinarian on a weekly basis. In natural lagoon or coastal enclosures where isolation cannot be accomplished, since water circulation cannot be controlled or isolated, separation of newly acquired marine mammals shall be accomplished using separate enclosures situated within the facility to prevent direct contact and to minimize the risk of potential airborne and water cross-

contamination between newly acquired and resident animals.

(c) Any holding facility used for medical purposes which has contained a marine mammal(s) with an infectious or contagious disease shall be cleaned and/or sanitized in a manner prescribed by the attending veterinarian. No healthy animals shall be introduced into this holding facility prior to such cleaning and/or sanitizing procedures. Any marine mammal exposed to a contagious animal shall be evaluated by the attending veterinarian and monitored and/or isolated for an appropriate period of time as determined by the attending veterinarian.

(d) Individual animal medical records must be kept and made available for APHIS inspections. These medical records shall include at least the following information:

(1) Animal ID/name, a physical description, including any identifying markings, scars, etc., age, and sex; and

(2) Physical examination information, including but not limited to length, weight, physical examination results by body system, identification of all medical and physical problems with proposed plan of action, all diagnostic test results, and documentation of treatment.

(e) A copy of the individual animal medical record shall accompany any marine mammal upon its transfer to another facility, including contract or satellite facilities.

(f) All marine mammals shall be visually examined by the attending veterinarian at least semiannually and shall be physically examined under the supervision of and when determined to be necessary by the attending veterinarian. All cetaceans and sirenians shall be physically examined by the attending veterinarian at least annually, unless APHIS grants an exception from this requirement based on considerations related to the health and safety of the cetacean or sirenian. These examinations shall include, but are not limited to, a hands-on physical examination, hematology and blood chemistry, and other diagnostic tests as determined by the attending veterinarian.

(g)(1) A complete necropsy, including histopathology samples, microbiological cultures, and other testing as appropriate, shall be conducted by or under the supervision of the attending veterinarian on all marine mammals that die in captivity. A preliminary necropsy report must be prepared by the veterinarian listing all pathologic lesions observed. The final necropsy report shall include all gross and histopathological findings, the results of all lab tests performed, and a pathological diagnosis.

(2) Necropsy records will be maintained at the facility for a period of 3 years and must be presented to APHIS inspectors when requested.

9. Section § 3.112 is revised to read as follows:

§ 3.112 Consignments to carriers and intermediate handlers.

(a) Carriers and intermediate handlers shall not accept any marine mammal presented by any dealer, research facility, exhibitor, operator of an auction sale, or other person, or any department, agency, or instrumentality of the United States or any State or local government for shipment, in commerce, more than 4 hours prior to the scheduled departure of the primary conveyance on which it is to be transported, and that is not accompanied by a health certificate signed by the attending veterinarian stating that the animal was examined within the prior 10 days and found to be in acceptable health for transport: *Provided, however,* that the carrier or intermediate handler and any dealer, research facility, exhibitor, operator of an auction sale, or other person, or any department, agency, or instrumentality of the United States or any State or local government may mutually agree to extend the time of acceptance to not more than 6 hours if specific prior scheduling of the animal shipment to destination has been made.

(b) Any carrier or intermediate handler shall only accept for transportation or transport, in commerce, any marine mammal in a primary transport enclosure which conforms to the requirements set forth in § 3.113 of the standards: *Provided, however,* That any carrier or intermediate handler may accept for transportation or transport, in commerce, any marine mammal consigned by any department, agency, or instrumentality of the United States having laboratory animal facilities or exhibiting animals or any licensed or registered dealer, research facility, exhibitor, or operator of an auction sale if the consignor furnishes to the carrier or intermediate handler a certificate, signed by the consignor, stating that the primary transport enclosure complies with § 3.113 of the standards, unless such primary transport enclosure is obviously defective or damaged and it is apparent that it cannot reasonably be expected to contain the marine mammal without causing suffering or injury to such marine mammal. A copy of such certificate shall accompany the shipment to destination. The certificate shall include at least the following information:

(1) Name and address of the consignor;

(2) The number, age, and sex of animals in the primary transport enclosure(s);

(3) A certifying statement (e.g., ''I hereby certify that the—(number) primary transport enclosure(s) which are used to transport the animal(s) in this shipment complies (comply) with USDA standards for primary transport enclosures (9 CFR part 3).''); and

(4) The signature of the consignor, and date.

(c) Carriers or intermediate handlers whose facilities fail to maintain a temperature within the range of 7.2 °C (45 °F) to 23.9 °C (75 °F) allowed by the standards may accept for transportation or transport, in commerce, any marine mammal consigned by any department, agency, or instrumentality of the United States or of any State or local government, or by any person (including any licensee or registrant under the Act, as well as any private individual) if the consignor furnishes to the carrier or intermediate handler a certificate executed by the attending veterinarian on a specified date which shall not be more than 10 days prior to delivery of such animal for transportation in commerce, stating that such marine mammal is acclimated to a specific air temperature range lower or higher than those prescribed in §§ 3.117 and 3.118. A copy of such certificate shall accompany the shipment to destination. The certificate shall include at least the following information:

(1) Name and address of the consignor;

(2) The number, age, and sex of animals in the shipment;

(3) A certifying statement (e.g., ''I hereby certify that the animal(s) in this shipment is (are), to the best of my knowledge, acclimated to an air temperature range of _____''); and

(4) The signature of the attending veterinarian and the date.

(d) Carriers and intermediate handlers shall attempt to notify the consigned at least once in every 6-hour period following the arrival of any marine mammals at the animal holding area of the terminal cargo facility. The time, date, and method of each attempted notification and the final notification to the consignee and the name of the person notifying the consignee shall be recorded on the copy of the shipping document retained by the carrier or intermediate handler and on a copy of the shipping document accompanying the animal shipment.

10. Section 3.113 is revised to read as follows:

§ 3.113 Primary enclosures used to transport marine mammals.

No dealer, research facility, exhibitor, or operator of an auction sale shall offer for transportation or transport, in commerce, any marine mammal in a primary enclosure which does not conform to the following requirements:

(a) Primary enclosures that are used to transport marine mammals other than cetaceans and sirenians shall:

(1) Be constructed from materials of sufficient structural strength to contain the marine mammals;

(2) Be constructed from material that is durable, nontoxic, and cannot be chewed and/or swallowed;

(3) Be able to withstand the normal rigors of transportation;

(4) Have interiors which are free from any protrusions or hazardous openings that could be injurious to the marine mammals contained therein;

(5) Be constructed so that no parts of the contained marine mammals shall be exposed to the outside of the enclosures in such a way which may cause injury to the animals or to persons who are nearby or who handle the enclosures;

(6) Have openings which provide access into the enclosures which shall be secured with locking devices of a type which cannot be accidentally opened;

(7) Have such openings located in a manner which makes them easily accessible at all times for emergency removal and potential treatment of any live marine mammal contained therein;

(8) Have air inlets at heights which will provide cross ventilation at all levels (particularly when the marine mammals are in a prone position) and located on all four sides of the enclosures, and such ventilation openings shall be not less than 20 percent of the total surface area of each side of the enclosures;

(9) Have projecting rims or other devices placed on the ends and sides of any enclosures which have ventilation openings to provide a minimum air circulation space of 7.6 centimeters (3.0 inches) between the enclosures and any adjacent cargo or conveyance wall;

(10) Be constructed so as to provide sufficient air circulation space to maintain the temperature limits set forth in the regulations; and

(11) Be equipped with adequate handholds or other devices on the exterior of the enclosures which shall enable them to be lifted without unnecessary tilting and which will ensure that the persons handling the enclosures will not come in contact with any marine mammal contained therein.

(b) Straps, slings, harnesses, or other devices used for body support or restraint, when transporting marine mammals such as cetaceans and sirenians shall:

(1) Be designed so as not to prevent access to such mammals by attendants for the purpose of administering in-transit care;

(2) Be equipped with special padding to prevent trauma or injury at critical weight pressure points on the body of the marine mammals; and

(3) Be capable of keeping the animals from thrashing about and causing injury to themselves or their attendants, and yet be adequately designed so as not to cause injury to the animals.

(c) Primary enclosures used to transport live marine mammals shall be large enough to assure that:

(1) In the case of pinnipeds, polar bears, and sea otters, each animal has sufficient space to turn about freely in a stance whereby all four feet or flippers are on the floor and the animal can sit in an upright position and lie in a natural position;

(2) In the case of cetaceans and sirenians, each animal has sufficient space for support of its body in slings, harnesses, or other supporting devices, if used (as prescribed in paragraph (b) of this section) without causing injury to such cetaceans or sirenians due to contact with the primary enclosure: *Provided, however,* that animals may be restricted in their movements according to professionally accepted standards when such freedom of movement would constitute a danger to the animals, their handlers, or other persons.

(d) Marine mammals transported in the same primary enclosure shall be of the same species and maintained in compatible groups. Marine mammals which have not reached puberty shall not be transported in the same primary enclosure with adult marine mammals other than their dams. Socially dependent animals (e.g., sibling, dam, and other members of a family group) shall be allowed visual and olfactory contact whenever reasonable. Female marine mammals shall not be transported in the same primary enclosure with any mature male marine mammals.

(e) Primary enclosures used to transport marine mammals as provided in this section shall have solid bottoms to prevent leakage in shipment and shall be cleaned and sanitized in a manner prescribed in § 3.107 of the standards, if previously used. Within the primary enclosures used to transport marine mammals, the animals will be maintained on sturdy, rigid, solid floors with adequate drainage.

(f) Primary enclosures used to transport marine mammals, except where such primary enclosures are permanently affixed in the animal cargo space of the primary conveyance, shall be clearly marked on top (when present) and on at least one side, or on all sides whenever possible, with the words ''Live Animal'' or ''Wild Animal'' in letters not less than 2.5 centimeters (1 inch) in height, and with arrows or other markings, to indicate the correct upright position of the container.

(g) Documents accompanying the shipment shall be attached in an easily accessible manner to the outside of a primary enclosure which is part of such shipment or be in the possession of the shipping attendant.

(h) When a primary transport enclosure is permanently affixed within the animal cargo space of the primary conveyance so that the front opening is the only source of ventilation for such primary enclosure, the front opening shall open directly to the outside or to an unobstructed aisle or passageway within the primary conveyance. Such front ventilation opening shall be at least 90 percent of the total surface area of the front wall of the primary enclosure and covered with bars, wire mesh, or smooth expanded metal.

11. Section 3.114 is revised to read as follows:

§ 3.114 Primary conveyances (motor vehicle, rail, air and marine).

(a) The animal cargo space of primary conveyances used in transporting live marine mammals shall be constructed in a manner which will protect the health and assure the safety and comfort of the marine mammals contained therein at all times. All primary conveyances used shall be sufficiently temperature-controlled to provide an appropriate environmental temperature for the species involved, to provide for the safety and comfort of the marine mammal, or other appropriate safeguards (such as, but not limited to, cooling the animal with cold water, adding ice to water-filled enclosures, and use of fans) shall be employed to maintain the animal at an appropriate temperature.

(b) The animal cargo space shall be constructed and maintained in a manner which will prevent the ingress of engine exhaust fumes and gases in excess of that ordinarily contained in the passenger compartments.

(c) Marine mammals shall only be placed in animal cargo spaces that have a supply of air sufficient for each live animal contained therein. Primary

transport enclosures shall be positioned in the animal cargo spaces of primary conveyances in such a manner that each marine mammal contained therein shall have access to sufficient air.

(d) Primary enclosures shall be positioned in primary conveyances in such a manner that in an emergency the live marine mammals can be removed from the conveyances as soon as possible.

(e) The interiors of animal cargo spaces in primary conveyances shall be kept clean.

(f) Live marine mammals shall not knowingly be transported with any material, substance or device which may be injurious to the health and well-being of such marine mammals unless proper precaution is taken to prevent such injury.

(g) Adequate lighting must be available for marine mammal attendants to properly inspect their charges at any time. If such lighting is not provided by the carrier, provisions must be made by the shipper to supply such lighting.

12. Section 2.115 is revised to read as follows:

§ 3.115 Food and drinking water requirements.

(a) Those marine mammals which require drinking water shall be offered potable water within 4 hours of being placed in the primary transport enclosure for transport in commerce. Marine mammals shall be provided water as often as necessary and appropriate for the species involved to prevent dehydration which would jeopardize the good health and well-being of the animals.

(b) Marine mammals being transported in commerce shall be offered food as often as necessary and appropriate for the species involved or as determined by the attending veterinarian.

13. Section 3.116 is revised to read as follows:

§ 3.116 Care in transit.

(a) A licensed veterinarian, employee, and/or attendant of the shipper or receiver of any marine mammal being transported, in commerce, knowledgeable and experienced in the area of marine mammal care and transport, shall accompany all marine mammals during periods of transportation to provide for their good health and well-being, to observe such marine mammals and to determine whether they need veterinary care and to obtain any needed veterinary care as soon as possible. Any transport of greater than 2 hours duration requires a transport plan approved by the attending veterinarian, to include the specification of the necessity of the presence of a veterinarian during the transport. If the attending veterinarian does not accompany the animal(s), communication with the veterinarian must be maintained in accordance with § 2.40(b)(3) of this chapter.

(b) The following marine mammals shall only be transported in commerce when the transport of such marine mammals has been determined to be appropriate by the attending veterinarian:

(1) A pregnant animal in the last half of pregnancy;

(2) A dependent unweaned young animal;

(3) A nursing mother with young; or

(4) An animal with a medical condition requiring veterinary care, that would be compromised by transport.

The attending veterinarian shall note on the accompanying health certificate the existence of any of the above conditions. The attending veterinarian shall also determine whether a veterinarian should accompany such marine mammals during transport.

(c) Carriers shall inform the crew as to the presence of the marine mammal(s) on board the craft, inform the individual accompanying the marine mammal(s) of any unexpected delays as soon as they become known, and accommodate, except as precluded by safety considerations, requests by the shipper or his agent to provide access to the animal(s) or take other necessary actions for the welfare of the animal(s) if a delay occurs.

(d) A sufficient number of employees or attendants of the shipper or receiver of cetaceans or sirenians being transported, in commerce, shall provide for such cetaceans and sirenians during periods of transport by:

(1) Keeping the skin moist or preventing the drying of the skin by such methods as intermittent spraying of water or application of a nontoxic emollient;

(2) Assuring that the pectoral flippers shall be allowed freedom of movement at all times;

(3) Making adjustments in the position of such marine mammals when necessary to prevent necrosis of the skin at weight pressure points;

(4) Keeping the animal cooled and/or warmed sufficiently to prevent overheating, hypothermia, or temperature related stress; and

(5) Calming such marine mammals to avoid struggling, thrashing, and other unnecessary activity which may cause overheating or physical trauma.

(e) A sufficient number of employees or attendants of the shipper or receiver of pinnipeds or polar bears being transported, in commerce, shall provide for such pinnipeds and polar bears during periods of transport by:

(1) Keeping the animal cooled and/or warmed sufficiently to prevent overheating, hypothermia, or temperature related stress; and

(2) Calming such marine mammals to avoid struggling, thrashing, and other unnecessary activity which may cause overheating or physical trauma.

(f) Sea otters shall be transported in primary enclosures which contain false floors through which water and waste freely pass to keep the interior of the transport unit free from waste materials. Moisture shall be provided by water sprayers or ice during transport.

(g) Marine mammals shall be removed from their primary transport enclosures only by the attendant(s) or other person(s) capable of handling such mammals safely.

14. Section 3.117 is revised to read as follows:

§ 3.117 Terminal facilities.

Carriers and intermediate handlers shall not commingle marine mammal shipments with inanimate cargo. All animal holding areas of a terminal facility of any carrier or intermediate handler wherein marine mammal shipments are maintained shall be cleaned and sanitized in a manner prescribed in § 3.107 of the standards to minimize health and disease hazards. An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained for all animal holding areas. Any animal holding area containing marine mammals shall be ventilated with fresh air or air circulated by means of fans, blowers, or an air conditioning system, so as to minimize drafts, odors, and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or fans or blowers or air conditioning shall be used for any animal holding area containing marine mammals when the air temperature within such animal holding area is 23.9 °C (75 °F) or higher. The air temperature around any marine mammal in any animal holding area shall not be allowed to fall below 7.2 °C (45 °F). The air temperature around any polar bear shall not be allowed to exceed 29.5 °C (85 °F) at any time and no polar bear shall be subjected to surrounding air temperatures which exceed 23.9 °C (75 °F) for more than 4 hours at any time. The ambient temperature must be measured in the animal holding area upon arrival of the shipment by the attendant, carrier, or intermediate handler, outside the

transport enclosure which contains such animal at a distance not to exceed 0.91 meters (3.0 feet) from any one of the external walls of the primary transport enclosure and on a level parallel to the bottom of such primary transport enclosure at a point which approximates half the distance between the top and bottom of such transport enclosure.

15. Section 3.118 is revised to read as follows:

§ 3.118 Handling.

(a) Carriers and intermediate handlers moving marine mammals from the animal holding area of the terminal facility to the primary conveyance or from the primary conveyance to the animal holding area of the terminal facility shall provide the following:

(1) *Movement of animals as expeditiously as possible.*

(2) *Shelter from overheating and direct sunlight.* When sunlight is likely to cause overheating, sunburn, or discomfort, sufficient shade shall be provided to protect the marine mammals. Marine mammals shall not be subjected to surrounding air temperatures which exceed 23.9 °C (75 °F) unless accompanied by an acclimation certificate in accordance with § 3.112. The temperature shall be measured and read within or immediately adjacent to the primary transport enclosure.

(3) *Shelter from cold weather.* Marine mammals shall be provided with species appropriate protection against cold weather and such marine mammals shall not be subjected to surrounding air temperatures which fall below 7.2 °C (45 °F) unless accompanied by an acclimation certificate in accordance with § 3.112. The temperature shall be measured and read within or immediately adjacent to the primary transport enclosure.

(b) Care shall be exercised to avoid handling of the primary transport enclosure in such a manner that may cause physical harm or distress to the marine mammal contained therein.

(c) Enclosures used to transport any marine mammal shall not be tossed, dropped, or needlessly tilted and shall not be stacked unless properly secured.

Done in Washington, DC, this 18th day of February 1999.

Joan M. Arnoldi,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–4424 Filed 2–22–99; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 97–079–1]

RIN 0579–AA91

Importation of Pork and Pork Products From Yucatan and Sonora, Mexico

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations concerning the importation of animal products to relieve certain restrictions on the importation of pork and pork products from the Mexican State of Yucatan. Currently, because of the existence of hog cholera in Mexico, pork and pork products from Yucatan must be heated or cured and dried to certain specifications to be eligible for entry into the United States. This proposal would establish new conditions for the importation of fresh and processed pork and pork products from Yucatan into the United States and would also provide for the movement through areas where hog cholera may exist of pork and pork products from Yucatan in transit to the United States. We are also proposing to amend the regulations that provide for the importation of fresh pork from the Mexican State of Sonora to also allow the importation of pork products from Sonora and to modify the import conditions for Sonoran pork and pork products so that those conditions parallel the import conditions proposed for pork and pork products from Yucatan. These proposed amendments would provide for the importation of pork products from Sonora and for the in-transit movement of Sonoran pork and pork products through areas where hog cholera may exist and would make it clear that pork and pork products from Sonora must be derived from swine slaughtered at federally inspected slaughter plants.

DATES: Consideration will be given only to comments received on or before April 26, 1999.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 97–079–1, Regulatory Analysis and Development, PPD, APHIS, suite 3CO3, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 97–079–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. John Cougill, Senior Staff Veterinarian, Products Program, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737–1231, (301) 734–3399.

SUPPLEMENTARY INFORMATION:

Background

The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA) regulates the importation of animals and animal products into the United States to guard against the introduction of animal diseases not currently present or prevalent in this country. The regulations pertaining to the importation of animals and animal products are set forth in the Code of Federal Regulations (CFR), title 9, chapter I, subchapter D (9 CFR parts 91 through 99).

Until recently, the regulations in parts 91 through 99 governed the importation of animals and animal products according to the recognized animal disease status of the exporting country. In general, if a disease occurred anywhere within a country's borders, the entire country was considered to be affected with the disease, and importations of animals or animal products from anywhere in the country were regulated accordingly. However, international trade agreements entered into by the United States—specifically, the North American Free Trade Agreement and the General Agreement on Tariffs and Trade—require APHIS to recognize regions, rather than only countries, as well as levels of risk, for the purpose of regulating the importation of animals and animal products into the United States. Consequently, on October 28, 1997, we published in the **Federal Register** a final rule (62 FR 56000–56026, Docket No. 94–106–9, effective November 28, 1997) that established procedures for recognizing regions and levels of risk for the purpose of regulating the importation of animals and animal products. In that rule, we also established procedures by which a region may request permission to export animals and animal products to the United States under specified conditions, based on the region's disease status.

On the same date, we also published a policy statement (62 FR 56027-56033, Docket No. 94–106–8) that explained that we will evaluate such requests on a case-by-case basis by analyzing the level of disease risk involved. Levels of risk exist upon a continuum. However, we established five benchmark categories—negligible, slight, low, moderate, and high—to give foreign regions a general idea of where they fit upon the risk continuum. According to our policy, once we have established the level of disease risk associated with the unrestricted importation of a particular type of animal or animal product, we will determine the import conditions needed to reduce that risk to a negligible level. Because of the number of potential variables and the vast number of possible combinations of those variables in assessing the risk of the unrestricted importation of animals and animal products from a region, the precise combination of measures necessary to reduce the risk of disease introduction to a negligible level will likely vary from region to region depending on the commodities to be imported and the diseases of concern.

The factors that we will consider in determining the level of risk associated with unrestricted importation of a particular type of animal or animal product from a region are:

(1) The authority, organization, and infrastructure of the veterinary services organization in the region.

(2) The type and extent of disease surveillance in the region—e.g., is it passive and/or active; what is the quantity and quality of sampling and testing?

(3) Diagnostic laboratory capabilities.

(4) Disease status—is the disease agent known to exist in the region? If ''yes,'' at what prevalence? If ''no,'' when was the most recent diagnosis?

(5) The extent of an active disease control program, if any, if the agent is known to exist in the region.

(6) The vaccination status of the region. When was the last vaccination? What is the extent of vaccination if it is currently used, and what vaccine is being used?

(7) Disease status of adjacent regions.

(8) The degree to which the region is separated from regions of higher risk through physical or other barriers.

(9) The extent to which movement of animals and animal products is controlled from regions of higher risk, and the level of biosecurity regarding such movements.

(10) Livestock demographics and marketing practices in the region.

(11) Policies and infrastructure for animal disease control in the region—i.e., emergency response capacity.

The regulations in 9 CFR part 94 pertain to, among other things, the importation of meat and other animal products into the United States. Currently, § 94.20 allows fresh (chilled or frozen) pork from Sonora, Mexico, to be imported if: The pork is meat from swine that have been born, raised, and slaughtered in Sonora; the pork has not been in contact with pork from regions other than those listed in § 94.9(a) as regions where hog cholera is not known to exist; and an authorized official of Mexico certifies on the foreign meat inspection certificate (required by 9 CFR 327.4) that the above conditions have been met.

We are proposing to amend § 94.20 to (1) expand the importation of pork products from Sonora, (2) allow pork and pork products from Yucatan, Mexico, and (3) amend some of the provisions pertaining to pork from Sonora so that the same import requirements apply to pork and pork products from both Sonora and Yucatan, Mexico.

Our Proposal

In June 1995, the Government of Mexico officially requested that the United States recognize the Mexican State of Yucatan as free of hog cholera. In October 1996, a team of APHIS veterinarians conducted a site visit to verify that Yucatan was free of hog cholera and had the veterinary infrastructure, disease control programs, diagnostic capabilities, and surveillance programs necessary to prevent a recurrence of the disease. The site visit confirmed the information presented in the request by the Mexican Government. Copies of the APHIS site visit report may be obtained by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. The APHIS team also determined that the Yucatan swine industry and Mexican agricultural officials were exclusively interested in the exportation of pork and pork products and not live swine to the United States.

Based on the information presented to APHIS by the Government of Mexico and our site visit to Yucatan, we have established the following facts, which correspond with the factors listed previously for determining the risk associated with unrestricted importation of a particular commodity from a region:

(1) In Mexico, animal health functions are carried out by officials at the Federal level, who set policy, and by officials at the State level, who carry out program operations. The success of all disease eradication or control programs in Mexico largely depends on the relationship between these two levels of government and between governmental officials and the livestock industry. In Yucatan, a unique collaborative relationship exists between the pork producer associations and the State and Federal animal health officials. The success of the hog cholera eradication program in Yucatan has been largely due to the dedication and commitment of the industry and its willingness to work with animal health officials. In addition, State and Federal laws, regulations, policies, and infrastructure in Yucatan and Mexico appear to be adequate to restrict movements of swine and swine products into Yucatan from any regions of Mexico where hog cholera may exist.

(2) Prior to Mexico's declaration of Yucatan as free of hog cholera in April 1995, Yucatan State officials conducted an initial serological survey from January through March 1995 to verify the State's hog-cholera-free status. Yucatan maintained active surveillance on its commercial and small, private ''backyard'' swine populations during 1996 and 1997. We have reviewed the sampling methodology used and are generally satisfied with it.

(3) Laboratory and diagnostic capabilities are sufficient and meet the standards of the International Office of Epizootics.

(4) and (5) The last case of hog cholera in Yucatan was reported in 1982, and Mexico declared the State free of the disease in April 1995.

(6) Vaccination for hog cholera in Yucatan was discontinued in 1993.

(7) and (8) Yucatan is bordered only by two Mexican States and the Gulf of Mexico. The State of Quintana Roo, which adjoins Yucatan to the south and southeast, was declared free of hog cholera in 1996. The State of Campeche, which adjoins Yucatan to the south and southwest, was declared free of hog cholera in December 1997. Very little swine production occurs in either Campeche or Quintana Roo.

(9) Yucatan strictly controls the inter- and intrastate movement of livestock, poultry, and livestock and poultry products into and through the State. Trade and travel through the maritime port and international airport are strictly monitored, as is vehicular movement within the State. Commercial vehicles with agricultural cargo from Quintana Roo or Campeche must present proper health documentation for the cargo or entry is denied. In addition, all vehicles entering Yucatan from Campeche are inspected. (Quintana Roo is largely a tourist State and has little commercial

swine production, so vehicles from Quintana Roo are not routinely inspected.) Pork products produced in States of lower health status than that of Yucatan may be imported only if the products meet time and temperature processing requirements and originate from a slaughter plant approved and inspected by the Government of Mexico.

(10) Commercial swine production in Yucatan is concentrated among approximately 200 producers, who collectively own about 65,000 sows. Three producers alone own 65 percent of these sows, all of which are housed in highly integrated operations similar to those found in the United States. Such fully integrated operations in Yucatan implement good biosecurity measures at all levels, from parent herds to processing plants. While the number of backyard herds in Yucatan is dwindling, they still constitute a sizable population, and biosecurity measures at these operations vary. Live hogs are imported into Yucatan only from hog-cholera-free States and regions, and most of Yucatan's replacement breeding stock originates in the United States.

(11) State and Federal laws, regulations, policies, and infrastructure in Yucatan and the rest of Mexico appear to be adequate to maintain surveillance and control of hog cholera and to eradicate hog cholera rapidly in the event of an outbreak in the State of Yucatan.

The findings just described are described in further detail in a qualitative risk assessment that we conducted in accordance with the regionalization final rule and policy statement discussed previously. Our qualitative risk assessment concerning the importation of pork and pork products from federally inspected slaughtering establishments in Yucatan may be obtained by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. The risk assessment indicated that the importation of pork and pork products from federally inspected slaughtering establishments in Yucatan, Mexico, would present a negligible risk of introducing hog cholera into the United States.

Based on the finding of negligible risk, we are proposing to allow the importation of pork and pork products from Yucatan, Mexico. However, we are proposing to allow these importations to occur only under certain conditions, which are set out below, to help prevent the possibility that pork or pork products from swine raised in regions of Mexico other than Yucatan or Sonora could be exported to the United States via Yucatan. We are proposing to amend the import conditions for pork from Sonora at § 94.20 to provide the same import conditions for pork and pork products from both Sonora and Yucatan. We want to prevent the following possibilities: That swine from regions of Mexico other than Sonora or Yucatan could be moved to Yucatan or Sonora for slaughter, processing, and export to the United States; that pork or pork products from other regions could be moved to Yucatan or Sonora for export to the United States; or that, once leaving Yucatan or Sonora, pork and pork products from Yucatan or Sonora could be commingled with pork or pork products from other regions of Mexico in transit to the United States. We believe that the proposed import conditions would provide a higher degree of safety against the occurrence of any of these scenarios than the current requirements listed in § 94.20. Following the list of import conditions is our basis for them.

Proposed Conditions

1. The pork or pork product must be from swine that were born and raised in Sonora or Yucatan and slaughtered in Sonora or Yucatan at a federally inspected slaughter plant under the direct supervision of a full-time salaried veterinarian of the Government of Mexico, and the slaughter plant must be approved to export pork and pork products to the United States in accordance with 9 CFR 327.2.

2. If processed in any manner, the pork or pork product must be processed at a federally inspected processing plant in Sonora or Yucatan under the direct supervision of a full-time salaried veterinarian of the Government of Mexico.

3. The pork or pork product must not have been in contact with pork or pork products from any State in Mexico other than Sonora or Yucatan or from any other region not listed in § 94.9(a) as a region where hog cholera is not known to exist.

4. The foreign meat inspection certificate for the pork or pork product (required by 9 CFR 327.4) must be signed by a full-time salaried veterinarian of the Government of Mexico. The certificate must include statements that certify the above conditions have been met. The certificate must also show the seal number on the shipping container if a seal is required (see below).

5. In addition, if the pork or pork product is going to transit any State in Mexico other than Sonora or Yucatan or any other region not listed in § 94.9(a) as a region where hog cholera is not known to exist, a full-time salaried veterinarian of the Government of Mexico must apply serially numbered seals to the containers carrying the pork or pork products at the federally inspected slaughter or processing plant in Sonora or Yucatan, and the seal numbers must be recorded on the foreign meat inspection certificate.

6. Prior to its arrival in the United States, the shipment of pork or pork products must not have been in any State in Mexico other than Sonora or Yucatan or in any other region not listed in § 94.9(a) unless the pork or pork products have remained under seal until arrival at the U.S. port and either (1) the numbers on the seals match the numbers on the foreign meat inspection certificate or (2) if the numbers on the seals do not match the numbers on the foreign meat inspection certificate, an APHIS representative at the port of arrival is satisfied that the pork or pork products were not contaminated during movement to the United States.

Basis for Proposed Conditions

We are proposing to require that the pork and pork products come only from swine slaughtered at federally inspected slaughter plants in Sonora or Yucatan because such plants handle only swine that were born and raised in Sonora or Yucatan in establishments that practice strict biosecurity measures. Therefore, this proposed requirement would serve as a safeguard against the possibility that pork or pork products from swine raised in backyard farms in Sonora or Yucatan, where biosecurity measures are variable, could be exported to the United States. Although § 94.20 does not currently include this proposed requirement, all pork from Sonora has come exclusively from federally inspected slaughtering plants.

We are proposing that processed pork or pork products from Sonora or Yucatan come only from federally inspected processing plants in Sonora or Yucatan because those plants have been found to meet the requirements of the USDA's Food Safety and Inspection Service and have been approved to export pork and pork products to the United States in accordance with 9 CFR part 327. Further, those plants are under the direct supervision of full-time salaried veterinarians of the Government of Mexico.

The proposed requirement that the pork and pork products must not have been in contact with pork or pork products from any State in Mexico other than Yucatan or Sonora, or from regions other than those listed in § 94.9(a), is intended to ensure that the pork and pork products were not exposed to pork or pork products from a region with a

greater risk of hog cholera. These requirements are the same as those currently in place for pork from Sonora, except that they would allow commingling of pork and pork products from Sonora and Yucatan.

We are proposing to allow the pork and pork products to transit other regions not listed in § 94.9(a) en route to the United States if the pork and pork products are shipped in containers sealed with serially numbered seals at the federally inspected slaughtering plant or processing plant in Sonora or Yucatan and the containers arrive in the United States with the seals intact. The seal numbers would have to be listed on the foreign meat inspection certificate that accompanies the shipment. This precaution would ensure that the pork and pork products have remained in closed containers during transit to the United States and have not become contaminated.

This proposed rule would also allow the importation of the pork and pork products in containers bearing seals with different numbers than those listed on the foreign meat inspection certificate if our port inspectors can determine that an official of the Government of Mexico opened the original seals and then applied new seals. Section 94.20 does not currently provide for such in-transit movements under seal for pork from Sonora. However, we now realize the need to allow some flexibility in shipping and recognize that valid reasons may exist for the containers to have been opened and for the seal numbers to have been changed in transit. For example, many flights from Yucatan to the United States stop in Mexico City, and the containers may have to be opened for inspection by Mexican customs officials.

Prior to the final rule that established § 94.20 and allowed the importation of fresh (chilled or frozen) pork from Sonora (see 62 FR 25439–25443, Docket 94–106–6, May 9, 1997, effective July 8, 1997), pork and pork products from all of Mexico were prohibited entry into the United States unless they were processed in accordance with § 94.9. Section 94.9 requires that pork and pork products from regions where hog cholera is considered to exist meet stringent conditions to ensure the pork's freedom from hog cholera. Among other things, the pork or pork product must be fully cooked, or deboned and heated to a specified temperature, or cured and dried to specifications in the regulations. Because § 94.20 applies specifically to the importation of fresh (chilled or frozen) pork from Sonora, Mexico, any processed pork from Sonora must meet the conditions of § 94.9 to be eligible for importation into the United States. However, as stated previously, we believe that any type of pork or pork product from Sonora or Yucatan imported under the conditions specified in this proposed rule would present a negligible risk of introducing hog cholera. Therefore, this proposed rule would allow the importation from Sonora and Yucatan of processed pork that does not meet the conditions of § 94.9.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget. A summary of the analyses required by Executive Order 12866 and the Regulatory Flexibility Act are set forth below. Copies of the entire analyses may be obtained by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

The hazard of concern regarding the proposed importation of pork and pork products from the Yucatan region of Mexico is hog cholera. A qualitative risk assessment prepared by APHIS indicates that the expected costs of disease introduction are likely to be zero, as the proposed imports pose a low probability of causing a hog cholera outbreak in the United States. APHIS also conducted a quantitative risk assessment based only on serological survey data of commercial swine operations in the Yucatan. Due to modeling constraints, the quantitative risk assessment could not include some of the information most pertinent to risk evaluation, such as the fact that an outbreak of hog cholera has not occurred in the Yucatan since 1982. However, the quantitative model is useful in that it provides an upper limit on the estimated probability of a hog cholera outbreak and acknowledges that the actual risk is likely to be lower. Expected costs associated with the proposed trade are calculated by multiplying the estimates from the quantitative model of the likelihood of an outbreak and the estimated economic consequences of an outbreak.

In accordance with Executive Order 12866, APHIS has compared the benefits of the increased trade to the expected costs resulting from disease outbreak. The benefits are calculated as the net change in consumer and producer surplus that results from the estimated volume of trade. Assuming that, among other things, Yucatan pork would be a perfect substitute for domestic pork, it is estimated that the net benefits of Yucatan pork imports would be positive. Allowing importations of Yucatan pork would cause U.S. farm gate prices to decrease marginally, benefitting U.S. consumers.

Commercial swine production in Yucatan is concentrated among approximately 200 producers, who collectively own about 65,000 sows (1996 data). Three producers alone own 65 percent of these sows, all of which are housed in highly integrated operations similar to those found in the United States. Most of the remaining commercial producers are communal producers who operate small shared commercial herds with 15–40 sows. The number of ''backyard'' herds in Yucatan is decreasing.

Yucatan generates 7–8 percent of Mexico's pork production. The State is a net exporter of pork, with 65 percent of its pork going to the tourist centers in the neighboring State of Quintana Roo, population centers in and around Mexico City, and Japan. Pork intended for export is slaughtered at the State's only federally inspected slaughter facility. At full capacity, this facility can slaughter up to 1,000 head per day, with a maximum annual production of 10,000 metric tons of pork.

Based on existing Yucatan hog production and slaughter capacity, it is expected that Yucatan producers could export between 200 and 10,000 metric tons of fresh and frozen pork to the United States per year. The high-volume scenario is based on the maximum output of the federally inspected slaughter facility and assumes that all 10,000 metric tons produced there would be shipped to the United States. Because this scenario is unlikely, we also evaluated more realistic scenarios of 1,000 and 200 metric tons. The most likely amount of pork imported into the United States from Yucatan would probably be between these two amounts. Therefore, the regulatory impact analysis summarized here examines the potential economic impact of such imports under low- (200 metric tons per year), medium- (1,000 metric tons per year), and high- (10,000 metric tons per year) volume scenarios.

Results of computer simulation iterations for the low-volume simulations indicate positive net benefits in 90 percent of the iterations run. Results of the medium-volume simulations indicate positive net benefits in 85 percent of the iterations run. Results from the high-volume scenario indicate positive net benefits in 75 percent of the iterations run. In the absence of disease (when likelihood

estimates are zero), the annual net benefits of trade for the low-, medium-, and high-volume scenarios are estimated, in 1997 dollars, as $6,478, $32,429, and $329,011, respectively. Therefore, based on these calculations, positive net benefits would result from any of the scenarios. The likelihood of introducing hog cholera and its associated biological and economic consequences are sufficiently low as to warrant allowing the proposed trade. It should be noted that the low-volume scenario is considered by far the most likely; as stated previously, the high-volume scenario is considered extremely unlikely.

Initial Regulatory Flexibility Analysis

In accordance with 21 U.S.C. 111, the Secretary of Agriculture is authorized to promulgate regulations to prevent the introduction or dissemination of any contagious, infectious, or communicable disease of animals from a foreign country into the United States.

This proposed rule would amend the regulations to relieve certain restrictions on the importation of pork and pork products from the Yucatan by establishing new conditions for the importation of fresh and processed pork and pork products from Yucatan into the United States and would also provide for the movement of pork and pork products from Yucatan through areas where hog cholera may exist while in transit to the United States. This proposed rule would also amend the regulations regarding the importation of fresh pork from Sonora to allow the importation of pork products from Sonora and to modify the import conditions for Sonoran pork and pork products so that those conditions parallel the import conditions proposed for pork and pork products from Yucatan. These proposed amendments would provide for the importation of pork products from Sonora and for the in-transit movement of Sonoran pork and pork products through areas where hog cholera may exist and would make it clear that pork and pork products from Sonora must be derived from swine slaughtered at federally inspected slaughter plants.

Over the past several decades, the U.S. pork industry has experienced enormous structural change, which mirrors the overall trend toward ''concentration'' in U.S. agriculture. According to the 1992 Census of Agriculture (the most recent census available at the time this analysis was performed), the shift toward fewer but larger farms has been dramatic: From 1969 to 1992, hog sales rose roughly 23 percent, while the number of hog farms decreased by about 70 percent. During that same time period, the average-sized hog farm increased from 138 head per farm to 588 head per farm, and production became increasingly more concentrated among larger producers. In 1992, for example, roughly 6 percent of U.S. hog farms held over 50 percent of U.S. hog inventory. The pork processing industry is also characterized by a decreasing number of companies, operating increasingly large, capital-intensive processing and packing plants that are dependent on high volumes of raw product and that begin to realize economies of size at about 4 million hogs per year.

The potential economic impacts of the proposed importation of pork and pork products from the Yucatan region of Mexico are dependent on a number of factors, such as where the products would be consumed in the United States. While it is currently unknown exactly how Yucatan pork would enter U.S. marketing and distribution channels and where it would ultimately be consumed, it is likely that the pork would be shipped by ocean vessel from Progreso, Yucatan, to a U.S. gulf port, most likely in Texas or Florida, perhaps in Louisiana. If Yucatan pork were purchased by a local retail chain or wholesaler in those States, it would likely be consumed locally. If it were purchased by a national wholesaler, it could be consumed anywhere in the United States. For the purposes of this analysis, we examined both the possibility that Yucatan pork would be consumed locally in selected Gulf Coast States and also the possibility that it would enter national distribution channels.

The Small Business Administration (SBA) defines small hog farms (Standard Industrial Code 0213) as those earning less than $500,000 in annual receipts. Industry experts suggest that only those hog operations with inventories in excess of 2,000 animals would earn $500,000 or more in sales annually. However, because the 1992 Census of Agriculture combines all hog farms with more than 1,000 animals into one category, for the purposes of this analysis, we counted operations with more than 1,000 animals as large and operations with fewer than 1,000 as small.

Despite the trend toward fewer and larger hog farms described above, according to the 1992 Census of Agriculture, fewer than 6 percent of U.S. hog and pig operations held inventories in excess of 1,000 animals (the average U.S. small hog farm held 160 head of stock and had annual sales of roughly $27,000). So, by SBA standards, at least 94 percent of all U.S. hog farms (191,347) were small entities in 1992. In Texas, Florida, and Louisiana, roughly 99 percent of hog farms were small entities; in those States, small hog farmers held generally 22–40 head per farm and earned $3,000–$6,000 annually. In 1992, there were at least 179,478 small hog farms nationwide, with 9,017 being in Texas, Florida, and Louisiana.

The segment of the U.S. swine industry most likely to be first exposed to hog cholera from imported pork products would be swine operations that use human food waste as a feed source. Because the hog cholera virus remains infective in pork products for a long time unless the products are cooked, the disease could be transmitted to swine fed discarded uncooked pork. Therefore, waste-feeding swine operations would most directly bear the risk associated with the unlikely importation of contaminated pork products from Yucatan. The risk to the remainder of the U.S. swine industry would be through possible spread from these initially infected waste-feeding operations, which must be licensed by USDA.

In 1994, there were about 2,000 licensed waste-feeding establishments in the continental United States, and this number has not changed greatly since then. The majority of these premises were located in Texas (871), Arkansas (248), Florida (309), and North Carolina (178). Based on a 1994 APHIS survey, 1,173 waste-feeding operations in the 48 conterminous states contained a total of about 114,000 pigs. Waste-feeding operations are predominantly small. Based on the 1994 survey, the median number of swine per waste-feeding premises was 34 (average of 97). Only 10 of the premises had more than 1,000 swine.

Whether we consider the United States as a whole or just selected Gulf Coast States, the overwhelming majority of hog farms are small entities, so it is reasonable to conclude that a substantial number of small entities could be affected by this proposed rule.

Economic Impact on Small Entities

There is no general rule that sets threshold or trigger levels for ''significant economic impact;'' however, it has been suggested that an economic effect that equals a small business' profit margin—5 to 10 percent of annual sales—could be considered significant.

We used estimated changes in producer surplus together with the Census of Agriculture data on hog inventories and hog sales to develop

very rough estimates of the potential economic impact of the proposed rule on small hog farmers across the United States and in selected Gulf Coast States. To do this, we assumed that losses in producer surplus would be shared equally among all hog farms in the geographic area under consideration (either the entire United States or selected Gulf Coast States). We then compared per-farm changes in producer surplus with small farms' annual sales to determine whether the economic impacts approach the 5–10 percent threshold.

If Yucatan pork entered national distribution channels and, therefore, impacts were shared by all U.S. producers, there would not be a significant economic impact on small entities no matter which level (low, medium, or high volume) of imports is assumed. Producer surplus losses per U.S. hog farm would range from $0.45 to $22.05 per year, and these amounts are substantially less than 1 percent of the typical small hog farmer's annual sales in every scenario.

If, under the high-volume scenario, the maximum 10,000 metric tons were imported annually from the Yucatan and consumed locally in Louisiana, Texas, and Florida, there could be a significant economic impact on small pork producers in those States. In this case, a subset of small hog farmers with considerably fewer head per farm and considerably less in annual revenues than the average small U.S. hog farm would face the most significant impacts of an increase in imports resulting from the proposed trade. The producer surplus losses per small hog farm in those States would range from $9.60 to $479.52. The larger amount is equivalent to almost 8.14 percent of the typical small hog farmer's annual sales and, therefore, could be considered a significant impact.

In conclusion, it is clear that the proposed rule could affect a substantial number of small hog farms because, as of the 1992 Census of Agriculture, almost all hog farms meet the SBA size criteria for small entity. However, it is unclear whether the rule would have a significant economic impact on small hog farms. The latter issue depends on how much Yucatan pork is imported and where it is consumed. Under the most extreme assumptions (highest volume imports and limited geographic area affected), small hog producers in selected Gulf Coast States could experience losses in producer surplus equaling approximately 8 percent of annual sales. Such losses would meet ''significant economic impact'' criteria. Under the most likely import volume scenario (1,000 metric tons per year), the proposed rule would not have a significant economic impact on small hog farmers either nationwide or in selected Gulf Coast States.

Alternatives Considered

In developing this proposed rule, we considered either (1) making no changes to the existing requirements for the importation of fresh and processed pork and pork products from Yucatan and Sonora, (2) proposing to allow the importation of pork and pork products from Yucatan and Sonora under conditions different from those proposed, or (3) proposing to allow the importation of pork and pork products from Yucatan and Sonora under the conditions proposed in this document.

We rejected the first alternative because it would continue to restrict the importation of pork and pork products from Yucatan under the same conditions that apply to the remainder of Mexico. Because we have determined that pork and pork products could be imported under specified conditions from Yucatan and Sonora with negligible hog cholera risk, taking no action would not be scientifically defensible and would be contrary to trade agreements entered into by the United States. We also rejected the second alternative, which would allow the importation of pork and pork products from Yucatan and Sonora under conditions other than those proposed. In developing the proposed criteria for the importation of such pork and pork products, we determined that conditions less stringent than those proposed would present a risk of the introduction of hog cholera into the United States via pork or pork products from regions of Mexico other than Sonora or Yucatan. We further concluded that more stringent conditions would be unnecessarily restrictive. We consider the proposed conditions to be both effective and necessary in ensuring that the risk of hog cholera introduction via pork and pork product imports from Yucatan and Sonora remains at a negligible level.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this proposed rule. The assessment provides a basis for the conclusion that the importation of pork and pork products from Sonora and Yucatan, Mexico, under the conditions specified in this proposed rule would not present a significant risk of introducing or disseminating hog cholera disease agents into the United States and would not have a significant impact on the quality of the human environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

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

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

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please state that your comments refer to Docket No. 97–079–1. Please send a copy of your comments to: (1) Docket No. 97–079–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238, and (2) Clearance Officer, OCIO, USDA,

room 404–W, 14th Street and Independence Avenue SW., Washington, DC 20250. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

This proposed rule would amend the regulations to relieve certain restrictions on the importation of pork and pork products from Yucatan by establishing new conditions for the importation of fresh and processed pork and pork products from Yucatan into the United States and would also provide for the movement of pork and pork products from Yucatan through areas where hog cholera may exist while in transit to the United States. This proposed rule would also amend the regulations that provide for the importation of fresh pork from Sonora to allow the importation of pork products from Sonora and to modify the import conditions for Sonoran pork and pork products so that those conditions parallel the import conditions proposed for pork and pork products from Yucatan. These proposed amendments would provide for the importation of pork products from Sonora and for the in-transit movement of Sonoran pork and pork products through areas where hog cholera may exist and would make it clear that pork and pork products from Sonora must be derived from swine slaughtered at federally inspected slaughter plants.

Implementing this proposed rule would necessitate the use of two paperwork collection activities, i.e., the completion of a foreign meat inspection certificate and the placing of seals on shipping containers.

We are asking OMB to approve our use of these information collections in connection with our program to import pork and pork products from the Mexican States of Yucatan and Sonora.

We are soliciting comments from the public (as well as affected agencies) concerning this proposed information collection activity. We need this outside input to help us:

(1) Evaluate whether the proposed information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed information collection, 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 proposed information collection on those who are to respond, (such as 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.)

Estimate of burden: Public reporting burden for this proposed collection of information is estimated to average 0.575 hours per response.

Respondents: Full-time, salaried veterinarians of the Government of Mexico.

Estimated annual number of respondents: 10.

Estimated annual number of responses per respondent: 4.

Estimated annual number of responses: 40.

Estimated total annual burden on respondent: 23.

Copies of this information collection can be obtained from Clearance Officer, OCIO, USDA, room 404–W, 14th Street and Independence Avenue SW., Washington, DC 20250.

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we propose to amend 9 CFR part 94 as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for part 94 would continue to read as follows:

Authority: 7 U.S.C. 147a, 150ee, 161, 162, and 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.2(d).

2. Section 94.20 would be revised to read as follows:

§ 94.20 Importation of pork and pork products from Sonora and Yucatan, Mexico.

Notwithstanding any other provisions of this part, pork and pork products from the States of Sonora and Yucatan, Mexico, may be imported into the United States under the following conditions:

(a) The pork or pork product is from swine that were born and raised in Sonora or Yucatan and slaughtered in Sonora or Yucatan at a federally inspected slaughter plant that is under the direct supervision of a full-time salaried veterinarian of the Government of Mexico and that is approved to export pork products to the United States in accordance with § 327.2 of this title.

(b) If processed, the pork or pork product was processed in either Sonora or Yucatan in a federally inspected processing plant that is under the direct supervision of a full-time salaried veterinarian of the Government of Mexico.

(c) The pork or pork product has not been in contact with pork or pork products from any State in Mexico other than Sonora or Yucatan or from any other region not listed in § 94.9(a) as a region where hog cholera is not known to exist.

(d) The foreign meat inspection certificate accompanying the pork or pork product (required by § 327.4 of this title) includes a statement certifying that the requirements in paragraphs (a), (b) (if applicable), and (c) of this section have been met and, if applicable, a list of the numbers of the seals required by paragraph (e)(1) of this section.

(e) The shipment of pork or pork products has not been in any State in Mexico other than Sonora or Yucatan or in any other region not listed in § 94.9(a) as a region where hog cholera is not known to exist en route to the United States, unless:

(1) The pork or pork product arrives at the U.S. port of entry in shipping containers bearing intact, serially numbered seals that were applied at the federally inspected slaughter or processing plant in either Sonora or Yucatan by a full-time salaried veterinarian of the Government of Mexico, and the seal numbers correspond with the seal numbers listed on the foreign meat inspection certificate; or

(2) The pork or pork product arrives at the U.S. port of entry in shipping containers bearing seals that have different numbers than the seal numbers on the foreign meat inspection certificate, but, upon inspection of the hold, compartment, or container and all accompanying documentation, an APHIS representative is satisfied that the pork or pork product containers were opened and resealed en route by an appropriate official of the Government of Mexico and the pork or pork product was not contaminated or exposed to contamination during movement from Sonora or Yucatan to the United States.

Done in Washington, DC, this 18th day of February 1999.

Joan M. Arnoldi,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–4417 Filed 2–22–99; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–ANE–54–AD]

RIN 2120–AA64

Airworthiness Directives; General Electric Company CF6–50, –80A1/A3, and –80C2A Series Turbofan Engines

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 General Electric Company (GE) CF6–50, –80A1/A3, and –80C2A series turbofan engines installed on Airbus A300 and A310 series aircraft. This proposal would require initial and repetitive thrust reverser inspections and checks, and allow extended repetitive inspection intervals if an optional double p-seal configuration is installed. This proposal is prompted by the report of a higher than anticipated center drive unit (CDU) cone brake failure rate which reduces the overall thrust reverser system protection against inadvertent deployment. The actions specified by the proposed AD are intended to prevent inadvertent inflight thrust reverser deployment, which can result in loss of control of the aircraft.

DATES: Comments must be received by March 25, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–ANE–54–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: ''9-ad-engineprop@faa.gov''. Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Middle River Aircraft Systems, Mail Point 446, 103 Chesapeake Park Plaza, Baltimore, MD, 21220–4295, attn: Warranty Support, telephone: (410) 682–0098, fax: (410) 682–0100. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: William S. Ricci, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7742, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–ANE–54–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, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–ANE–54–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

This proposed airworthiness directive (AD) is prompted by the report of a higher than anticipated center drive unit (CDU) cone brake failure rate that reduces the overall thrust reverser system protection against inadvertent deployment. The Federal Aviation Administration (FAA) has determined that thrust reverser inspections and checks are necessary for all General Electric Company (GE) CF6 series turbofan engine installations on Airbus aircraft. This condition, if not corrected, could result in inadvertent inflight thrust reverser deployment, which can result in loss of control of the aircraft.

The FAA has reviewed and approved the technical contents of Middle River Aircraft Systems CF6–50 Service Bulletin (SB) No. 78–3001, Revision 2, dated December 18, 1997, CF6–80A1/A3 SB No. 78–1002, Revision 3, dated January 21, 1999, and CF6–80C2 Alert Service Bulletin (ASB) No. 78A1015, Revision 5, dated January 21, 1999, that describe procedures for thrust reverser inspections and checks.

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 initial and repetitive thrust reverser inspections and checks, and allows extended repetitive inspection intervals if an optional double p-seal configuration is installed. This AD would require these actions to be accomplished in accordance with the service documents described previously. There are approximately 849 engines of the affected design in the worldwide fleet. The FAA estimates that 193 engines installed on aircraft of U.S. registry would be affected by this proposed AD, that it would take approximately 5 work hours per engine to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $57,900.

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:

General Electric Company: Docket No. 98–ANE–54–AD.

Applicability: General Electric Company (GE) CF6–50, –80A1/A3, and –80C2A series turbofan engines, installed on Airbus A300 and A310 series aircraft.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent inadvertent inflight thrust reverser deployment, which can result in loss of control of the aircraft, accomplish the following:

(a) Perform initial and repetitive thrust reverser inspections and checks as follows:

(1) For GE CF6–50 series engines, perform inspections and checks in accordance with paragraph 2., Accomplishment Instructions, of Middle River Aircraft Systems CF6–50 SB No. 78–3001, Revision 2, dated December 18, 1997, as follows:

(i) Perform the initial inspections and checks within 1,500 hours time in service (TIS) after the effective date of this AD.

(ii) Thereafter, perform inspections and checks at intervals not to exceed 6,000 hours TIS since last check.

(2) For CF6–80A1/A3 series engines, perform inspections and checks in accordance with paragraph 2., Accomplishment Instructions, of Middle River Aircraft Systems CF6–80A1/A3 SB No. 78–1002, Revision 3, dated January 21, 1999, as follows:

(i) Perform the initial inspections and checks within 1,500 hours TIS after the effective date of this AD.

(ii) Thereafter, perform inspections and checks at intervals not to exceed 7,000 hours TIS since last check.

(3) For CF6–80C2 series engines, perform inspections and checks in accordance with paragraph 2., Accomplishment Instructions, of Middle River Aircraft Systems CF6–80C2 Alert Service Bulletin (ASB) No. 78A1015, Revision 5, dated January 21, 1999, as follows:

(i) Perform the initial inspections and checks within 600 hours TIS after the effective date of this AD.

(ii) Thereafter, perform repetitive inspections and checks as follows:

(A) For engines with a double p-seal configuration, having translating cowl part numbers 491B1613000–109 or D52B1000–9, perform repetitive inspections and checks at intervals not to exceed 7,000 hours TIS since last inspection.

(B) For all other engines, perform repetitive inspections and checks at intervals not to exceed 600 hours TIS since last inspection.

(4) Perform corrective actions or deactivate the fan reverser in accordance with paragraph 2., Accomplishment Instructions, of the applicable SB or ASB prior to further flight.

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

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

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

Issued in Burlington, Massachusetts, on February 16, 1999.

David A. Downey,

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

[FR Doc. 99–4367 Filed 2–22–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 701, 724, 773, 774, 778, 842, 843, and 846

RIN 1029–AB94

Application and Permit Information Requirements; Permit Eligibility; Definitions of Ownership and Control; the Applicant/Violator System; Alternative Enforcement Actions

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; reopening and extension of comment period.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is reopening and extending the comment period for the proposed rule published on December 21, 1998 (63 FR 70580). The comment period closed on February 19, 1999, and is being reopened and extended for 30 days.

DATES: We will accept written comments on the proposed rule until 5 p.m., Eastern time, on March 25, 1999.

ADDRESSES: You may mail or hand-deliver comments to the Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 101, 1951 Constitution Avenue, NW, Washington, DC 20240. You may also submit comments to OSM via the Internet at: osmrules@osmre.gov.

FOR FURTHER INFORMATION CONTACT: Earl D. Bandy, Jr., Office of Surface Mining Reclamation and Enforcement, Applicant/Violator System Office, 2679 Regency Road, Lexington, Kentucky 40503. Telephone: (606) 233–2796 or (800) 643–9748. E-Mail: ebandy@osmre.gov.

SUPPLEMENTARY INFORMATION: In response to requests from members of the public, we are reopening and extending the public comment period for the proposed rule published on December 21, 1998 (63 FR 70580). The comment period closed on February 19, 1999, and is being reopened and extended for 30 days. In the rule, we are proposing revised permit eligibility requirements for surface coal mining operations under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). In particular, we propose to revise how ownership and control of mining operations is determined under section 510(c) of SMCRA so that applicants who are responsible for unabated violations do not receive new permits. We have designed this proposal to be effective, fair, and consistent with

a 1997 decision by the U.S. Court of Appeals for the DC Circuit addressing ownership and control issues.

In addition, we are proposing other changes to other aspects of our regulations in response to comments we received when we sought public participation in developing this proposed rule. Our intent is to improve, clarify, and simplify current regulations as well as to reduce duplicative and burdensome permit information requirements.

Dated: February 18, 1999.

Mary Josie Blanchard,

Assistant Director, Program Support.

[FR Doc. 99–4430 Filed 2–22–99; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD13–98–004]

RIN 2115–AE84

Regulated Navigation Area, Eagle Harbor, Bainbridge Island, WA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to create a permanent regulated navigation area on a portion of Eagle Harbor, Bainbridge Island, Washington. This regulated navigation area would be used to preserve the integrity of a clean sediment cap placed over contamined seabed as part of the remediation process at a U.S. Environmental Protection Agency (USEPA) superfund site. This regulated navigation area would prohibit activities that would disturb the seabed, such as anchoring, dredging, or laying cable, with the exception of EPA managed remedial design, remedial action, habitat mitigation, or monitoring activities associated with the Wyckoff/Eagle Harbor Superfund Site. It would not affect transit or navigation of the area.

DATES: Comments must reach the Coast Guard on or before April 26, 1999. You may mail comments to U.S. Coast Guard Marine Safety Office Puget Sound, 1519 Alaskan Way South, Building 1, Seattle, Washington 98134, or deliver them to room 422 at the same address between 7 a.m. & 5 p.m., Monday through Friday, except federal holidays. The telephone number is (206) 217–6232.

ADDRESSES: Comments and documents referred to in this preamble will become part of this docket and are available for inspection and copying at U.S. Coast Guard Marine Safety Office Puget Sound, 1519 Alaskan Way South, Building 1, Seattle, Washington 98134. Normal office hours are between 7 a.m. and 5 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: LT Paul M. Stocklin, Jr., c/o Captain of the Port Puget Sound, 1519 Alaskan Way South, Seattle, Washington 98134, (206) 217–6232.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names, addresses, identify this rulemaking (CGD13–98–004) and the specific section of this proposal to which each comment applies, and give the reason for each comment. Please submit all comments and attachments in an unbound format, no larger than 8 by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

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

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

Background and Purpose

The Wyckoff/Eagle Harbor Superfund site is located on the east side of Bainbridge Island, in Central Puget Sound, Washington. The site includes a former 40-acre wood-treating facility, contaminated sediments in adjacent Eagle Harbor, and other upland sources of contamination to the harbor, including a former shipyard.

Part of the remediation process for this site consists of covering the contaminated sediments in Eagle Harbor with a layer of clean medium-to-coarse grained sand approximately one-meter (3-feet) thick. This cap is used to isolate contaminants and limit their vertical migration and release into the water column. The cap will also limit the potential for marine organisms to reach the contaminated sediment.

Discussion of Proposed Rules

The proposed rule would establish a permanent regulated navigation area which would restrict activities such as anchoring, salvage, or dredging which would disturb the sediment cap covering the contaminated seabed. The regulation would not affect normal transit or navigation of the area. The Wyckoff facility is located on the point of land that forms the southeastern border of Eagle Harbor. The sediment cap includes approximately 2600 feet of shoreline extending approximately 2800 feet into the harbor. This area is seldom used as an anchorage site as it is in relatively unprotected water near the mouth of the harbor.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The proposed rule would not affect normal transit or navigation of the area and the only property involved is that of the former Wyckoff facility. The area is not a designated anchorage ground nor special anchorage area and was seldom used as an anchorage site as it is relatively unprotected water immediately adjacent the harbor entrance.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this proposed rule, if adopted, will have a significant economic impact on a substantial number of small entities. ''Small entities'' include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

This proposed rule would not affect transit or navigation of the area. Rather, it would prohibit activities that would disturb the seabed, such as anchoring, dredging, or laying cable. The area is not

a designated anchorage ground nor special anchorage area and was seldom used as an anchorage site as it is relatively unprotected water immediately adjacent the harbor entrance.

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

Collection of Information

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

Federalism

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

Environmental Analysis

The Coast Guard has considered the environmental impact of this rule and has concluded that, under figure 2–1, paragraph (34)(g), of COMDTINST M16475.1C, this proposed rule is categorically excluded from further environmental documentation. A Categorical Exclusion is provided for regulations establishing Regulated Navigation Areas. This particular regulated navigation area is proposed for the purpose of preserving the remediation efforts at an USEPA Superfund Site. The proposed rule itself will not cause nor introduce any environmental impacts and will be transparent in all regards except for prohibiting activities which could disturb the seabed within the established boundaries of the site.

The USEPA has determined that there will be no significant environmental impact arising from the creation of an RNA designed to protect the sediment cap. The actual placement of the cap in Eagle Harbor was determined by USEPA to provide an environmental benefit to the area by allowing organisms to colonize the clean sediments of the cap (''The Proposed Plan for Cleanup of Eagle Harbor''—December 16, 1991). USEPA's authority to place the cap is expressed in a publicly available document known as a ''Removal Action Memorandum'' dated June 15, 1993, and additional information is available at the Marine Safety Office at the address under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reports and recordkeeping requirements, Security measures, Waterways.

Proposed Regulation

For the reasons set out in the preamble, the Coast Guard proposes to amend part 165 of Title 33, Code of Federal Regulations, as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6 and 160.5; 49 CFR 1.46.

2. A new § 165.1309 is added to read as follows:

§ 165.1309 Eagle Harbor, Bainbridge Island, WA.

(a) *Regulated area.* A regulated navigation area is established on that portion of Eagle Harbor bounded by a line beginning at: 47° 36′ 56″ N, 122° 30′ 36″ W; thence to 47° 37′ 11″ N, 122° 30′ 36″ W; thence to 47° 37′ 25″ N, 122° 30′ 17″ W; thence to 47° 37′ 24″ N, 122° 30′ 02″ W; thence to 47° 37′ 16″ N, 122° 29′ 55″ W; thence to 47° 37′ 03″ N, 122° 30′ 02″ W; thence returning along the shoreline to point of origin. [Datum NAD 1983].

(b) *Regulations.* All vessels and persons are prohibited from anchoring, dredging, laying cable, dragging, seining, bottom fishing, conducting salvage operations, or any other activity which could potentially disturb the seabed in the designated area. Vessels may otherwise transit or navigate within this area without reservation.

(c) *Waiver.* The Captain of the Port, Puget Sound, upon advice from the USEPA Project Manager and the DNR, may, upon written request, authorize a waiver from this section if it is determined that the proposed operation supports USEPA remedial objectives, or can be performed in a manner that ensures the integrity of the sediment cap. A written request must describe the intended operation, state the need, and describe the proposed precautionary measures. Requests should be submitted in triplicate, to facilitate review by EPA, Coast Guard, and Washington State Agencies. USEPA managed remedial design, remedial action, habitat mitigation, or monitoring activities associated with the Wyckoff/Eagle Harbor Superfund Site are excluded from the waiver requirement. USEPA is required, however, to alert the Coast Guard in advance concerning any of the above-mentioned activities that may, or will, take place in the Regulated Area.

Dated: January 13, 1999.

Paul M. Blayney,

Rear Admiral, USCG, 13th District Commander.

[FR Doc. 99–4431 Filed 2–22–99; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DE036–1018b; FRL–6303–5]

Approval and Promulgation of Air Quality Implementation Plans; State of Delaware—Transportation Conformity Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is taking direct final action to approve a revision to the Delaware State Implementation Plan (SIP). The revision consists of the addition of Delaware's transportation conformity regulation for the purpose of assuring conformity of Delaware transportation plans, programs and projects to related requirements in the SIP. EPA is proposing to approve Delaware's transportation conformity regulation as a SIP revision in accordance with the requirements of the Clean Air Act.

In the ''Rules and Regulations'' section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A more detailed description of the State submittal and EPA's evaluation are included in a Technical Support Document (TSD) prepared in support of this rulemaking action. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document.

If EPA receives no adverse comments, EPA will not take further action on this proposed rule. If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. In the latter case, EPA will address all public comments in a

subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by March 25, 1999.

ADDRESSES: Written comments should be addressed to Robert Kramer, Chief, Energy, Radiation and Indoor Environment Branch; Mailcode 3AP23; U.S. Environmental Protection Agency, Region III; 1650 Arch Street; Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the Delaware Department of Natural Resources & Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.

FOR FURTHER INFORMATION CONTACT: Larry Budney, (215) 814–2184, at the EPA Region III address above, or by e-mail at budney.larry@epamail.epa.gov. While clarifying questions and requests for additional information may be transmitted via e-mail, comments on this rulemaking must be submitted in writing in accordance with the procedures provided earlier in this document.

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action to approve the Delaware Regulation 32—Transportation Conformity that is located in the ''Rules and Regulations'' section of this **Federal Register** publication.

Dated: February 5, 1999.

W. Michael McCabe,

Regional Administrator, EPA Region III.

[FR Doc. 99–3991 Filed 2–22–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 372

[OPPTS–400132A; FRL–6061–7]

RIN 2070–AD09

Persistent Bioaccumulative Toxic (PBT) Chemicals; Amendments to Proposed Addition of a Dioxin and Dioxin-Like Compounds Category; Community Right-to-Know Toxic Chemical Release Reporting; Notice of Availability and Clarification of Proposed Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability and clarification of proposed rule.

SUMMARY: On January 5, 1999, EPA issued a proposed rule to lower the reporting thresholds for certain persistent bioaccumulative toxic (PBT) chemicals that are subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and section 6607 of the Pollution Prevention Act of 1990 (PPA). The proposed rule also included the addition of certain PBT chemicals, amendments to the proposed rule to add a dioxin and dioxin-like compounds category, as well as other related reporting changes. The purpose of this document is to inform interested parties of the availability of an additional document concerning one of the reporting threshold options discussed in the proposed rule. This document also contains clarifications to the discussion concerning the reporting limitation for certain metals when contained in alloys.

DATES: Written comments, identified by the docket control number OPPTS–400132, must be received by EPA on or before March 8, 1999.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I of the ''SUPPLEMENTARY INFORMATION'' section of this document.

The document entitled ''Analysis of Potential Small Entity Impacts Associated with Option 1 of the TRI PBT Proposal'' is now available from the public docket. Refer to Unit I.B.2. of this document for the location and hours of operation for the public docket.

FOR FURTHER INFORMATION CONTACT: Daniel R. Bushman, Petitions Coordinator, 202–260–3882, e-mail: bushman.daniel@epamail.epa.gov, for specific information on the proposed rule, or for more information on EPCRA section 313, the Emergency Planning and Community Right-to-Know Hotline, Environmental Protection Agency, Mail Code 5101, 401 M St., SW., Washington, DC 20460, Toll free: 1–800–535–0202, in Virginia and Alaska: 703–412–9877 or Toll free TDD: 1–800–553–7672.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you manufacture, process, or otherwise use any of the chemicals listed under Table 1 in Unit V.C.1. of the January 5, 1999 proposed rule (64 FR 688) (FRL–6032–3). Potentially affected categories and entities may include, but are not limited to:

Category	Examples of Potentially Affected Entities
Industry	Facilities that: incinerate or otherwise treat, store or dispose of hazardous waste or sewage sludge; operate chlor-alkali processes; manufacture chlorinated organic compounds, pesticides, other organic or inorganic chemicals, tires, inner tubes, other rubber products, plastics and material resins, paints, Portland cement, pulp and paper, asphalt coatings, or electrical components; operate cement kilns; operate metallurgical processes such as steel production, smelting, metal recovery furnaces, blast furnaces, coke ovens, metal casting and stamping; operate petroleum bulk terminals; operate petroleum refineries; operate industrial boilers that burn coal, wood, petroleum products; and electric utilities that combust coal and/or oil for distribution of electricity in commerce.
Federal Government	Federal facilities that: burn coal, wood, petroleum products; burn wastes; incinerate or otherwise treat, store or dispose of hazardous waste or sewage sludge.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. To determine whether your

facility would be affected by this action, you should carefully examine the applicability criteria in part 372, subpart B of Title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding ''FOR FURTHER INFORMATION CONTACT'' section.

B. How Can I Get Additional Information or Copies of this Document or Other Support Documents?

1. *Electronically*. You may obtain electronic copies of this document and the January 5, 1999 proposed rule from the EPA internet Home Page at http://www.epa.gov/. On the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''Federal Register - Environmental Documents.'' You can also go directly to the ''Federal Register'' listings at http://www.epa.gov/fedrgstr/.

2. *In person or by phone*. If you have any questions or need additional information about this action, please contact the person identified in the ''FOR FURTHER INFORMATION CONTACT'' section. In addition, the official record for this document, including the public version, has been established under docket control number OPPTS–400132, (including the references in Unit III. of this preamble and comments and data submitted electronically as described below). This record includes not only the documents physically contained in the docket, but all of the documents included as references in those documents. A public version of this record, including printed, paper versions of any electronic comments, which does not include any information claimed as Confidential Business Information (CBI), is available for inspection from noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center, Rm. NE–B607, 401 M St., SW., Washington, DC 20460. The TSCA Nonconfidential Information Center telephone number is 202–260–7099.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. Be sure to identify the appropriate docket control number (i.e., ''OPPTS–400132'') in your correspondence.

1. *By mail*. Submit written comments to: Document Control Office (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

2. *In person or by courier*. Deliver written comments to: Document Control Office in Rm. G–099, Waterside Mall, 401 M St., SW., Washington, DC, telephone: 202–260–7093.

3. *Electronically*. Submit your comments and/or data electronically by e-mail to: ''oppt.ncic@epa.gov.'' Please note that you should not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard computer disks in WordPerfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number OPPTS–400132. Electronic comments on this document may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI Information That I Want to Submit to the Agency?

You may claim information that you submit in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult with the person identified in the ''FOR FURTHER INFORMATION CONTACT'' section.

II. Additional Documentation and Clarification

A. What Document Is Being Made Available and What Does It Discuss?

In the January 5, 1999 proposed rule to lower the EPCRA section 313 reporting thresholds for certain PBT chemicals (64 FR 688), the preferred option (i.e., Option 2), as presented in the regulatory text, proposed the following EPCRA section 313 reporting thresholds: 10 pounds for certain highly persistent, bioaccumulative chemicals; 100 pounds for certain persistent, bioaccumulative chemicals; and 0.1 gram for dioxin and dioxin-like compounds. The potential small entity impacts of the preferred Option 2 are presented in the economic analysis of the proposed rule (Ref. 1). EPA has prepared an additional analysis of the potential small entity impacts of a regulatory option with lower EPCRA section 313 reporting thresholds than those contained in Option 2. The document being made available today contains this analysis and is entitled ''Analysis of Potential Small Entity Impacts Associated with Option 1 of the TRI PBT Proposal'' (Ref. 2). This document is now available in the public docket for this rulemaking. Under Option 1, the EPCRA section 313 reporting thresholds would be 1 pound for certain highly persistent, bioaccumulative chemicals; 10 pounds for certain persistent, bioaccumulative chemicals; and 0.1 gram for dioxin and dioxin-like compounds. At these lower reporting thresholds, more facilities would be affected by the rule and more reports would be filed than at the Option 2 reporting thresholds. The following is a brief overview of EPA's findings.

1. *Overall methodology*. For the purpose of its analysis, EPA defined a small business using the small business size standards established by the Small Business Administration (SBA). EPA defined small governments using the Regulatory Flexibility Act definition of jurisdictions with a population of less than 50,000. No small organizations are expected to be affected.

Only those small entities that are expected to submit at least one report are considered to be affected for the purpose of the small entity analysis, although EPA recognizes that other small entities will conduct compliance determinations under lower thresholds. The number of affected entities will be smaller than the number of affected facilities, because many entities operate more than one facility. Impacts were calculated for both the first year of reporting and subsequent years. First year costs are typically higher than continuing costs because firms must familiarize themselves with the requirements. Once firms have become familiar with how the reporting requirements apply to their operations, costs fall. EPA believes that subsequent year impacts present the best measure to judge the impact on small entities because these continuing costs are more representative of the compliance costs that firms face.

EPA analyzed the potential cost impact of Option 1 on small businesses and governments for the manufacturing sector and in each of the recently added industry sectors. EPA then aggregated the analyses for the purpose of determining whether it would be able to certify that Option 1 would not, if promulgated, have a ''significant economic impact on a substantial number of small entities.'' EPA believes that the statutory test for certifying a

rule and the statutory consequences of not certifying a rule all indicate that certification determinations may be based on an aggregated analysis of the rule's impact on all of the small entities subject to it.

2. *Small businesses.* EPA used annual compliance costs as a percentage of annual company sales to assess the potential impacts on small businesses of Option 1. EPA believes that this is a good measure of a firm's ability to afford the costs attributable to a regulatory requirement, because comparing compliance costs to revenues provides a reasonable indication of the magnitude of the regulatory burden relative to a commonly available measure of a company's business volume. Where regulatory costs represent a small fraction of a typical firm's revenue (for example, less than 1%, but not greater than 3%), EPA believes that the financial impacts of the regulation may be considered insignificant. As discussed above, EPA also believes that it is appropriate to apply this measure to subsequent year impacts.

Based on its estimates of additional reporting as a result of the proposed rule, the Agency estimates that 10,000 businesses would be affected by Option 1, and that approximately 6,900 of these businesses are classified as small based on the applicable SBA size standards. For the first reporting year, EPA estimates that approximately 30 small businesses would bear compliance costs between 1% and 3% of revenues, and that no small businesses would bear costs greater than 3%. In subsequent years, EPA estimates that approximately 7 small businesses would bear compliance costs between 1% and 3% of revenues, and that no small businesses would bear costs greater than 3%. As stated above, EPA believes that subsequent-year impacts are the appropriate measure of small business impacts.

3. *Small governments.* To assess the potential impacts of Option 1 on small governments, EPA used annual compliance costs as a percentage of annual government revenues to measure potential impacts. Similar to the methodology for small businesses, this measure was used because EPA believes it provides a reasonable indication of the magnitude of the regulatory burden relative to a government's ability to pay for the costs, and is based on readily available data.

EPA estimates that 49 publicly owned electric utility facilities, operated by a total of 39 municipalities, may be affected under Option 1. Of these municipalities, an estimated 18 are small governments (i.e., those with populations under 50,000). It is estimated that 1 of these small governments would bear annual costs between 1% and 3% of annual government revenues in the first year. In subsequent years, EPA estimates that no small governments would bear compliance costs above 1% of revenues.

4. *All small entities.* As stated above, EPA believes that subsequent-year impacts are the appropriate measure of small entity impacts. After the first year of reporting, approximately 7 small businesses are expected to bear costs over 1% of revenues. This represents less than 1% of all affected small businesses. None of the affected small governments are estimated to bear costs greater than 1% of revenues after the first year of reporting. No small organizations are expected to be affected by the proposed rule. Thus, the total number of small entities with impacts above 1% of annual revenues in subsequent years does not change when the results are aggregated for all small entities (i.e., small businesses, small governments, and small organizations).

B. What Clarifications Are Being Made to the Proposed Rule?

In Unit X.B. of the January 5, 1999 proposed rule, EPA discussed a limitation for the reporting of vanadium and cobalt when contained in alloys. At the end of the first paragraph of Unit X.B. (second column, page 717), it was stated that ''EPA is therefore proposing to limit the reporting for vanadium and cobalt to exclude alloys that contain these metals from the lower reporting thresholds.'' This statement is incorrect, EPA did not propose to lower the EPCRA section 313 reporting thresholds for vanadium. EPA only proposed to remove the fume or dust qualifier from the current vanadium listing and replace it with a qualifier that limits the reporting for vanadium by excluding the reporting of alloys that contain vanadium.

III. What Are the References for this Action?

The references associated with this action are as follows:

1. USEPA, OPPT. Economic Analysis of the Proposed Rule to Modify Reporting of Persistent Bioaccumulative Toxic Chemicals Under EPCRA Section 313. December 1998.

2. USEPA, OPPT. Analysis of Potential Small Entity Impacts Associated with Option 1 of the TRI PBT Proposal. January 1999.

IV. Do Any of the Regulatory Assessment Requirements Apply to this Action?

No. As indicated previously, this action merely announces the availability of additional data for public review, and provides minor clarification to provisions in the proposed rule. This action does not impose any new requirements. As such, this action does not require review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). Nor does it require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875, entitled *Enhancing Intergovernmental Partnerships* (58 FR 58093, October 28, 1993) and Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), or special consideration of environmental justice related issues under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub. L. 104–113, section 12(d) (15 U.S.C. 272 note). In addition, since 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 (RFA) (5 U.S.C. 601 *et seq.*). EPA's compliance with these statutes and Executive Orders for the underlying proposed rule, is discussed in the preamble to the proposed rule (see 64 FR 688, January 5, 1999).

List of Subjects in 40 CFR Part 372

Environmental protection, Community right-to-know, Reporting and recordkeeping requirements, and Toxic chemicals.

Dated: February 12, 1999.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 99–4323 Filed 2–22–99; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 372

[OPPTS–400135; FRL–6050–3]

RIN 2070–AC00

Methyl Isobutyl Ketone; Toxic Chemical Release Reporting; Community Right-to-Know

AGENCY: Environmental Protection Agency (EPA).

ACTION: Denial of petition.

SUMMARY: EPA is denying a petition to remove methyl isobutyl ketone (MIBK) from the list of chemicals subject to the reporting requirements under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and section 6607 of the Pollution Prevention Act of 1990 (PPA). EPA has reviewed the available data on this chemical and has determined that MIBK does not meet the deletion criterion of EPCRA section 313(d)(3). Specifically, EPA is denying this petition because EPA's review of the petition and available information resulted in the conclusion that MIBK meets the listing criteria of EPCRA section 313(d)(2)(B) due to its contribution to the formation of ozone in the environment which causes adverse human health and environmental effects.

FOR FURTHER INFORMATION CONTACT: Daniel R. Bushman, Petitions Coordinator, 202–260–3882 or e-mail: bushman.daniel@epa.gov, for specific information regarding this document or for further information on EPCRA section 313, contact the Emergency Planning and Community Right-to-Know Information Hotline, Environmental Protection Agency, Mail Code 5101, 401 M St., SW., Washington, DC 20460, Toll free: 1–800–535–0202, in Virginia and Alaska: 703–412–9877, or Toll free TDD: 1–800–553–7672.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Notice Apply To Me?

This document does not make any changes to existing regulations, however you may be interested in this document if you manufacture, process, or otherwise use MIBK. Potentially interested categories and entities may include, but are not limited to the following:

Category	Examples of Potentially Interested Entities
Chemical manufacturers	Chemical manufacturers that manufacture MIBK, use MIBK as a chemical intermediate, or use MIBK in the manufacture of protective coatings such as nitrocellulose lacquers and solvent-based vinyl and acrylic coatings
Chemical processors and users	Facilities that use MIBK as a process solvent

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be interested in this document. Other types of entities not listed in this table may also be interested in this document. Additional businesses that may be interested in this document are those covered under 40 CFR part 372, subpart B. If you have any questions regarding whether a particular entity is covered by this section of the CFR, consult the technical person listed in the ''FOR FURTHER INFORMATION CONTACT'' section.

B. How Can I Get Additional Information or Copies of This Document or Other Support Documents?

1. *Electronically*. You may obtain electronic copies of this document from the EPA Home Page at http://www.epa.gov/. On the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register** - Environmental Documents.'' You can also go directly to the ''**Federal Register**'' listings at http://www.epa.gov/fedrgstr/.

2. *In person or by phone*. If you have any questions or need additional information about this action, please contact the technical person identified in the ''FOR FURTHER INFORMATION CONTACT'' section. In addition, the official record for this document, including the public version, has been established under docket control number OPPTS–400135, (including the references in Unit VII. of this preamble). This record includes not only the documents physically contained in the docket, but all of the documents included as references in those documents. A public version of this record is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The official record is located in the TSCA Nonconfidential Information Center, Rm. NE–B607, 401 M St., SW., Washington, DC.

II. Introduction

A. Statutory Authority

This action is taken under sections 313(d) and (e)(1) of EPCRA, 42 U.S.C. 11023. EPCRA is also referred to as Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) (Pub. L. 99–499).

B. Background

Section 313 of EPCRA requires certain facilities manufacturing, processing, or otherwise using listed toxic chemicals in amounts above reporting threshold levels, to report their environmental releases of such chemicals annually. Such facilities must also report pollution prevention and recycling data for such chemicals, pursuant to section 6607 of the PPA of 1990, 42 U.S.C. 13106. Section 313 established an initial list of toxic chemicals that was comprised of more than 300 chemicals and 20 chemical categories. MIBK was included on the initial list. Section 313(d) authorizes EPA to add or delete chemicals from the list and sets forth criteria for these actions. EPA has added and deleted chemicals from the original statutory list. Under section 313(e)(1), any person may petition EPA to add chemicals to or delete chemicals from the list. Pursuant to EPCRA section 313(e)(1), EPA must respond to petitions within 180 days, either by initiating a rulemaking or by publishing an explanation of why the petition is denied.

EPCRA section 313(d)(2) states that a chemical may be listed if any of the listing criteria are met. Therefore, in order to add a chemical, EPA must demonstrate that at least one criterion is met, but does not need to examine whether all other criteria are also met. Conversely, in order to remove a chemical from the list, EPCRA section 313(d)(3) requires EPA to find that none of the listing criteria are met.

EPA issued a statement of petition policy and guidance in the **Federal Register** of February 4, 1987 (52 FR 3479), to provide guidance regarding the recommended content and format for submitting petitions. On May 23, 1991 (56 FR 23703), EPA issued guidance regarding the recommended content of petitions to delete individual members of the section 313 metal compounds categories. EPA has also published in the **Federal Register** of November 30, 1994 (59 FR 61432) (FRL–4922–2) a statement clarifying its interpretation of

the section 313(d)(2) and (d)(3) criteria for modifying the section 313 list of toxic chemicals.

III. Description of Petition and Regulatory Status of Methyl Isobutyl Ketone

MIBK is on the list of toxic chemicals subject to the annual release reporting requirements of EPCRA section 313 and PPA section 6607. MIBK was among the list of chemicals placed under EPCRA section 313 by Congress. MIBK is also subject to Clean Air Act Amendments (CAAA) and the Hazardous Waste Constituents List under the Resource Conservation and Recovery Act (RCRA). MIBK is considered a volatile organic compound (VOC) based on EPA's regulatory definition of a VOC (57 FR 3941, February 3, 1992).

On April 23, 1997, EPA received a petition from the Ketones Panel of the Chemical Manufacturers Association (CMA) to delete MIBK from the list of chemicals reportable under EPCRA section 313 and PPA section 6607. CMA had submitted petitions to delete methyl ethyl ketone (MEK) and MIBK from the EPCRA section 313 reporting requirements in September 1988, but these petitions were subsequently withdrawn because the petitioner became aware of the Agency's concerns for various toxicological effects of these chemicals. The petitioners state that since that time, EPA's concern for the toxicity of MIBK has decreased. Therefore, the petitioners argue that MIBK does not meet any of the listing criteria, and should be removed from the reporting requirements of EPCRA section 313.

Specifically, the petitioners believe that MIBK is not known to cause, nor can it reasonably be anticipated to cause, significant adverse acute health effects at exposure levels that are likely to occur beyond industrial site boundaries as a result of continuous or frequently recurring releases. They also state that MIBK is not known to cause and cannot reasonably be anticipated to cause, significant chronic health effects in humans. The petitioners argue that MIBK also does not cause the type of adverse environmental effects that warrant reporting under EPCRA section 313.

Significant to the deliberations surrounding this petition review, is MIBK's status as a VOC. The petitioners argue for a revised interpretation of the EPCRA section 313 VOC policy. The basis for this argument is the petitioners contention that EPA does not have the statutory authority to list chemicals based upon indirect toxicity. The petitioners further contend that: (1) There are more effective ways to gather VOC emissions data; (2) EPA has other, more efficient, tools than the Toxics Release Inventory (TRI) for disseminating VOC emissions data; (3) TRI data are not used to support VOC emissions control programs; (4) the act of including non-toxic VOCs on the TRI may actually be counter productive, by providing disincentives for switching to these less toxic VOCs; and, (5) releases of MIBK in ozone non-attainment areas do not justify a nationwide reporting requirement (Ref. 1).

IV. EPA's Technical Review Of Methyl Isobutyl Ketone

The technical review of the petition to delete MIBK from the reporting requirements of EPCRA section 313 included an analysis of the available chemistry, health effects, ecological effects, environmental fate, exposure, and risk data for MIBK. Summaries of the technical reviews are provided in Unit IV.A. through E. The docket for this document contains additional information and more detailed discussions concerning the data available for MIBK. The reader should consult the support documents (Refs. 2, 3, 4, and 5) as well as the other studies contained or referenced in the docket.

A. Chemistry and Use

MIBK, also known as, MIK, 4-methyl-2-pentanone, 2-methyl-4-pentanone, and other names, is the second largest volume commercially produced ketone. It is a clear, colorless, stable, moderately low boiling, volatile, highly flammable liquid with a sweet, acetone-like odor. It is moderately soluble in water (17 grams per liter (g/l) at 20 °C, is miscible with most organic solvents, and forms azeotropes (i.e., mixtures that distill off in a fixed ratio) with water and many organic liquids. MIBK has strong solvent power and is a good solvent for many natural and synthetic resins (Ref. 2).

There were 163 million pounds of MIBK produced in the U.S. in 1996 and 25 million pounds were imported. Domestic production capacity is projected to hold steady at 210 million pounds through 1999. Domestic consumption was 148 million pounds in 1996. More than half of the MIBK consumed in the U.S. (62 percent) was used as a solvent for protective coatings. The next largest use of MIBK (18 percent) was as a chemical intermediate for rubber antioxidants and acetylenic surfactants (Refs. 2 and 3).

B. Metabolism and Absorption

MIBK is well-absorbed from the lung, gastrointestinal (GI) tract, and skin and is rapidly metabolized (Ref. 4).

C. Toxicological Evaluation

1. *Acute toxicity*. Available data indicate that MIBK has low acute toxicity. In humans, short-term inhalation exposures up to 30 minutes each day to concentrations as high as 500 parts per million (ppm) produced irritation of the eyes and upper and lower respiratory system, effects characteristic of solvent exposure (Ref. 4).

2. *Subchronic and chronic toxicity*. An assessment of direct exposure systemic toxicity from available subchronic toxicity studies on MIBK indicates that MIBK may cause liver and kidney toxicity. However, without additional chronic data, the effects seen were not considered to be serious or irreversible (Ref. 4).

i. *Carcinogenicity*. EPA was unable to identify any human or animal carcinogenicity data on MIBK. Although MIBK was weakly positive in the mouse lymphoma mutagenicity assay and in the mouse embryo cell transformation assay, there is insufficient evidence to reasonably extrapolate this information to anticipate that MIBK may cause cancer in humans (Refs. 4 and 6).

ii. *Mutagenicity*. Studies indicate that MIBK is not a gene mutagen in *Salmonella typhimurium* strains TA98, TA100, TA1535, and TA 1538 either with or without metabolic activation. MIBK is weakly positive in mouse lymphoma cells *in vitro* without but not with activation, is not a chromosome mutagen *in vitro* in Chinese hamster ovary and rat RL4 cells, nor does it induce micronuclei *in vivo* in the mouse micronucleus assay by intraperitoneal injection. MIBK does not induce DNA effects in the *Saccharomyces cerevisiae* homozygosis and recombination assay, and it is equivocal in the unscheduled DNA synthesis assay in rat hepatocytes *in vitro*. MIBK induces morphological cell transformation in BALB/c 3T3 cell in culture without and possibly with metabolic activation. Thus, in general, MIBK exposure does not appear to be associated with genotoxicity *in vitro* or *in vivo* (Refs. 4 and 7).

iii. *Developmental toxicity*. MIBK was subject to testing under section 4 of the Toxic Substances Control Act (TSCA). As part of the testing requirements for MIBK, a developmental toxicity study in rats and mice (Ref. 8) was previously submitted and reviewed by EPA (Ref. 4). EPA's 1985 review of the data concluded that MIBK caused significant developmental toxicity (fetal death, reduced fetal body weight, and delayed ossification) only at the high-dose of 3,000 ppm (Ref. 9). No effects were observed at lower doses and a No

Observed Adverse Effect Level (NOAEL) of 1,000 ppm for both rats and mice was derived. A Lowest Observed Adverse Effect Level (LOAEL) of 3,000 ppm was derived based on fetotoxicity in rats.

EPA's 1988 review of the same study concluded that in the rat study there were statistically significant decreases in fetal body weight (Ref. 10). In addition, it was noted that marginal decreases in fetal body weight at the mid-dose of 1,000 ppm were observed when compared to controls but they were not statistically significantly different and were slightly higher than those in the low-dose group. It was concluded in that review that MIBK induced developmental effects in rats with a LOAEL of 300 ppm (the lowest dose tested). However, a statistical evaluation of fetal body weight over the dose range tested concluded that the significant reduction in fetal body weight per litter seen in small litters at the low-dose group of 300 ppm was actually an artifact of exceptionally heavy fetuses in two small litters in the control group and therefore not treatment-related. The results of that evaluation, coupled with the absence of effects at the mid-dose group of 1000 ppm, argued against a dose-related decrease in fetal body weight. Therefore, the LOAEL of 3,000 ppm and a NOAEL of 1,000 ppm appear to be the more appropriate toxicity levels (Ref. 4).

iv. *Reproductive toxicity*. No reproductive/fertility studies conducted with MIBK have been identified. The only information available is from the 90-day inhalation toxicity study on MIBK (Ref. 11). In that study, organ weight and histological data in high-dose rats and mice were comparable to controls for the ovaries, uterus, oviducts, vagina, cervix, testis, epididymis, prostate, and seminal vesicles. However, this is not sufficient information to characterize the potential for reproductive toxicity of MIBK (Ref. 4).

v. *Neurotoxicity*. While MIBK alone appears to produce only transient neurological effects at high doses, there is evidence that MIBK enhances the neurotoxic effects of other compounds (Ref. 4). It has been reported that simultaneous subchronic (90-days) exposure to vapors of 1,000 ppm *n*-hexane and 100, 250, 500, or 1,000 ppm MIBK markedly increased the neurotoxic action of *n*-hexane in hens (Ref. 12). Another study also supports the suggestion that MIBK synergizes the neurotoxic action of *n*-hexane by enhancing its metabolic activation through induction of cytochrome P-450 enzymes (Ref. 13).

vi. *Toxicity related to ozone formation*. MIBK is a volatile organic compound and, as such, has the potential to contribute to the formation of ozone in the troposphere (i.e., the lower atmosphere). As EPA has previously stated (59 FR 1788, January 12, 1994), ozone can affect structure, function, metabolism, pulmonary defense against bacterial infection, and extrapulmonary effects. Among these extrapulmonary effects are: (1) Cardiovascular effects; (2) reproductive and teratological effects; (3) central nervous system effects; (4) alterations in red blood cell morphology; (5) enzymatic activity; and (6) cytogenetic effects on circulating lymphocytes.

3. *Ecotoxicity*. MIBK is of low concern with respect to aquatic toxicity based on measured toxicity data and quantitative structure activity relationship (QSAR) analysis (Refs. 4 and 14). Measured toxicity values include a fish 96-hour lethal concentration for 50 percent of the testing sample (LC_{50}) of 780 milligrams per liter (mg/L), a daphnid 24-hour LC_{50} of 4,300 mg/L and a green algal 48-hour effective concentration for 50 percent of the population (EC_{50}) of 980 mg/L. Consistent with the measured values, QSAR predicted acute toxicity resulted in a 96-hour LC_{50} of 420 mg/L for fish and a 96-hour EC_{50} of 250 mg/L for green algal. The QSAR predicted chronic toxicity value for fish is 47 mg/L, the daphnid chronic value is 15 mg/L, and the chronic algal value is 16 mg/L. In addition, the 28-day bioconcentration factor (BCF) of 0.5 is low.

As a VOC, MIBK contributes to the formation of ozone in the environment. As EPA has previously stated (59 FR 1788, January 12, 1994), ozone's effects on green plants include injury to foliage, reductions in growth, losses in yield, alterations in reproductive capacity, and alterations in susceptibility to pests and pathogens. Based on known interrelationships of different components of ecosystems, such effects, if of sufficient magnitude, may potentially lead to irreversible changes of sweeping nature to ecosystems.

D. Toxicological Summary

The only toxicological studies that provide sufficient evidence that MIBK can be reasonably anticipated to cause serious or irreversible health effects from direct exposure are the developmental toxicity studies. According to the EPA guidelines for developmental toxicity risk assessment (1991), evidence of developmental toxicity in a single animal study is sufficient to assume a potential hazard to humans. These developmental studies indicate that MIBK has the potential to cause developmental effects at moderately high to high doses. Other types of health effects from direct exposure are not considered either because the available data do not support a concern that is consistent with the criteria, or the data are lacking. However, as a VOC, MIBK contributes to the formation of tropospheric ozone which can cause significant adverse effects to human health and the environment.

E. Exposure Review

The available data indicate that MIBK can cause chronic developmental toxicity at moderately high to high doses (i.e., MIBK has low to moderately low toxicity). Because MIBK has low to moderately low toxicity EPA believes it is appropriate to conduct an exposure assessment. Since there is a possibility that the chronic developmental effects associated with exposures to relatively high concentrations of MIBK could be caused by short-term exposures, a short-term (i.e., acute type) exposure assessment was conducted (Ref. 5). The exposure assessment was conducted only to determine the potential for adverse chronic developmental effects to occur as a result of concentrations of MIBK that are reasonably likely to exist beyond facility site boundaries. For a discussion of the use of exposure considerations in modifying the EPCRA section 313 list of toxic chemicals, refer to the **Federal Register** of November 30, 1994 (59 FR 61432).

1. *Exposure assessment*. Two exposure scenarios were considered, ambient air exposures at or beyond the facility site boundary and drinking water exposures due to releases to the surface water. The estimates were derived through the use of 1994 annual release information submitted under TRI and standard modeling techniques.

Releases reported for MIBK during 1994 were retrieved from the Toxic Release Inventory System (TRIS) data base. According to TRIS, more than 25,500,000 pounds of MIBK were released in 1994 from 1,031 sources nationwide. Of this amount, 27 percent was from fugitive or nonpoint source emissions and 72 percent originated from stack or point source emissions to the atmosphere (Ref. 5). In addition, lesser amounts of MIBK (less than 1 percent) were released to surface waters, underground injection of wastes, and the land.

The SCREEN3 and the Industrial Source Complex Short Term (ISCST3) models were used to derive estimates of acute MIBK air concentrations (Ref. 5). These acute models provided estimates

of concentrations of MIBK in the air for both 1 and 24 hours. The ReachScan model was used to derive estimates of acute MIBK water concentrations. These concentrations were used to calculate exposures resulting from surface water releases to drinking water sources (Ref. 5).

The ambient air concentrations estimated are based on the assumption that releases take place continuously over 365 days per year; releases occurring over shorter periods will result in higher concentrations. Ninety-nine percent of all MIBK released into the environment is through stack (point) and fugitive (area) emissions into the atmosphere (Ref. 5). The remaining one percent of releases go to surface waters, landfill, and deep well injections.

Modeling data was used to estimate Average Potential Dose Rates (APDRs) for MIBK. The inhalation APDRs range from 0.2 to 3.3 milligrams/kilogram/day (mg/kg/day) and the drinking water exposure from the five facilities that result in the highest concentration in surface waters ranged from 0.92 to 47 micrograms per liter (ug/L). The resulting drinking water APDRs from these same sites ranged from 2.8×10^{-5} to 1.4×10^{-3} mg/kg/day.

2. *Exposure evaluation*. A margin of exposure (MOE) approach was used in this assessment to describe potential risks associated with exposure to MIBK (Ref. 4). The MOE is calculated as the ratio of the NOAEL for developmental toxicity to the estimated exposure level. The MOE does not provide an estimate of population risk, but simply describes the relative distance between the exposuere level and the NOAEL. The value of the MOE that is associated with a concern for toxic effects is generally expressed as the product of the applicable uncertainty and modifying factors; uncertainty factors that the Agency considers for non-cancer effects are described in the Integrated Risk Information System (IRIS) (1998). For consideration of developmental toxicity, the applicable uncertainty factors are described in the developmental toxicity guidelines (1991). These include two uncertainty factors, one for consideration of intraspecies variation, and another for interspecies variation. In accordance with EPA science policy, each of these uncertainty factors is given a value of 10. Thus, for developmental effects, an MOE greater than 100 would generally indicate a low level of concern, whereas a value less than 100 is judged to be of concern.

The rat NOAEL of 1,000 ppm from the inhalation developmental toxicity study (6 hour exposures) was converted to an average daily dose of 1,152 mg/kg/day. The NOAEL was then adjusted to a 24 hour exposure duration (to achieve consistency with the exposure estimates, which represent daily averages) and MOEs were calculated by dividing the inhalation developmental toxicity NOAEL by the APDR estimates for each of the top discharging facilities. MOEs for the highest single hour of the year were not derived since the animal dose from the inhalation developmental toxicity study was defined on a daily basis and since there were uncertainties in the relevance of this scenario as a descriptor of anticipated exposures. The relevant exposure scenario for the pregnant female was defined in the exposure assessment as time spent at home, 23.7 hours/day at exposures resulting from releases from MIBK to air (stack and fugitive) for the highest single day of the year. However, an exposure scenario duration of 23.7 hours/day spent inside a residence may not characterize the target population. To complement the analysis, an exposure duration of 16.4 hours spent inside a residence was also evaluated. In addition, there were concerns about the uncertainty introduced by comparing time spent indoors to outdoor ambient air concentrations of MIBK. Therefore, the recommended value of 2 hours/day spent outdoors at a residence was also evaluated (Ref. 15). The MOEs for the exposure durations depicted were greater than 100 for all of the top discharging facilities for exposure estimates derived with the ISCST3 model, while corresponding MOEs based on estimates obtained with the SCREEN3 model were lower than 100. The ISCST3 model allows for the use of more site-specific data, in this case wind speed, and therefore estimates of exposure obtained using this model provide more relevant information.

The APDR estimates for acute exposures resulting from surface water releases for the top five discharging facilities range from 2.8×10^{-5} to 1.4×10^{-3} mg/kg/day; the MOE values for these estimates range from 1.7×10^{8} to 3.3×10^{6}. Therefore, the MOE is greater than 100 for acute exposures resulting from surface water releases for all of the top discharging facilities (Ref. 4).

In summary, based on the concentrations likely to exist beyond facility site boundaries and the resulting MOE calculations from the exposure conditions described here, there is low concern for a potential for developmental effects for the general population following acute inhalation exposures to MIBK (Ref. 4).

V. Summary of Technical Review

The hazard assessment indicates that, except for VOC concerns, MIBK has low acute and chronic (systemic) toxicity in that effects occur only at high doses (3,000 ppm.). Based on information currently available, all toxicity endpoints examined, except for developmental toxicity, did not appear to meet the listing criteria for EPCRA section 313. A screening level risk assessment for developmental toxicity indicated low risk based on modeled potential acute exposures to women living in communities near release sites. Thus, based on EPA's modeling, TRI reported releases of MIBK are not expected to be sufficient to cause the type of high dose developmental effects associated with MIBK. The available data do indicate that MIBK can enhance the neurotoxicity of other solvents such as *n*-hexane; however, at this time EPA has not made a final determination as to the significance of this effect with regard to the EPCRA section 313(d)(2) criteria. MIBK has low direct environmental toxicity. MIBK is however a high volume VOC that contributes to the formation of tropospheric ozone which can cause significant adverse effects to human health and the environment.

VI. Rationale for Denial

EPA is denying the petition submitted by the Ketones Panel of the Chemical Manufacturers Association to delete MIBK from the EPCRA section 313 list of toxic chemicals. This denial is based on EPA's conclusion that VOCs, such as MIBK, contribute to the formation of tropospheric ozone which is known to cause significant adverse effects to human health and the environment. Therefore, EPA has concluded that MIBK meets the listing criteria of EPCRA section 313(d)(2)(B) and (d)(2)(C) because MIBK contributes to the formation of ozone, which causes serious adverse human health and environmental effects at relatively low doses. EPA has previously stated that ozone meets the listing criteria of EPCRA section 313(d)(2)(B) and (d)(2)(C) (59 FR 61432, November 30, 1994), and that because VOCs contribute to the formation of tropospheric ozone they meet the criteria for listing under EPCRA section 313 (54 FR 4072, January 27, 1989; 54 FR 10668, March 15, 1989; 59 FR 49888, September 30, 1994; 60 FR 31643, FRL–4952–7, June 16, 1995; and 63 FR 15195, FRL–5752–6, March 30, 1998). EPA has also stated (54 FR 4072, January 27, 1989 and 54 FR 10668, March 15, 1989) that while it is not EPA's intention to include all VOC

chemicals on the EPCRA section 313 list, those VOCs whose volume of use or emissions are large enough to raise substantial VOC concerns would be retained on the EPCRA section 313 list. MIBK is a VOC with both a high production volume and high air emissions, therefore, EPA has determined that MIBK should remain on the EPCRA section 313 list of toxic chemicals.

EPA has previously determined (59 FR 61432, November 30, 1994) that ozone has moderately high to high chronic toxicity and high environmental toxicity. Therefore, in accordance with EPA's stated policy on the use of exposure assessments (59 FR 61432, November 30, 1994), EPA does not believe that an exposure assessment is appropriate for determining that MIBK meets the toxicity criteria of EPCRA section 313(d)(2)(B) and (d)(2)(C) based on its contribution to the formation of ozone.

EPA disagrees with the petitioner's contention that ''indirect toxicity'', such as that caused by VOCs, does not meet the EPCRA section 313 listing criteria. The EPCRA section 313(d)(2) listing criteria each state that EPA may list a chemical that it determines ''is known to cause or can reasonably be anticipated to cause'' the relevant adverse human health or environmental effect. It further provides that ''[a] determination under this paragraph shall be based on generally accepted scientific principles.'' Ultimately, the crux of the issue the petitioner raises lies in interpreting the phrase ''cause or can reasonably be anticipated to cause'', which Congress chose not to define. In arguing that EPA lacks the statutory authority to base its listing decisions on ''indirect toxicity'', the petitioner would have the Agency adopt an artificially narrow view of causation that would require a single-step path between exposure to the toxic chemical and the effect. Such a mechanistic approach confuses the mode or mechanism of the chemical's action (i.e., the chain of causation) with the fundamental question of whether, regardless of the number of intervening steps, there is a natural and continuous line, unbroken by any intervening causes, between exposure to the chemical and the toxic effect. By contrast, EPA believes that Congress granted the Agency broad discretion in making listing decisions and directed EPA to rely on generally accepted scientific principles in making determinations to implement this section of EPCRA.

It is a generally accepted scientific principle that causality need not be linear, i.e., a one-step process (e.g., Proposed Guidelines for Ecological Risk Assessment, September 9, 1996, 61 FR 47552 and 47586; Proposed Guidelines for Carcinogen Risk Assessment, April 23, 1996, 61 FR 17960 and 17981). And for purposes of EPCRA section 313, the distinction between direct and indirect effects is technically an artificial one. Whether the toxic effect is caused directly by a chemical by a one-step process, or indirectly by a degradation product of the chemical or by a second chemical that is created through chemical reactions involving the first chemical, the toxic effect still occurs as a result of the presence of the chemical in the environment. It makes no difference to the affected organism whether the toxic agent was a result of chemical reactions. Fundamentally, EPCRA section 313 is concerned with adverse effects on humans and the environment, not the chain of causation by which such effects occur. In fact, this type of ''indirect'' toxicity is not unlike the effects of certain nonlinear carcinogens. Some carcinogens induce cancer through a multiple-step mechanism in which the chemical causes an intervening pathological change, and this pathological change is the direct cause of the cancer, but this does not mean that the chemical is not known or reasonably anticipated to cause cancer. It is therefore reasonable for EPA to consider such effects in light of the broad statutory purpose to inform the public about releases to the environment. Were EPA to exclude indirect effects from consideration, it would dilute the purpose of the statute by precluding public access to information about chemicals that cause a wide range of adverse health and environmental effects.

VII. References

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2. USEPA, OPPT. Tou, Jenny; ''Chemistry Report on Methyl Isobutyl Ketone, EPCRA 313 Delisting Petition.'' (August 10, 1997).

3. USEPA, OPPT. Rice, Cody, ''Economic Analysis of the Proposed Deletion of Methyl Isobutyl Ketone from the EPCRA 313 List of Toxic Chemicals.'' (May 20, 1997).

4. USEPA, OPPT. Anitole, Katherine; ''Hazard/Risk Assessment of Methyl Isobutyl Ketone'' (November 24, 1997).

5. USEPA, OPPT. Brennan,Tom and Cinalli, Christina, ''Exposure Assessment for Methyl Isobutyl Ketone.'' (August 14, 1997). Docket control number OPPTS–400110 contains the references cited in this document.

6. USEPA, OPPT. Memorandum from David Lai, Ph.D., Existing Chemicals Assessment Branch, Risk Assessment Division, to Katherine Anitole, Ph.D., Existing Chemicals Assessment Branch, Risk Assessment Division. Subject: Hazard Assessment of Methyl Isobutyl Ketone (MIBK) in Response to Petition for Delisting in TRI: Carcinogenicity. (June 27, 1997).

7. USEPA, OPPT. Memorandum from Michael C. Cimino, Ph.D., Science Support Branch, Risk Assessment Division, to Katherine Anitole, Ph.D., Existing Chemicals Assessment Branch, Risk Assessment Division. Subject: Delisting Petition for Methyl Isobutyl Ketone (MIBK): Mutagenicity Hazard. (June 23, 1997).

8. Tyl, R.W., et al., ''Developmental Toxicity Evaluation of Inhaled Methyl Isobutyl Ketone in Fischer 344 Rats and CD-1 Mice.'' *Fund. Appl. Toxicol.* v. 8, (1987), p. 310.

9. USEPA, OTS. Memorandum from Myron S. Ottley, Ph.D., Toxic Effects Branch, Health and Environmental Review Division, to Jim Kariya, Chemical Review and Evaluation Branch, Health and Environmental Review Division. Subject: Review of Developmental Toxicity Data on Methyl Isobutyl Ketone. (January 18, 1985).

10. USEPA, OTS. Memorandum from Marlissa Campbell, Toxic Effects Branch, Health and Environmental Review Division, to Elbert Dage, Chemical Review and Evaluation Branch, Health and Environmental Review Division. Subject: Review of the Potential Developmental Toxicity of methyl Isobutyl Ketone (MIBK). (1988).

11. Phillips, R.O., et al., ''A 14-Week Vapor Inhalation Study of Methyl Isobutyl Ketone.'' *Fund. Appl. Toxicol.* v. 9, (1987), p.380.

12. Abou-Donia, M. et al., ''The Joint Neurotoxic Action of Inhaled Methyl Butyl Ketone Vapor and Dermally Applied o-Ethyl-o-4-Nitrophenyl Phenylphosphonothioate in Hens: Potentiating Effect.'' *Toxicol. Appl. Pharmacol.* v. 79, (1985), pp. 69–82.

13. Habig, C., Abou-Donia, M., Lapadula, D., ''Cytochrome P-450 Induction in Chickens Exposed Simultaneously to *N*-Hexane and Methyl IsoButyl Ketone.'' *The Toxicologist* v. 9, (1989), p. 194.

14. USEPA, OPPT. Memorandum from Jerry Smrcheck, Existing Chemicals Assessment Branch, Risk Assessment Division, to Katherine Anitole, Existing Chemicals Assessment

Branch, Risk Assessment Division. Subject: Ecological Hazard of MIBK. (June 26, 1997).

15. USEPA, ORD. 1997. Exposure Factors Handbook, Office of Research and Development, National Center for Environmental Assessment, U.S. Environmental Protection Agency, Washington, DC, (1997): EPA/600/P-95/002(Fa-Fc).

List of Subjects in 40 CFR Part 372

Environmental protection, Community right-to-know, Reporting and recordkeeping requirements, and Toxic chemicals.

Dated: February 12, 1999.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 372

[OPPTS–400134; FRL–6030–6]

RIN 2070–AC00

Chromite Ore from the Transvaal Region of South Africa; Toxic Chemical Release Reporting; Community Right-to-Know

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is granting a petition by proposing to exempt both chromite ore mined in the Transvaal Region of South Africa and the unreacted ore component of the chromite ore processing residue (COPR) from reporting requirements under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and section 6607 of the Pollution Prevention Act of 1990 (PPA). These chemicals are currently reported as part of the category ''chromium compounds'' on the list of toxic chemicals in section 313(c) of EPCRA. The proposal is based on EPA's preliminary conclusion that this particular chromite ore from the Transvaal Region and the unreacted ore component of the COPR (in the case of this delisting decision, chromite ore processing residue, or COPR, includes the solid waste remaining after the aqueous extraction of oxidized chromite ore that has been combined with soda ash and kiln roasted at approximately 2,000 °F) meet the deletion criterion under EPCRA section 313(d)(3).

DATES: Written comments, identified by the docket control number OPPTS–400134, must be received by EPA on or before April 26, 1999.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I of the ''SUPPLEMENTARY INFORMATION'' section of this proposal.

FOR FURTHER INFORMATION CONTACT: Daniel R. Bushman, Petitions Coordinator, 202–260–3882 or e-mail: bushman.daniel@epamail.epa.gov, for specific information regarding this document or for further information on EPCRA section 313, the Emergency Planning and Community Right-to-Know Information Hotline, Environmental Protection Agency, Mail Code 7408, 401 M St., SW., Washington, DC 20460, Toll free: 1–800–535–0202, in Virginia and Alaska: 703–412–9877, or Toll free TDD: 1–800–553–7672.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Proposal Apply to Me?

You may be potentially affected by this proposal if you kiln roast chromite ore in the production of chromium chemicals or if you process chromite ore (e.g., metal finishers, leather tanning, etc.). Potentially affected categories and entities may include, but are not limited to:

Category	Examples of Potentially Affected Entities
Chemical Manufacturers	Chemical manufacturers that kiln roast chromite ore in the production of chromium chemicals (e.g., sodium dichromate, sodium chromate, etc.)
Metal Manufacturers	Metal manufacturers that kiln roast chromite ore in the production of chromium chemicals (e.g., chromic acid, chromic oxide, potassium dichromate, chromic sulfate, calcium chromate, etc.)
Smelting Refractories	Smelting refractories that kiln roast chromite ore in the production of chromium chemicals (e.g., sodium dichromate, sodium chromate, etc.)

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this table could also be affected. To determine whether you or your business is affected by this action, you should carefully examine the applicability provisions in part 372, subpart B of Title 40 of the Code of Federal Regulations (CFR). If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed in the ''FOR FURTHER INFORMATION CONTACT'' section.

B. How Can I Get Additional Information or Copies of this Document or Other Support Documents?

1. *Electronically*. You may obtain electronic copies of this document and various support documents from the EPA Internet Home Page at http://www.epa.gov/. On the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''Federal Register - Environmental Documents.'' You can also go directly to the ''Federal Register'' listings at http://www.epa.gov/homepage/fedrgstr/.

2. *In person or by phone*. If you have any questions or need additional information about this action, please contact the technical person identified in the ''FOR FURTHER INFORMATION CONTACT'' section. In addition, the official rulemaking record for this proposal, including the public version, has been established under docket control number OPPTS–400134, (including the references in Unit VII. of

this preamble as well as comments and data submitted electronically as described below). This record includes not only the documents physically contained in the docket, but all of the documents included as references in those documents. A public version of this record, including printed, paper versions of any electronic comments, which does not include any information claimed as Confidential Business Information (CBI), is available for inspection from noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center, Rm. NE-B607, 401 M St., SW., Washington, DC 20460. The TSCA Nonconfidential Information Center telephone number is 202–260–7099.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. Be sure to identify the appropriate docket control number (i.e., ''OPPTS–400134'') in your correspondence.

1. *By mail.* Submit written comments to: Document Control Office (7407), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

2. *In person or by courier.* Deliver written comments to: Document Control Office in Rm. G-099, Waterside Mall, 401 M St., SW., Washington, DC, telephone: 202–260–7093.

3. *Electronically.* Submit your comments and/or data electronically by e-mail to: ''oppt.ncic@epamail.epa.gov''. Please note that you should not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard computer disks in WordPerfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number OPPTS–400134. Electronic comments on this proposal may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI Information That I Want to Submit to the Agency?

You may claim information that you submit in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult with the technical person identified in the ''FOR FURTHER INFORMATION CONTACT'' section.

II. Introduction

A. Statutory Authority

This action is being taken under sections 313(d) and (e)(1) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. 11023. EPCRA is also referred to as Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) (Pub. L. 99–499).

B. Background

Section 313 of EPCRA requires certain facilities manufacturing, processing, or otherwise using listed toxic chemicals in amounts above reporting threshold levels, to report their environmental releases of such chemicals annually. These facilities also must report pollution prevention and recycling data for such chemicals, pursuant to section 6607 of the Pollution Prevention Act of 1990 (PPA), 42 U.S.C. 13106. Section 313 of EPCRA established an initial list of toxic chemicals that was comprised of more than 300 chemicals and 20 chemical categories. Chromium compounds (which include chromite ore) were included on the initial list. Section 313(d) authorizes EPA to add or delete chemicals from the list, and sets forth criteria for these actions. EPA has added and deleted chemicals from the original statutory list. Under section 313(e)(1), any person may petition EPA to add chemicals to or delete chemicals from the list. Pursuant to EPCRA section 313(e)(1), EPA must respond to petitions within 180 days, either by initiating a rulemaking or by publishing an explanation of why the petition is denied.

EPCRA section 313(d)(2) states that a chemical may be listed if any of the listing criteria are met. Therefore, in order to add a chemical, EPA must demonstrate that at least one criterion is met, but does not need to examine whether all other criteria are also met. Conversely, in order to remove a chemical from the list, EPA must demonstrate that none of the criteria are met.

EPA issued a statement of petition policy and guidance in the **Federal Register** of February 4, 1987 (52 FR 3479), to provide guidance regarding the recommended content and format for submitting petitions. On May 23, 1991 (56 FR 23703), EPA issued guidance regarding the recommended content of petitions to delete individual members of the section 313 metal compounds categories. EPA has also published a statement clarifying its interpretation of the section 313(d)(2) and (3) criteria for modifying the section 313 list of toxic chemicals (59 FR 61432, November 30, 1994) (FRL–4922–2).

III. Description of Chromium Compounds Petition

A. Chromite Ore--Current Petition

On January 26, 1998, EPA received a petition from Elementis Chromium LP (ECLP) (formerly American Chrome Chemicals, Inc.) requesting the delisting of both chromite ore mined in the Transvaal Region of South Africa and the unreacted ore component of the chromite ore processing residue (COPR). COPR is the solid waste remaining after aqueous extraction of oxidized chromite ore that has been combined with soda ash and kiln roasted at approximately 2,000 °F. ECLP believes that the chemical and toxicological properties of chromite ore mined in the Transvaal Region of South Africa and the unreacted ore component of the COPR do not meet the statutory listing criteria of EPCRA 313(d)(2) and therefore should be removed from the reporting requirements of EPCRA section 313 and PPA section 6607. The EPCRA section 313 list of toxic chemicals includes a category listing for chromium compounds, thus, all chromium compounds are subject to the annual reporting requirements of EPCRA section 313 and PPA section 6607. This petition decision is specific to chromite ore mined in the Transvaal Region of South Africa and the unreacted ore component of the COPR from this particular process.

B. Past Petitions for Chromium Compounds

EPA has received two other petitions requesting the deletion of certain chromium compounds. On January 8, 1990, a petition to delist chromium antimony titanium buff rutile (CATBR) from the EPCRA section 313 list of toxic chemicals was denied based on EPA's determination that CATBR is a potential carcinogen via inhalation (55 FR 650). Based on test data on chromium (III) oxide, EPA determined that CATBR, an insoluble crystalline chromium (III) compound, could be retained in the lung and taken up by cells. EPA denied this petition due to the determination that CATBR was a potential carcinogen,

and that it could reasonably be anticipated to cause cancer in humans.

Since then, EPA published its petition policy and guidance concerning petitions to delist individual members of the metal compound categories (56 FR 27303, May 23, 1991). In response to concerns with respect to individual members of categories that do not meet the toxicity criteria of section 313, EPA has stated that it will ''grant petitions on individual members providing that the petitioner establishes and EPA concludes that the intact species does not meet the criteria of section 313(d)(2), and that the metal ion will not become available at a level that can be expected to induce toxicity.''

On November 22, 1991, a petition to delist chromium (III) oxide from the EPCRA section 313 list of chemicals was denied based on the evidence that chromium (III) oxide may be oxidized to carcinogenic chromium (VI) compounds in soil (56 FR 58859). The petition response also discussed the possibility that chromium (III) oxide is a potential carcinogen via inhalation.

IV. Technical Review of the Petition

EPCRA section 313 requires reporting for all chromium compounds. This petition requests the delisting of both chromite ore mined in the Transvaal Region of South Africa and the unreacted ore component of the COPR (Refs. 1, 2, and 3). The technical review of chromite ore and COPR concentrated on the available chemistry data (Ref. 4), toxicology data (Refs. 5 and 6), and the environmental fate of the chromium portion of the chromite ore and the COPR (Ref. 7). A summary of the review of the available data is provided below. A more detailed discussion can be found in EPA technical reports (Refs. 2, 3, 4, 5, 6, and 7) and other references contained or cited in the docket.

A. Chemistry and Use

Chromite ore deposits are found throughout the world. While the United States has chromite ore deposits, no domestic mining or ore processing has occurred since the 1960s (Ref. 8). The largest deposits of chromite ore are found in the Transvaal Region of South Africa. This source for the raw material provides more than 96% of the chromite ore used domestically, nearly 242,000 metric tons (mt.) containing 76,900 mt. of chromium, worth an estimated $22.5 million (Ref. 2).

In general, chromite ore, Chemical Abstract Service (CAS) Registry Number 1308-31-2, is represented by the simplified molecular formula $FeOCr_2O_3$. The chromium:iron ratio is approximately 2:1, and the chromium oxide (Cr_2O_3) content is approximately 46% for the particular chromite ore from the Transvaal Region (Ref. 9). Other elements present may include magnesium and aluminum with minor components including vanadium, titanium, nickel, manganese and/or calcium. These elemental differences are consistent with the variation found in other mineral sources and are geographically dependant (Ref. 4).

Chromite ore is used for chemical manufacturing with a minor amount used for smelting refractories or metal manufacturing. The process used by ECLP follows the standard process described in a variety of references (Refs. 4 and 9). The ore is roasted with sodium carbonate where the chromium oxide is oxidized, and trivalent chromium, Cr(III), is converted to hexavalent chromium, Cr(VI). The desired Cr(VI) is leached out of the chemically reacted mixture and the processing residue, containing 15 to 20% Cr(III) as Cr_2O_3 in the unreacted ore and a small amount of Cr(VI), is treated with a sulfide reducing agent. The treated COPR is the material being released from this process. The chromium compounds contained in the COPR, of which the unreacted ore is the principal component (approximately 97%), are currently reportable under EPCRA section 313. Based on the 1995 Toxic Release Inventory (TRI) reporting data, ECLP reported 11.3 million pounds of on-site releases and 6,900 pounds of off-site releases. ECLP's total on-and off-site releases of 11.3 million pounds represents 30.4% of the total 37.3 million pounds of on-and off-site releases of chromium compounds reported to TRI in 1995 (Refs. 1, 2, and 3).

B. Toxicological Evaluation

With one exception relating to possible concerns for carcinogenicity, there are no direct toxicological concerns relating to chromite ore. However, concerns for the toxicity of chromium itself do exist based on the assumption that the chromium in the ore will be available as either Cr(III) ions or Cr(VI) ions derived from the available solubilized Cr(III). Most of the data presented reflects the concerns associated with soluble chromium if it were available from the ore or the unreacted ore component of the COPR.

1. *Carcinogenicity*. Most of the studies involving Cr(III) used mixtures of Cr(III) and Cr(VI), with the Cr(VI) being cited as the cause of the cancer hazard. Limited studies of ferrochrome workers exposed to chromium metal and Cr(III) were inconclusive. As late as 1997, EPA had no position on the direct carcinogenicity of Cr(III). It has been hypothesized that the lack of effects is due to the poor permeability of Cr(III) across the cell membranes. Phagocytosis, the uptake of particulate material by a cell (endocytosis), was an issue considered by EPA. Although there has been some concern over the possible cellular uptake of insoluble crystalline Cr(III) compounds by phagocytosis with resulting genotoxic effects, experimental evidence has thus far been limited to several *in vitro* studies which used special treatment conditions which may impact their physiological significance. In 1989, the Mining Safety and Health Administration (MSHA) listed chromite ore as a Class D carcinogen (mechanism of carcinogenicity was unknown) (Ref. 10). The inclusion of chromite ore as a carcinogen by MSHA was based on the assumed conversion of Cr(III) in the ore to Cr(VI), a known carcinogen (Ref. 8). In 1990, the International Agency for Research on Cancer (IARC) of the World Health Organization (WHO) classified Cr(III) compounds as ''not classifiable as to their carcinogenicity to humans.'' The Food and Drug Administration (FDA) set a Reference Daily Intake for Cr(III) in 1995. While consensus does not exist in the scientific community, the Agency recognizes that there is a trend to downgrade the carcinogenic hazard concerns and no clear-cut, position on the carcinogenicity of Cr(III) exists (Ref. 5).

EPA recently updated its file for chromium (III), insoluble salts in the Agency's Integrated Risk Information System (IRIS) (Ref. 11). The updated IRIS file includes the Agency's position on the potential for insoluble chromium (III) salts to cause cancer. The updated file states that, under EPA's 1986 Guidelines for Carcinogen Risk Assessment (51 FR 33992, September 24, 1986), Cr(III) is most appropriately designated as Group D--Not classified as to its human carcinogenicity. The IRIS file also states that, under EPA's 1996 Proposed Guidelines for Carcinogen Risk Assessment (61 FR 17960, April 23, 1996), there are inadequate data to determine the potential carcinogenicity of Cr(III). The IRIS file does however state that the classification of Cr(VI) as a known human carcinogen raises a concern for the carcinogenic potential of Cr(III).

2. *Non-cancer health effects.* A variety of studies have been performed to determine the health effects (hematological, hepatic, immunological, renal, and reproductive) from exposure to Cr(III). However, few studies have reported any adverse effect. There were no compound-related effects found in

rats fed high doses of chromic oxide (i.e., no compound-related effects found in rats fed Cr_2O_3 at a dose of 1,400 milligrams per kilogram per day (mg/kg/day)). Rabbits exposed to an aerosol containing chromic nitrate (0.6 to 0.9 milligrams per cubic meter (mg/m^3) for 30 hours per week (hr/wk) during a 4 to 6 week test) had morphological changes to lung macrophages. Lung macrophages are large ameboid mononuclear phagocytic cells whose main function is to remove unwanted particulate materials from the alveolar spaces of the lung. It was not clear whether the morphological changes observed had any significant effects on the normal function of the lung macrophages. No data on acute or other chronic health effects were identified.

3. *Ecotoxicity*. As was the case for human toxicity, no environmental toxicity studies directly involving chromite ore were available for review. The ecological hazards of soluble Cr(III) and Cr(VI) were assessed. Data provided by the petitioner were examined during the consideration of the petition to delist this particular chromite ore. However, EPA found and used other data from a variety of sensitive test species in this review. In contrast to EPA's review, the petitioner only submitted data on selected acute toxicity studies (e.g., the highest value in a range) in the petition. Also, additional chronic toxicity test data were used by the Agency in this review.

Soluble chromium ions, Cr(III) and Cr(VI) oxidation state, are toxic to a variety of aquatic and terrestrial organisms. The Cr(VI) ions are significantly more toxic than the trivalent ions; it is relatively easy to convert (oxidize) from the reduced, less toxic Cr(III) state to the more toxic Cr(VI) ion. Four insect species and daphnids had calculated acute toxicities for Cr(III) ion of 2,000 parts per billion (ppb) (96 hour EC_{50} (i.e., the concentration that is effective in producing a sublethal response in 50% of test organisms), at 48 parts per million (ppm) hardness as calcium carbonate) with acute values of 445 ppb for Cr(VI). The maximum acceptable toxicant concentration (MATC) determined for Cr(III) in chronic tests was 30 ppb for freshwater aquatic organisms (rainbow trout). The MATC values determined for the Cr(VI) ion were 10 and 17 ppb. Thus, based on the available data, if the chromium in the chromite ore was shown to be available, the chromite ore would be considered highly toxic to aquatic organisms (Ref. 6).

C. Environmental Fate

1. *Soil reactions*. Naturally occurring chromium exists in the soil as insoluble hydrated metal oxides of Cr(III). Minor amounts of soluble Cr(III) and both insoluble and soluble Cr(VI) make up the rest of the total amount of chromium present. Reactions of soil with chromium vary for a number of reasons including: chemical composition, pH, organic content, temperature, moisture, aeration, and drying. The environmental effects of rain cycles, vegetation growth and bacterial decomposition of organic matter, and manganese oxide content are critical to the understanding of fate of chromium present in soil.

Chromium salts readily bind with a number of complexing agents including, but not limited to, water, ammonia, organic decomposition products, soil particles, humic substances, and ethylenediaminetetraacetic acid (EDTA). In many instances, these complexed ions are isolable and remain intact under conditions that thermodynamically favor dissolution via decomplexation (Ref. 12). Soluble Cr(III) added to mixtures of complexed ions (lead, cadmium, mercury, other heavy metal ions) in soils can displace these ions due to preferential, irreversible complexation formation with the organic ligands, like fulvic acid. The displaced ions (Pb^{+2}, Cd^{+2}, Hg^{+2}, etc.) are often left in solution where they would be available for consumption or absorption by different organisms (Ref. 13).

High concentrations of chromium from release of chromium containing material into the environment have been remediated by using EDTA flushing (Ref. 14), by adding organic matter or chemical reducing agents (Ref. 15), and via microbial reduction (Ref. 16).

2. *Leaching experiment design and results*. Testing interactions of strongly oxidizing soil (high manganese oxide content) in mixtures with chromite ore or two different samples of COPR were performed by the petitioner in support of the delisting petition. These data provided the Agency with an understanding of the fate of the chromium present in the original ore and in the COPR released to land. These leaching tests were performed according to acceptable scientific guidelines and were carried out by a published authority in this field (Refs. 1, 2, and 7). Acidity (pH), reduction potential, Cr(VI) content, and total chromium endpoints were measured. Additionally, citrate solutions were used to enhance the potential complexation of chromium ions, mimicking what could occur in nature by the complexation and solubilization of chromium ions by degradation products. The goal of the tests was to evaluate the potential availability of Cr(III) from the chromite ore and the unreacted chromite ore component of the COPR. The presence of either Cr(III) or Cr(VI) ions in the leachate from a controlled experiment would indicate that chromium might be available.

No Cr(VI) was found to be present in, or released from, the chromite ore alone or when mixed with the soil. The leaching experiment test results did not change when citrate was added to the leaching solutions. Total chromium measurements were at the baseline for the soil:chromite ore mixture, indicating that the Cr(III) was not soluble or available from the chromite ore. The amount of Cr(VI) leached from the COPR samples did not change when combined with the oxidizing soil or the citrate solutions. Therefore, no conversion of the Cr(III) content of the COPR into either soluble Cr(III) ions or Cr(VI) occurred and the amount of Cr(VI) that did leach is residual chromium from the processing that would remain reportable under this proposal (Refs. 1 and 7).

The results of these leaching studies, as well as the additional information provided by the petitioner on the stability of this chromite ore to both biotic and abiotic processes, indicates that chromium is not expected to be available in the environment (Ref. 1).

V. Summary of Technical Review

Many concerns for the hazards associated with soluble Cr(III) and all forms of Cr(VI) exist. These concerns are not pertinent to the chromite ore from the Transvaal Region of South Africa or the insoluble Cr(III) unreacted ore component of the COPR, since this particular chromite ore does not leach ionic chromium of any oxidation state nor does it oxidize to produce Cr(VI) in any form. The test results indicate that the unreacted ore in COPR acts in a similar fashion. At the present time, no human health or environmental hazard effects have been identified for this particular chromite ore and the unreacted ore component of the COPR that would support their continued inclusion on the EPCRA section 313 list of toxic chemicals.

VI. Petition Response and Rationale

A. Response to Petition

EPA is granting the ECLP petition by proposing to delist both chromite ore mined in the Transvaal Region of South Africa and the unreacted ore component of the COPR from the reporting

requirements under the EPCRA section 313 chromium compounds category.

B. Rationale for Proposed Response

Many concerns for the hazards associated with soluble Cr(III) and all forms of Cr(VI) exist. However, these concerns do not appear to be pertinent to the chromite ore from the Transvaal Region of South Africa or the insoluble Cr(III) unreacted ore component of the COPR. The available data indicate that this particular chromite ore does not leach ionic chromium of any oxidation state nor does it oxidize to produce Cr(VI) in any form. At this time, EPA has preliminarily determined that there are no human health or environmental hazard concerns for this particular chromite ore that meet the toxicity criterion of EPCRA section 313(d)(2)(A), (B), or (C). EPA is therefore proposing to modify the current chromium compounds listing to exclude both chromite ore mined in the Transvaal Region of South Africa and the unreacted ore component of the COPR. However, EPA is not proposing to remove soluble Cr(III) or any forms of Cr(VI) from the chromium compounds category. As EPA has previously determined, if Cr(III) is available, it can be converted to Cr(VI) in the environment (56 FR 58859, November 22, 1991). While EPA is proposing to exclude this chromite ore and the unreacted ore component of COPR from reporting under EPCRA section 313, all soluble chromium processing residue that remains in the COPR will continue to be reportable. EPA believes that the proposed deletion of this particular chromite ore and the unreacted ore component of the COPR is consistent with the Agency's published guidance on how it will review petitions to delete members of EPCRA section 313 metal compound categories (56 FR 23703, May 23, 1991).

C. Request for Public Comment

EPA requests both general and specific comments on this proposal to delist both chromite ore mined in the Transvaal Region of South Africa and the unreacted ore component of the COPR from the list of toxic chemicals subject to the reporting requirements under EPCRA section 313 and PPA section 6607. EPA requests specific comments on three issues relating to chromium compounds, including: (1) Possible carcinogenicity of insoluble crystalline chromium (III) compounds via inhalation and uptake in the lung cell by phagocytosis; (2) possible indirect effects of chromium (III) competing with other cations in ligant sites in siderophore complexes; and (3) the availability of toxicity and fate information that would support excluding all chromite ores from reporting under EPCRA section 313. Comments should be submitted following the detailed instructions provided in Unit I.C. of this preamble. All comments must be received by EPA on or before April 26, 1999.

VII. References

1. Elementis Chromium LP. Petition to Delist Chromite Ore from SARA 313. Elementis Chromium LP. (January 5, 1998).

2. USEPA. Economic Analysis of the Proposed Deletion of Chromite Ore from the EPCRA Section 313 List of Toxic Chemicals. OPPT/EETD/EPAB. (February 1998).

3. USEPA. Preliminary Release Report Proposed Deletion of Chromite Ore from the EPCRA Section 313 Toxic Release Inventory. OPPT/EETD/CEB. (March 1998).

4. USEPA. Chemistry Analysis of the Proposed Deletion of Chromite Ore from the EPCRA Section 313 Toxic Release Inventory. OPPT/EETD/ICB. (February 1998).

5. USEPA. Chromite Ore Delisting Assessment of Health Hazard Concern. OPPT/RAD/SSB. (May 1998).

6. USEPA. Petition to Delist Chromite Ore (Chromium Compounds Category): Ecological Hazard Assessment. OPPT/RAD/ECAB. (April 1998).

7. USEPA. Environmental Fate Summary of Chromium (Cr) in Soils. OPPT/EETD/EAB. (March 1998).

8. Zalesek. Telephone conversation with Ms. M. Zalesek, Mining Safety and Health Administration (MSHA), U.S. Department of Labor. (March 1998).

9. Elementis Chromium LP. Chromium Accounting in the Sodium Dichromate Production Process. (May 1998).

10. USDOL. Air Quality, Chemical Substances, and Respiratory Protection Standards; Proposed Rule (MSHA, 54 FR 35760, August 29, 1989).

11. IRIS. U.S. Environmental Protection Agency's Integrated Risk Information System file pertaining to chromium (III), insoluble salts.

12. Cotton and Wilkinson. Advanced Inorganic Chemistry, Section 29-C-4 Complexes of Chromium (III), pp. 825 - 828. (1996).

13. Jin, X., Bailey, G.W., Yu, Y.S., and Lynch, A.T. ''Kinetics of Single and Multiple Metal Ion Sorption Processes on Humic Substances.'' Soil Science v. 161, pp. 509-519. (1996).

14. O'Shaughnessy et al. ''Evaluation for In Situ Soil Flushing Techniques for Heavy Metal Removal from Contaminated Soils.'' 48th Perdue Industrial Waste Conference Proceedings: Section 3B #15, pp. 123-139. (1993).

15. James, B. ''Hexavalent Chromium Solubility and Reduction in Alkaline Soils Enriched with Chromite Ore Processing Residue.'' Journal of Environmental Quality v. 23, pp. 227-233. (1994).

16. Ohtake et al. ''Bacterial Reduction of Toxic Hexavalent Chromium.'' Biological Degradation and Bioremediation of Toxic Chemicals, pp. 403-415, (1994).

VIII. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

This action proposes to delete a chemical from the list of chemicals subject to reporting under EPCRA section 313 and PPA section 6607, and it does not contain any new or modified requirements. As such, this action does not require review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). For the same reason, it does not require any action under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4), or Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

In addition, pursuant to section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agency hereby certifies that this proposed rule will not have a significant impact on a substantial number of small entities. As indicated, this proposal involves the elimination of an existing requirement under EPCRA section 313, and does not impose any new mandates. This proposed action will, therefore, not have an adverse impact on reporting facilities, regardless of size.

The deletion of this chemical from the TRI list would reduce the overall reporting and recordkeeping burden estimate provided for TRI, but this action does not require any review or approval by OMB under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.* until EPA decides to subtract the total burden eliminated by today's proposed action from the TRI overall burden approved by OMB. At some point in the future, EPA will determine

the total TRI burden associated with the chemical being proposed for deletion, and will complete the required Information Collection Worksheet to adjust the total TRI estimate. The reporting and recordkeeping burdens associated with TRI are approved by OMB under OMB No. 2070–0093 (Form R, EPA ICR No. 1363) and under OMB No. 2070–0145 (Form A, EPA ICR No. 1704). The current public reporting burden for TRI is estimated to average 52.1 hours for a Form R submitter and 34.6 hours for a Form A submitter. These estimates include the time needed for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless its displays a currently valid OMB control number. The OMB control number for this information collection appears above. In addition, the OMB control number for EPA's regulations, after initial display in the final rule, are displayed on the collection instruments and are also listed in 40 CFR part 9.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, OPPE Regulatory Information Division, U.S. Environmental Protection Agency, Mail Code 2137, 401 M St., SW., Washington, DC 20460. Include the OMB control number in any correspondence.

B. Executive Order 12875

Under Executive Order 12875, entitled *Enhancing Intergovernmental Partnerships* (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or Tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local and Tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and Tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's proposed rule does not create an unfunded Federal mandate on State, local or Tribal governments. The proposed rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this proposed rule.

C. Executive Order 13084

Under Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the Tribal governments. If the mandate is unfunded, EPA must provide OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected Tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

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

List of Subjects in 40 CFR Part 372

Environmental protection, Community right-to-know, Reporting and recordkeeping requirements, and Toxic chemicals.

Dated: February 5, 1999.

Susan H. Wayland,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, it is proposed that 40 CFR part 372 be amended as follows:

PART 372—[AMENDED]

1. The authority citation for part 372 would continue to read as follows:

Authority: 42 U.S.C. 11013 and 11028.

§ 372.65 [Amended]

2. Section 372.65(c) is amended by adding the following parenthetical to the chromium compounds listing ''(except for chromite ore mined in the Transvaal Region of South Africa and the unreacted ore component of the chromite ore processing residue (COPR). COPR is the solid waste remaining after aqueous extraction of oxidized chromite ore that has been combined with soda ash and kiln roasted at approximately 2,000 °F.).''

[FR Doc. 99–4318 Filed 2–22–98; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR PARTS 0, 73, and 76

[MM Docket Nos. 98–204 and 96–16, DA 99–326]

Revision of Broadcast and Cable EEO Rules and Policies

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment and reply comment period.

SUMMARY: In *Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies,* the Commission partially grants a motion for extension of time. The Minority Media and Telecommunications Council (MMTC) requests the extension of time due to problems encountered in preparing its comments, including difficulties encountered in securing witness testimony and the illness of the MMTC's Executive Director. The Commission believes that the public interest favors a partial grant of this extension of time request, in order to grant the MMTC additional time in which to prepare its comments, while not unnecessarily delaying the expeditious resolution of the important issues raised in this proceeding.

DATES: Comments due March 1, 1999; reply comments due March 31, 1999.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 445 12th Street, SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Hope G. Cooper, Mass Media Bureau, Enforcement Division. (202) 418–1450.

SUPPLEMENTARY INFORMATION:

1. On November 20, 1998, the Commission released a *Notice of Proposed Rule Making,* MM Docket No. 98–204, 63 FR 66104, December 1, 1998, (*NPRM*), requesting comment on various proposals concerning the Commission's broadcast and cable EEO rules and policies. Comment and Reply Comment deadlines were established for January 19, 1999, and February 18, 1999, respectively.

2. On December 17, 1998, the National Association of Broadcasters (''NAB'') filed a ''Motion for Extension of Time of Comment and Reply Comment Deadlines'' (''Motion'').[1] Therein, the NAB requested that we extend the due dates for the submission of comments and reply comments in response to the *NPRM* to February 18, 1999, and March 23, 1999, respectively. On January 4, 1999, the Minority Media and Telecommunications Council (''MMTC'') sent a letter to the Commission expressing support for the NAB's Motion.

3. Because we believed that the public interest would be served by an extension of the comment period in this proceeding, we granted the NAB's Motion and extended the date for filing comments to February 18, 1999, and extended the date for filing reply comments to March 23, 1999, in an *Order* released January 5, 1999, DA 99–105.

4. On February 10, 1999, the MMTC filed a ''Motion for Extension of Time.'' Therein, the MMTC requested that we extend the due date for the submission of comments in response to the *NPRM* for three weeks, until March 11, 1999. The MMTC does not seek an extension of the reply comment deadline. In support of its request, the MMTC contends that the workload of preparing comments in this proceeding has been overwhelming, in that it has encountered difficulties in securing witness testimony and because of the illness of the MMTC's Executive Director, who has the responsibility of managing the project and drafting most of the comments. The MMTC argues that, because the MMTC comments will address virtually every issue raised in the *NPRM* and a ''majority of the national organizations likely to participate in this proceeding are expected to sign on to the MMTC's Comments,* * * a brief extension will assist the FCC in developing a full record,'' expediting rather than delaying the resolution of this proceeding.[2]

5. It is Commission policy that extensions of time not be routinely granted. *See* 1.46(a) of the Commission's Rules, 47 CFR 1.46(a). However, we believe that, in light of the importance of the issues presented in this proceeding, the public interest would be served by affording MMTC additional time in which to prepare its comments. At the same time, we also believe that a three-week extension is too long and inconsistent with the timely dispatch of the Commission's business. As previously stated, we have heretofore extended the comment deadline for 30 days at the request of the NAB, with the support of MMTC. While we appreciate the difficulties faced by the MMTC in drafting comments to this proceeding, we do not wish to delay unnecessarily the expeditious resolution of the important issues raised in this proceeding. Therefore, we believe that the public interest favors a partial grant of this extension of time request. Thus, we will extend the date for filing comments to March 1, 1999. In addition, we believe that the public interest favors a corresponding extension of time for filing reply comments and we will extend that date to March 31, 1999.

6. *Accordingly, It Is Ordered* that the Motion for Extension of Time filed by the MMTC *Is Granted In Part and Denied In Part.*

7. *It is Further Ordered* that the Commission, on its own motion, Extends the time for filing reply comments.

8. *It Is Therefore Ordered* that the dates for filing comments and reply comments in this proceeding *Are Extended* to March 1, 1999, and March 31, 1999, respectively.

9. This action is taken pursuant to authority found in 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), and 0.204(b), 0.283 and 1.46 of the Commission's Rules, 47 CFR 0.204(b), 0.283 and 1.46.

List of Subjects

47 CFR Part 0

Organization and functions (Government agencies).

47 CFR Part 73

Radio, Equal employment opportunity, Reporting and recordkeeping requirements, Television.

47 CFR Part 76

Cable television, Equal employment opportunity, Reporting and recordkeeping requirements.

Federal Communications Commission.

Roy J. Stewart,

Chief, Mass Media Bureau.

[FR Doc. 99–4467 Filed 2–22–99; 8:45 am]

BILLING CODE 6712–01–P

[1] *See* National Association of Broadcasters' Motion for Extension of Time of Comment and Reply Comment Deadlines, MM Docket Nos. 98–204 and 96–16 at 1.

[2] *See* Minority Media and Telecommunications Council's Motion for Extension of Time, MM Docket Nos. 98–204 and 96–16.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–49; RM–9473]

Radio Broadcasting Services; El Jebel, CO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Mountain West Broadcasting requesting the allotment of Channel 263A to El Jebel, Colorado, as that community's first local aural transmission service. Coordinates used for this proposal are 39–23–42 NL and 107–06–29 WL.

DATES: Comments must be filed on or before April 5, 1999, and reply comments on or before April 20, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Mountain West Broadcasting, c/o Victor A. Michael, Jr., 6807 Foxglove Drive, Cheyenne, Wyoming 82009.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–49, adopted February 3, 1999, and released February 12, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–4461 Filed 2–22–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–48; RM–9472]

Radio Broadcasting Services; Carbondale, CO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Mountain West Broadcasting, requesting the allotment of Channel 244A to Carbondale, Colorado, as that community's first local commercial FM transmission service. Coordinates used for this proposal are 39–25–30 NL and 107–22–43 WL.

DATES: Comments must be filed on or before April 5, 1999, and reply comments on or before April 20, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Mountain West Broadcasting, c/o Victor A. Michael, Jr., 6807 Foxglove Drive, Cheyenne, Wyoming 82009.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–48, adopted February 3, 1999, and released February 12, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–4460 Filed 2–22–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–47; RM–9471]

Radio Broadcasting Services; Council Grove, KS

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by Dana Puopolo, requesting the allotment of Channel 281C3 to Council Grove, Kansas, as that community's first local aural transmission service. Coordinates used for this proposal are 38–39–42 NL and 96–29–18 WL.

DATES: Comments must be filed on or before April 5, 1999, and reply comments on or before April 20, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Dana J. Puopolo, 37 Martin St., Rehoboth, MA 02769–2103.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–47, adopted February 3, 1999, and released February 12, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–4459 Filed 2–22–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–46; RM–9470]

Radio Broadcasting Services; Tecopa, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by Hodson Broadcasting requesting the allotment of Channel 291A to Tecopa, California, as that community's first local aural transmission service. Information is requested regarding the attributes of Tecopa, California, to determine whether it is a *bona fide*

community for allotment purposes. Coordinates used for this proposal are 35–50–48 NL and 116–13–24 WL.

DATES: Comments must be filed on or before April 5, 1999, and reply comments on or before April 20, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Hodson Broadcasting, c/o Richard Dean Hodson, P.O. Box 66, Tecopa, CA 92389–0066.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–46, adopted February 3, 1999, and released February 12, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–4458 Filed 2–22–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–58; RM–9461]

Radio Broadcasting Services; Strattanville, PA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by West Wind Broadcasting proposing the allotment of Channel 267A at Strattanville, Pennsylvania, as the community's first local FM transmission service. Channel 267A can be allotted to Strattanville in compliance with the Commission's minimum distance separation requirements with a site restriction of 15.1 kilometers (9.4 miles) northeast to avoid a short-spacing to the licensed site of Station WORD–FM, Channel 268B, Pittsburgh, Pennsylvania. The coordinates for Channel 267A at Strattanville are 41–18–36 North Latitude and 79–13–05 West Longitude. Since Strattanville is located within 320 kilometers (200 miles) of the U.S-Canadian border, Canadian concurrence has been requested.

DATES: Comments must be filed on or before April 5, 1999, and reply comments on or before April 20, 1999.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as follows: Victor A. Michael, Jr., President, West Wind Broadcasting, 6807 Foxglove Drive, Cheyenne, Wyoming 82009 (Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–58, adopted February 3, 1999, and released February 12, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–4457 Filed 2–22–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–57; RM–9460]

Radio Broadcasting Services; Upton, WY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Windy Valley Broadcasting proposing the allotment of Channel 290C1 at Upton, Wyoming, as the community's first local aural transmission service. Channel 290C1 can be allotted to Upton in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 290C1 at Upton are 44–05–54 North Latitude 104–37–36 West Longitude.

DATES: Comments must be filed on or before April 5, 1999, and reply comments on or before April 20, 1999.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as follows: Victor A. Michael, Jr. President, Windy Valley Broadcasting, 6807 Foxglove Drive, Cheyenne, Wyoming 82009 (Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–57, adopted February 3, 1999, and released February 12, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–4456 Filed 2–22–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–56; RM–9459]

Radio Broadcasting Services; Big Piney, WY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Mountain West Broadcasting proposing the allotment of Channel 259C1 at Big Piney, Wyoming, as the community's first local aural transmission service. Channel 259C1 can be allotted to Big Piney in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 259C1 at Big Piney are 42–32–24 North Latitude 110–06–42 West Longitude.

DATES: Comments must be filed on or before April 5, 1999, and reply comments on or before April 20, 1999.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as follows: Victor A. Michael, Jr. President, Mountain West Broadcasting, 6807 Foxglove Drive, Cheyenne, Wyoming 82009 (Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–56, adopted February 3, 1999, and released February 12, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–4455 Filed 2–22–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–55; RM–9458]

Radio Broadcasting Services; Thayne, WY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Mountain West Broadcasting proposing the allotment of Channel 294C1 at Thayne, Wyoming, as the community's first local aural transmission service. Channel 294C1 can be allotted to Thayne in compliance with the Commission's minimum distance separation requirements with a site restriction of 7.4 kilometers (4.6 miles) northeast avoid a short-spacing to the proposed allotment site for Channel 293C, Superior Wyoming. The coordinates for Channel 294C1 at Thayne are 42–57–48 North Latitude 110–55–53 West Longitude.

DATES: Comments must be filed on or before April 5, 1999, and reply comments on or before April 20, 1999.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as follows: Victor A. Michael, Jr. President, Mountain West Broadcasting, 6807 Foxglove Drive, Cheyenne, Wyoming 82009 (Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–55, adopted February 3, 1999, and released February 20, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission

consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–4454 Filed 2–22–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–54; RM–9457]

Radio Broadcasting Services; Ridgeley, WV

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by West Wind Broadcasting proposing the allotment of Channel 263A at Ridgeley, West Virginia, as the community's first local aural transmission service. Channel 263A can be allotted to Ridgeley in compliance with the Commission's minimum distance separation requirements with a site restriction of 7.8 kilometers (4.8 miles) northeast avoid a short-spacing to the licensed and construction permit site of Station WDZN(FM), Channel 261A, Romney, West Virginia, and to the licensed site of Station WOMP-FM, Channel 263B, Bellaire, Ohio. The coordinates for Channel 263A at Ridgeley are 39–42–08 North Latitude 78–43–49 West Longitude.

DATES: Comments must be filed on or before April 5, 1999, and reply comments on or before April 20, 1999.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as follows: Victor A. Michael, Jr. President, West Wind Broadcasting, 6807 Foxglove Drive, Cheyenne, Wyoming 82009 (Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–54, adopted February 3, 1999, and released February 12, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–4453 Filed 2–22–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–53; RM–9456]

Radio Broadcasting Services; Clarendon, PA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by West Wind Broadcasting proposing the allotment of Channel 274A at Clarendon, Pennsylvania, as the community's second local FM transmission service. Channel 274A can be allotted to Clarendon in compliance with the Commission's minimum distance separation requirements with a site restriction of 10.1 kilometers (6.3 miles) south to avoid a short-spacing to the licensed site of Station WRLP(FM), Channel 276A, Russell, Pennsylvania. The coordinates for Channel 274A at Clarendon are 41–41–30 North Latitude 79–03–43 West Longitude. Since Clarendon is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been requested.

DATES: Comments must be filed on or before April 5, 1999, and reply comments on or before April 20, 1999.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as follows: Victor A. Michael, Jr., President, West Wind Broadcasting, 6807 Foxglove Drive, Cheyenne, Wyoming 82009 (Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–53, adopted February 3, 1999, and released February 12, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–4452 Filed 2–22–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–64; RM–9485]

Radio Broadcasting Services; Genoa, Mt. Morris, and Oregon, IL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Farm Belt Radio, Inc., permittee of FM Stations WOXM, Channel 291A, Oregon, IL. and WSEY, Channel 239A, Mt Morris, IL. Petitioner proposes the substitution of Channel 292A for Channel 291A at Oregon, its reallotment to Genoa, IL, and the modification of the construction permit for WOXM accordingly. Petitioner also proposes the reallotment of Channel 239A from Mt. Morris to Oregon and the modification of the construction permit for Station WSEY accordingly.

Coordinates for this proposal are: Genoa, IL 42–01–00 and 88–49–00; Oregon, IL 41–59–04 and 89–29–52.

DATES: Comments must be filed on or before April 5, 1999, and reply comments on or before April 20, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows:

FOR FURTHER INFORMATION CONTACT: Arthur D. Scrutchins, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–64, adopted February 3, 1999, and released February 12, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible ex parte contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–4451 Filed 2–22–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–52; RM–9455]

Radio Broadcasting Services; Liberty, PA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by West Wind Broadcasting proposing the allotment of Channel 298A at Liberty, Pennsylvania, as the community's first local aural transmission service. Channel 298A can be allotted to Liberty in compliance with the Commission's minimum distance separation requirements with a site restriction of 11.2 kilometers (6.9 miles) southwest to avoid a short-spacing to the licensed site of Station WBYN(FM), Channel 298B, Boyertown, Pennsylvania. The coordinates for Channel 298A at Liberty are 41–29–28 North Latitude 77–12–22 West Longitude. Since Liberty is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been requested.

DATES: Comments must be filed on or before April 5, 1999, and reply comments on or before April 20, 1999.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as follows: Victor A. Michael, Jr. President, West Wind Broadcasting, 6807 Foxglove Drive, Cheyenne, Wyoming 82009 (Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–52, adopted February 3, 1999, and released February 12, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–4450 Filed 2–22–99; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–51; RM–9454]

Radio Broadcasting Services; Annville, KY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Vernon R. Baldwin proposing the allotment of Channel 244A at Annville, Kentucky, as the community's first local aural transmission service. Channel 244A can be allotted to Annville in compliance with the Commission's minimum distance separation requirements with a site restriction of 10.8 kilometers (6.7 miles) southeast to avoid a short-spacing to the licensed site of Station WGKS(FM), Channel 245C2, Paris,

Kentucky. The coordinates for Channel 244A at Annville are 37–14–37 North Latitude and 83–53–35 West Longitude.

DATES: Comments must be filed on or before April 5, 1999, and reply comments on or before April 20, 1999.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as follows: Dennis F. Begley, Esq., Reddy, Begley & McCormick, 2175 K Street, NW, Suite 350, Washington, DC 20037 (Counsel for Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–51, adopted February 3, 1999, and released February 12, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–4449 Filed 2–22–99; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–50; RM–9425]

Radio Broadcasting Services; Pacific Junction, IA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Warga Broadcasting L.L.C. proposing the allotment of Channel 299A at Pacific Junction, Iowa, as the community's first local aural transmission service. Channel 299A can be allotted to Pacific Junction in compliance with the Commission's minimum distance separation requirements with a site restriction of 4.5 kilometers (2.8 miles) north to avoid a short-spacing to the licensed site of Station KMAJ–FM, Channel 299C, Topeka, Kansas. The coordinates for Channel 299A at Pacific Junction are 41–03–25 North Latitude and 95–46–50 West Longitude .

DATES: Comments must be filed on or before April 5, 1999, and reply comments on or before April 20, 1999.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as follows: Lawrence Bernstein, Esq., 1818 N Street, NW., Suite 700, Washington, DC 20036 (Counsel for Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–50, adopted February 3, 1999, and released February 12, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–4448 Filed 2–22–99; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–63, RM–9398]

Radio Broadcasting Services; Shelby and Dutton, MT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Shelby Media Association, proposing the reallotment of Channel 250C from Shelby, Montana, to Dutton, Montana, as that community's first local service and modification of its construction permit for Station KBJF to specify Dutton as its community of license. The coordinates for Channel 250C at Dutton are 47–57–46 and 111–39–14. In accordance with Section 1.420(i) of the Commission's Rules, we shall not accept competing expressions of interest in the use of Channel 250C at Dutton.

DATES: Comments must be filed on or before April 5, 1999, and reply comments on or before April 20, 1999.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Matthew H. McCormick, Reddy, Begley & McCormick, 2175 K Street, NW., Suite 350, Washington, D. C. 20037.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–63, adopted February 3, 1999, and released February 12, 1999. The full text of this Commission decision is available for inspection and copying during

normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800, facsimile (202) 857–3805.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involves channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–4462 Filed 2–22–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–59, RM–9447]

Radio Broadcasting Services; Fairfield, MT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Mountain West Broadcasting proposing the allotment of Channel 279C2 to Fairfield, Montana, as that community's first local broadcast service. The channel can be allotted to Fairfield without a site restriction at coordinates 47–37–00 NL and 111–59–06 WL. Canadian concurrence will be requested for the allotment of Channel 279C2 at Fairfield.

DATES: Comments must be filed on or before April 5, 1999, and reply comments on or before April 20, 1999.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Victor A. Michael, President, Mountain West Broadcasting, 6807 Foxglove Drive, Cheyenne, WY 82009.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–59, adopted February 3, 1999, and released February 12, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800, facsimile (202) 857–3805.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–4463 Filed 2–22–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–60, RM–9449]

Radio Broadcasting Services; Fort Benton, MT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Mountain West Broadcasting proposing the allotment of Channel 239C3 to Fort Benton, Montana, as that community's first local broadcast service. The channel can be allotted to Fort Benton with a site restriction 13.4 kilometers (8.4 miles) southwest of the community at coordinates 47–44–01 NL and 110–47–41 WL. Canadian concurrence will be requested for the allotment of Channel 239C3 at Fort Benton.

DATES: Comments must be filed on or before April 5, 1999, and reply comments on or before April 20, 1999.

ADDRESSES: Federal Communications Commission, Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Victor A. Michael, President, Mountain West Broadcasting, 6807 Foxglove Drive, Cheyenne, Wyoming 82009.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–60, adopted February 3, 1999, and released February 12, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857–3800, facsimile (202) 857–3805.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–4464 Filed 2–22–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–61, RM–9448]

Radio Broadcasting Services; Polson, MT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Mountain West Broadcasting proposing the allotment of Channel 259C3 to Polson, Montana, as that community's first local FM broadcast service. The channel can be allotted to Polson without a site restriction at coordinates 47–41–24 NL and 114–09–18 WL. Canadian concurrence will be requested for the allotment of Channel 259C3 at Polson.

DATES: Comments must be filed on or before April 5, 1999, and reply comments on or before April 20, 1999.

ADDRESSES: Federal Communications Commission, Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Victor A. Michael, President, Mountain West Broadcasting, 6807 Foxglove Drive, Cheyenne, WY 82009.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–61, adopted February 3, 1999, and released February 12, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857–3800, facsimile (202) 857–3805.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–4465 Filed 2–22–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–62, RM–9410]

Radio Broadcasting Services; Reno, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Thomas S. Desmond proposing the allotment of Channel 255A to Reno, Texas, as that community's first local FM broadcast service. The channel can be allotted to Reno with a site restriction 13 kilometers (8.1 miles) west at coordinates 33–40–12 NL and 95–36–08 WL.

DATES: Comments must be filed on or before April 5, 1999, and reply comments on or before April 20, 1999.

ADDRESSES: Federal Communications Commission, Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: John J. McVeigh, 1201 Blue Paper Trail, Columbia, Maryland 21044–2787.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–62, adopted February 3, 1999, and released February 12, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857–3800, facsimile (202) 857–3805.

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–4466 Filed 2–22–99; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 021199C]

Fisheries of the Northeastern United States; Northeast Multispecies Fishery

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

ACTION: Notice of intent to prepare a Supplemental Environmental Impact Statement (SEIS) and notice of scoping process; request for comments.

SUMMARY: The New England Fishery Management Council (Council) announces its intention to prepare Amendment 13 to the Northeast Multispecies Fishery Management Plan (FMP) to rebuild overfished stocks as defined by Amendment 9 to the FMP. Amendment 13 will supplement or change elements of the FMP as may be necessary to address issues raised during the scoping process and to prepare an SEIS to analyze the impacts of any proposed management measures.

The Council also formally announces a public process to determine the scope of issues to be addressed in the environmental impact analysis. The purpose of this notification is to alert the interested public of the commencement of the scoping process, and to provide for public participation

in compliance with environmental documentation requirements.

DATES: Written scoping comments must be received by May 10, 1999.

ADDRESSES: Send written comments to Paul J. Howard, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906, Telephone (781) 231–0422. The locations of meetings will be announced in the **Federal Register** and on the Council website, www.nefmc.org, when they are scheduled.

FOR FURTHER INFORMATION CONTACT: To receive information and documents pertaining to this amendment, or to be included on the mailing list of interested persons, contact Paul J. Howard, Telephone (617) 231–0422.

SUPPLEMENTARY INFORMATION: The FMP comprises a management strategy and measures implemented under Amendment 7 in 1996 and subsequent framework adjustments. The multispecies approach adopted in Amendment 7 uses a range of management tools, namely days-at-sea (DAS), closed areas, single-species trip limits, and gear restrictions to achieve plan objectives and focuses on five primary groundfish stocks (Georges Bank cod, haddock, yellowtail flounder, Gulf of Maine cod, and Southern New England yellowtail flounder) that were overfished and at a low level of abundance when the plan was developed. The amendment also created an annual review and adjustment process to insure that the plan would achieve its rebuilding objectives. To achieve rebuilding, the plan called for reductions in fishing effort of up to 80 percent on some key stocks. The Council prepared an SEIS for the Amendment 7 rebuilding plan and concluded that the rebuilding plan would have significant impacts, both positive and negative, on the biological and human environments.

The Council has conducted three annual reviews and has amended the FMP five times, including pending actions, through the framework adjustment process (Framework Adjustments 20, 24, 25, 26, and 27 pending) to implement measures to meet Amendment 7 plan objectives. It prepared Environmental Assessments (EA) under the National Environmental Policy Act (NEPA) for each of these actions.

In 1996, Congress enacted the Sustainable Fisheries Act (SFA), which required the Council to revise its definitions of overfishing and, if stocks are determined by the Secretary of Commerce (Secretary) to be overfished, to submit plans to end overfishing and rebuild stocks to a level that can produce maximum sustainable yield (MSY) within 10 years. The Council submitted Amendment 9 on October 11, 1998, to revise the overfishing definitions and address other provisions of the Act. This action is currently under Secretarial review. Future actions taken in Amendment 13 designed to end overfishing and achieve rebuilding targets under the proposed overfishing definitions established in Amendment 9 may have significant impacts, requiring the preparation of an SEIS.

While some stocks are rebuilding, all of the regulated species in the fishery management unit (cod, haddock, yellowtail flounder, winter flounder, witch flounder, windowpane flounder, American plaice, white hake, pollock, redfish and Atlantic halibut) are below SFA biomass targets based on MSY. The Council anticipates that with new information available about the status of these stocks, additional action is necessary to comply with the mandates of the SFA. These actions may have a significant impact on the human environment, and the Council is seeking public input on the scope of issues to be considered in preparing an SEIS.

In addition to ongoing changes resulting from compliance with the mandates of the SFA, the fisheries have evolved through the Council process and compliance with other Federal laws, such as the Marine Mammal Protection Act, and new information has become available about the status of fish stocks, impacts of fisheries on the marine environment, and the effectiveness of different management strategies. Fishing communities have also evolved in the past 5 years in response to changing stock conditions, markets, and the regulatory environment. All of the above factors warrant the preparation of an SEIS to update the current NEPA documents and to consider the impacts of potential regulatory actions to achieve compliance with the SFA.

The Council expects that the process of scoping issues, identifying management alternatives, preparing NEPA documents and amendment submission documents will take 9 months to 1 year to complete. Under this timetable, a review of the Draft Supplemental Environmental Impact Statement and public hearings will take place during the summer of 1999. The Council will announce meeting notices and document availability by publication of notices in the **Federal Register** and local newspapers in affected communities, as well as by direct mailing to the list interested parties. It also maintains a website at www.nefmc.org.

Scoping Process

All persons affected by or otherwise interested in northeast multispecies fisheries' management are invited to participate in determining the scope and significance of issues to be analyzed by submitting written comments (see **ADDRESSES**) or by attending scoping meetings that will be held in upcoming months. The scoping process consists of the range of actions, alternatives, and impacts to be considered. The Council will consider all reasonable alternatives that meet the objectives of Amendment 13, as well as the status quo (no-action alternative). Impacts may be direct, indirect, individual, or cumulative. The scoping process also will identify and eliminate from the SEIS alternatives that are not feasible or do not meet plan objectives. Once a draft management plan and an EIS or EA are developed, the Council will hold public hearings to receive comments and guide its decision making.

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

Dated: February 17, 1999.

Bruce C. Morehead,

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

[FR Doc. 99–4441 Filed 2–22–99; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 64, No. 35
Tuesday, February 23, 1999

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

Forest Service

Olympic Provincial Interagency Executive Committee (PIEC), Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Olympic PIEC Advisory Committee will meet on March 18 and 19, 1999 at the Jamestown S'Klallam Tribal Center, 1033 Old Blyn Highway, Sequim, Washington. The meeting will begin at 9:30 a.m. on Thursday which will be spent in the field on the Quilcene Ranger District, Olympic National Forest. The field trip will conclude approximately 4:00 p.m. On Friday the 19th, the meeting will be held in the Center's large conference room and will begin at 9:30 a.m. and continue until 3:00 p.m. Agenda topics are: (1) Forestry Training Center proposal update; (2) National Marine Fisheries Service update on Endangered Species Act listings of fish; (3) Regional Ecosystem Office update, survey and manage; (4) Effectiveness monitoring update; (5) Recreation opportunities on decommissioned roads; (6) Science Panel on Monitoring/Coarse Woody Debris guidelines; (7) Open Forum; and (8) Public Comments. All Olympic Province Advisory Committee Meetings are open to the public. Interested citizens are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Ken Eldredge, Province Liaison, USDA, Olympic National Forest Headquarters, 1835 Black Lake Blvd., Olympia, WA 98512–5623, (360) 956–2323 or Claire Lavendel, Acting Forest Supervisor, at (360) 956–2301.

Dated: February 11, 1999.

Luis E. Santoyo,

Acting Forest Supervisor.

[FR Doc. 99–4290 Filed 2–22–99; 8:45 am]

BILLING CODE 3410–10–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Kentucky Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Kentucky Advisory Committee to the Commission will convene at 1:00 p.m. and adjourn at 5:00 p.m. on March 25, 1999, at the Louisville and Jefferson County Metropolitan Sewer District, 700 West Liberty Street (at 7th Street), Louisville, Kentucky 40203. The purpose of the meeting is to discuss civil rights problems and progress, to follow up on Kentucky Title VI law, and to plan a future project.

Persons desiring additional information, or planning a presentation to the Committee, should contact Bobby D. Doctor, Director of the Southern Regional Office, 404–562–7000 (TDD 404–562–7004). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, February 11, 1999.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 99–4351 Filed 2–22–99; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the North Carolina Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the North Carolina Advisory Committee to the Commission will convene at 1:00 p.m. and adjourn at 5:00 p.m. on March 10, 1999, at the North Carolina A&T State University, Hodgin Hall, Room 106, Greensboro, North Carolina 27411. The purpose of the meeting is to review a report on racial tensions, to discuss civil rights problems and progress, and to review plans for a forum in race relations in Greensboro.

Persons desiring additional information, or planning a presentation to the Committee, should contact Bobby D. Doctor, Director of the Southern Regional Office, 404–562–7000 (TDD 404–562–7004). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, February 11, 1999.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 99–4350 Filed 2–22–99; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–427–801, A–428–801, A–475–801, A–588–804, A–485–801, A–559–801, A–401–801, A–412–801]

Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Romania, Singapore, Sweden, and the United Kingdom; Preliminary Results of Antidumping Duty Administrative Reviews and Partial Rescission of Administrative Reviews

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

ACTION: Notice of Preliminary Results of Antidumping Duty Administrative Reviews and Partial Rescission of Administrative Reviews.

SUMMARY: In response to requests from interested parties, the Department of Commerce is conducting administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof from France, Germany, Italy,

Japan, Romania, Singapore, Sweden, and the United Kingdom. The merchandise covered by these orders are ball bearings and parts thereof, cylindrical roller bearings and parts thereof, and spherical plain bearings and parts thereof. The reviews cover 21 manufacturers/exporters. The period of review is May 1, 1997, through April 30, 1998.

We are rescinding the reviews for thirteen other manufacturers/exporters because the requests for reviews of these firms or types of bearings were withdrawn in a timely manner.

We have preliminarily determined that sales have been made below normal value by various companies subject to these reviews. If these preliminary results are adopted in our final results of these administrative reviews, we will instruct U.S. Customs to assess antidumping duties on all appropriate entries.

We invite interested parties to comment on these preliminary results. Parties who submit comments in these proceedings are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: February 23, 1999.

FOR FURTHER INFORMATION: Please contact the appropriate case analysts for the various respondent firms as listed below, at Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 482–4733.

France. Lyn Johnson (SKF), Larry Tabash or Davina Hashmi (SNFA), J. David Dirstine (SNR), Robin Gray, or Richard Rimlinger.

Germany. Mark Ross (INA and Torrington Nadellager), Farah Naim or Davina Hashmi (SKF), Thomas Schauer (FAG), Robin Gray, or Richard Rimlinger.

Italy. Anne Copper or J. David Dirstine (SKF), Edythe Artman or Mark Ross (FAG), Minoo Hatten (Somecat), Robin Gray, or Richard Rimlinger.

Japan. J. David Dirstine (Koyo Seiko and Nachi-Fujikoshi Corp.), Thomas Schauer (NTN), Davina Hashmi (NPBS), Diane Krawczun (NSK Ltd.), Robin Gray, or Richard Rimlinger.

Romania. Suzanne Flood (Tehnoimportexport, S.A.) or Robin Gray.

Sweden. Davina Hashmi (SKF) or Richard Rimlinger.

United Kingdom. Suzanne Flood (Barden Corporation), Diane Krawczun (NSK/RHP), Hermes Pinilla (FAG), Lyn Johnson (SNFA), Robin Gray, or Richard Rimlinger.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to 19 CFR Part 351 (1998).

Background

On May 15, 1989, the Department published in the **Federal Register** (54 FR 20909) the antidumping duty orders on ball bearings and parts thereof (BBs), cylindrical roller bearings and parts thereof (CRBs), and spherical plain bearings and parts thereof (SPBs) from France, Germany, Italy, Japan, Romania, Singapore, Sweden, and the United Kingdom. Specifically, these orders cover BBs, CRBs, and SPBs from France, Germany, and Japan, BBs and CRBs from Italy, Sweden, and the United Kingdom, and BBs from Romania and Singapore. On June 29, 1998, in accordance with 19 CFR 351.213, we published a notice of initiation of administrative reviews of these orders for the period May 1, 1997, through April 30, 1998 (the POR) (63 FR 35188). The Department is conducting these administrative reviews in accordance with section 751 of the Act.

Subsequent to the initiation of these reviews, we received timely withdrawals of review requests for Rofer LDA (France), Rodaindustria SA (France), Rodaindustria Vigo SA (France), Bucher Guyer (France), Alfa Team GmbH (Germany), D&R Technisher Grosshandel (Nurnberg) (Germany), D&R Technisher Grosshandel (Rednitzhembach) (Germany), Frolich & Dorken GmbH (Germany), RMV Walzlager Vetr. GmbH (Germany), Wyko Export (Germany), Minetti (Italy), Motovario (Italy), and NMB/Pelmec (Singapore). Because there were no other requests for review of the above-named firms, we are rescinding the reviews with respect to these companies in accordance with 19 CFR 351.213(d).

Scope of Reviews

The products covered by these reviews are antifriction bearings (other than tapered roller bearings) and parts thereof (AFBs) and constitute the following merchandise:

1. *Ball Bearings and Parts Thereof:* These products include all AFBs that employ balls as the rolling element. Imports of these products are classified under the following categories: antifriction balls, ball bearings with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof.

Imports of these products are classified under the following Harmonized Tariff Schedules (HTS) subheadings: 3926.90.45, 4016.93.00, 4016.93.10, 4016.93.50, 6909.19.5010, 8431.20.00, 8431.39.0010, 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.05, 8482.99.2580, 8482.99.35, 8482.99.6595, 8483.20.40, 8483.20.80, 8483.50.8040, 8483.50.90, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.60.80, 8708.70.6060, 8708.70.8050, 8708.93.30, 8708.93.5000, 8708.93.6000, 8708.93.75, 8708.99.06, 8708.99.31, 8708.99.4960, 8708.99.50, 8708.99.5800, 8708.99.8080, 8803.10.00, 8803.20.00, 8803.30.00, 8803.90.30, and 8803.90.90.

2. *Cylindrical Roller Bearings, Mounted or Unmounted, and Parts Thereof:* These products include all AFBs that employ cylindrical rollers as the rolling element. Imports of these products are classified under the following categories: antifriction rollers, all cylindrical roller bearings (including split cylindrical roller bearings) and parts thereof, and housed or mounted cylindrical roller bearing units and parts thereof.

Imports of these products are classified under the following HTS subheadings: 3926.90.45, 4016.93.00, 4016.93.10, 4016.93.50, 6909.19.5010, 8431.20.00, 8431.39.0010, 8482.40.00, 8482.50.00, 8482.80.00, 8482.91.00, 8482.99.25, 8482.99.35, 8482.99.6530, 8482.99.6560, 8482.99.70, 8483.20.40, 8483.20.80, 8483.50.8040, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.93.5000, 8708.99.4000, 8708.99.4960, 8708.99.50, 8708.99.8080, 8803.10.00, 8803.20.00, 8803.30.00, 8803.90.30, and 8803.90.90.

3. *Spherical Plain Bearings, Mounted and Unmounted, and Parts Thereof:* These products include all spherical plain bearings that employ a spherically shaped sliding element and include spherical plain rod ends.

Imports of these products are classified under the following HTS subheadings: 3926.90.45, 4016.93.00, 4016.93.10, 4016.93.50, 6909.50.10, 8483.30.80, 8483.90.30, 8485.90.00, 8708.93.5000, 8708.99.50, 8803.10.00, 8803.20.00, 8803.30.00, 8803.90.30, and 8803.90.90.

The size or precision grade of a bearing does not influence whether the bearing is covered by the order. For a further discussion of the scope of the

orders being reviewed, including recent scope determinations, see *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from France, Germany, Italy, Japan, Romania, Singapore, Sweden and the United Kingdom; Final Results of Antidumping Duty Administrative Reviews,* 63 FR 33320 (June 18, 1998) (*AFBs VIII*). Although the HTS item numbers are provided for convenience and customs purposes, the written descriptions of the scope of these proceedings remain dispositive.

These reviews cover the following firms and merchandise:

Name of firm	Merchandise
France:	
11SKF France (including all relevant affiliates)	All
SNFA S.A. (SNFA France)	All
SNR	All
Germany:	
SKF GmbH (including all relevant affiliates) (SKF Germany)	All
Torrington Nadellager (Torrington/Kuensenbeck)	BBs, CRBs
FAG	All
INA	All
Italy:	
FAG Italia, S.p.A. (including all relevant affiliates) (FAG Italy)	BBs, CRBs
SKF-Industrie, S.p.A. (including all relevant affiliates) (SKF Italy)	BBs
Somecat, S.p.A. (Somecat)	BBs, CRBs
Japan:	
Koyo Seiko Co., Ltd. (Koyo)	All
Nachi-Fujikoshi Corp. (Nachi)	All
Nippon Pillow Block Sales Company, Ltd. (NPBS)	All
NSK Ltd. (formerly Nippon Seiko K.K.)	All
NTN Corp. (NTN Japan)	All
Romania:	
Tehnoimportexport, S.A. (TIE)	BBs
Sweden:	
SKF Sverige (including all relevant affiliates) (SKF Sweden).	BBs, CRBs
United Kingdom:	
Barden Corporation	BBs, CRBs
FAG (U.K.) Ltd	BBs, CRBs
NSK Bearings Europe, Ltd./RHP Bearings Ltd. (NSK/RHP)	BBs, CRBs
SNFA (U.K.) Bearings Ltd.	BBs, CRBs

In a letter dated July 1, 1998, the Torrington Group requested to be excused from responding to the Department's questionnaire in the review involving BBs from Germany. The Torrington Group stated that, during the POR, it imported into the United States only eight units covered by the order on BBs from Germany and all units were imported and obtained by the Torrington Company from Torrington Nadellager GmbH via an affiliated-party transaction. The Torrington Group stated further that after importation it loaned the eight units to an unaffiliated U.S. customer for examination, retrieved the units from the customer, and destroyed the units after retrieval. Given that the units in question were destroyed and there are no sales to review, we have not calculated dumping margins for these entries in this review involving BBs from Germany. See memorandum to Laurie Parkhill from Michael Panfeld, dated July 15, 1998, located in Import Administration's Central Records Unit, Room B–099, Main Commerce Building (hereafter, B-099). Because this merchandise was consumed by the affiliated importer and not resold in any form, we will liquidate these entries without regard to antidumping duties. (See, *e.g., Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Romania, Singapore, Sweden, and the United Kingdom: Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews,* 63 FR 6512, 6514 (February 9, 1998).)

Duty Absorption

On May 29, 1998, and July 29, 1998, the Torrington Company requested that the Department determine with respect to all respondents, except Torrington Nadellager and SNFA UK, whether antidumping duties had been absorbed during the POR. On May 29, 1998, FAG Bearings Corp. requested that the Department determine for Torrington Nadellager whether antidumping duties had been absorbed during the POR. These requests were filed pursuant to section 751(a)(4) of the Act.

Section 751(a)(4) of the Act provides for the Department, if requested, to determine, during an administrative review initiated two years or four years after publication of the order, whether antidumping duties have been absorbed by a foreign producer or exporter subject to the order if the subject merchandise is sold in the United States through an importer who is affiliated with such foreign producer or exporter (see *also* 19 CFR 351.213(j)(1)). Section 751(a)(4) was added to the Act by the URAA.

For transition orders as defined in section 751(c)(6)(C) of the Act, *i.e.,* orders in effect as of January 1, 1995, section 351.213(j)(2) of the Department's antidumping regulations provides that the Department will make a duty-absorption determination, if requested, for any administrative review initiated in 1996 or 1998. This approach ensures that interested parties will have the opportunity to request a duty-absorption determination prior to the time for sunset review of the order under section 751(c) of the Act on entries for which the second and fourth years following an order have already passed. Because these orders on AFBs have been in effect since 1989, they are transition orders in accordance with section 751(c)(6)(C) of the Act; therefore, based on the policy stated above, the Department will consider a request for an absorption

determination during a review initiated in 1998. This being a review initiated in 1998 and a request having been made, we are making a duty-absorption determination as part of these administrative reviews.

The statute provides for a determination on duty absorption if the subject merchandise is sold in the United States through an affiliated importer. In these cases, all firms subject to the duty-absorption requests filed by the Torrington Company and FAG Bearings Corp., with the exception of TIE, SNFA France, and Somecat, sold AFBs through importers that are ''affiliated'' within the meaning of section 771(33) of the Act. Furthermore, we have preliminarily determined that there are dumping margins for the following firms with respect to the percentages of their U.S. sales, by quantity, indicated below:

Name of firm	Class or kind	Percentage of U.S. affiliate's sales with dumping margins
France:		
SKF	BBs	17.88
SNR	BBs	10.18
	CRBs	14.38
Germany:		
SKF	BBs	3.20
	CRBs	33.85
	SPBs	22.03
Torrington Nadellager.	CRBs	0.26
FAG	BBs	10.93
	CRBs	26.83
INA	BBs	9.14
	CRBs	9.25
	SPBs	4.00
Italy:		
FAG	BBs	10.38
SKF	BBs	20.73
Japan:		
Koyo	BBs	30.38
	CRBs	47.46
Nachi	BBs	48.39
	CRBs	7.93
NPBS	BBs	22.42
NSK	BBs	4.88
	CRBs	16.25
NTN	BBs	39.38
	CRBs	86.38
	SPBs	60.68
Sweden:		
SKF	BBs	4.17
	CRBs	100.00
United Kingdon:		
Barden	BBs	19.43
NSK/RHP	BBs	34.25
	CRBs	56.08

In the case of SKF Sweden, the firm did not respond to our questionnaire with respect to its sales of CRBs and the dumping margin for all sales of CRBs were determined on the basis of adverse facts available (see *Use of Facts Available* below). Lacking other information, we find duty absorption on all U.S. sales of CRBs by SKF Sweden.

With respect to the above companies, we rebuttably presume that the duties will be absorbed for those sales which were dumped. This presumption can be rebutted with evidence that the unaffiliated purchasers in the United States will pay the ultimately assessed duty. However, there is no such evidence on the record. Under these circumstances, we preliminarily find that antidumping duties have been absorbed by the above-listed firms on the percentages of U.S. sales indicated. If interested parties wish to submit evidence that the unaffiliated purchasers in the United States will pay the ultimately assessed duty, they must do so no later than 15 days after publication of these preliminary results.

Verification

As provided in section 782(i) of the Act, we verified information provided by certain respondents using standard verification procedures, including on-site inspection of the manufacturers' facilities, the examination of relevant sales and financial records, and selection of original documentation containing relevant information. Our verification results are outlined in the public versions of the verification reports located in the Central Records Unit, Main Commerce Building, Room B–099.

Use of Facts Available

We preliminarily determine, in accordance with section 776(a) of the Act, that the use of facts available as the basis for the weighted-average dumping margin is appropriate for SKF Sweden with respect to CRBs because this firm did not respond to our antidumping questionnaire. We find that this firm has not provided ''information that has been requested by the administering authority.'' Furthermore, we determine that, pursuant to section 776(b) of the Act, it is appropriate to make an inference adverse to the interests of this company because it did not cooperate to the best of its ability by not responding to our questionnaire.

In certain situations, we found it necessary to use partial facts available. Partial facts available was applied in cases in which we were unable to use some portion of a response in calculating the dumping margin. For TIE (Romania), we had no factor value on the record to value steel tube. Therefore, we used the value of steel bar as the factor value for this input. In addition, we discovered at verification that, for a few transactions, TIE inadvertently reported factors-of-production (FOP) information for a factory other than the actual producing factory. We determine that non-adverse partial facts available should be applied to these transactions for the following reasons: the sales with misreported FOP data account for a very small percentage of U.S. sales; we are satisfied with the accuracy of TIE's FOP data for other U.S. sales; the misreported FOP data accurately reflect the experience of the other factories in producing the same models; the misreported FOP data constitute an inadvertent error by TIE which could not reasonably be corrected at verification. As non-adverse partial facts available, we have used the information TIE reported as the FOP of the affected models. See Memorandum of January 29, 1999, from Suzanne Flood to Laurie Parkhill in Room B–099.

Export Price and Constructed Export Price—Market-Economy Countries

For the price to the United States, we used export price (EP) or constructed export price (CEP) as defined in sections 772(a) and (b) of the Act, as appropriate. Due to the extremely large volume of transactions that occurred during the POR and the resulting administrative burden involved in calculating individual margins for all of these transactions, we sampled CEP sales in accordance with section 777A of the Act. When a firm made more than 2,000 CEP sales transactions to the United States for merchandise subject to a particular order, we reviewed CEP sales that occurred during sample weeks. We selected one week from each two-month period in the review period, for a total of six weeks, and analyzed each transaction made in those six weeks. The sample weeks are as follows: May 25–31, 1997; July 13–19, 1997; October 19–25, 1997; November 23–29, 1997; January 25–31, 1998; April 5–11, 1998. We reviewed all EP sales transactions during the POR.

We calculated EP and CEP based on the packed f.o.b., c.i.f., or delivered price to unaffiliated purchasers in, or for exportation to, the United States. We made deductions, as appropriate, for discounts and rebates. We also made deductions for any movement expenses in accordance with section 772(c)(2)(A) of the Act.

In accordance with section 772(d)(1) of the Act and the Statement of Administrative Action (SAA) to the URAA (at 823–824), we calculated the CEP by deducting selling expenses associated with economic activities occurring in the United States, including commissions, direct selling expenses, indirect selling expenses, and

repacking expenses in the United States. When appropriate, in accordance with section 772(d)(2) of the Act, we also deducted the cost of any further manufacture or assembly, except where the special rule provided in section 772(e) of the Act was applied (see below). Finally, we made an adjustment for profit allocated to these expenses in accordance with section 772(d)(3) of the Act.

With respect to subject merchandise to which value was added in the United States prior to sale to unaffiliated U.S. customers, *e.g.*, parts of bearings that were imported by U.S. affiliates of foreign exporters and then further processed into other products which were then sold to unaffiliated parties, we determined that the special rule for merchandise with value added after importation under section 772(e) of the Act applied to all firms, except NPBS, that added value in the United States.

Section 772(e) of the Act provides that, when the subject merchandise is imported by an affiliated person and the value added in the United States by the affiliated person is likely to exceed substantially the value of the subject merchandise, we shall determine the CEP for such merchandise using the price of identical or other subject merchandise if there is a sufficient quantity of sales to provide a reasonable basis for comparison and we determine that the use of such sales is appropriate. If there is not a sufficient quantity of such sales or if we determine that using the price of identical or other subject merchandise is not appropriate, we may use any other reasonable basis to determine the CEP.

To determine whether the value added is likely to exceed substantially the value of the subject merchandise, we estimated the value added based on the difference between the averages of the prices charged to the first unaffiliated purchaser for the merchandise as sold in the United States and the averages of the prices paid for the subject merchandise by the affiliated person. Based on this analysis, we determined that the estimated value added in the United States by all firms, with the exception of NPBS, accounted for at least 65 percent of the price charged to the first unaffiliated customer for the merchandise as sold in the United States. (See 19 CFR 351.402(c) for an explanation of our practice on this issue.) Therefore, we preliminarily determine that the value added is likely to exceed substantially the value of the subject merchandise. Also, for the companies in question, we determined that there was a sufficient quantity of sales remaining to provide a reasonable basis for comparison and that the use of such sales is appropriate. Accordingly, for purposes of determining dumping margins for the sales subject to the special rule, we have used the weighted-average dumping margins calculated on sales of identical or other subject merchandise sold to unaffiliated persons. No other adjustments to EP or CEP were claimed or allowed.

Normal Value—Market-Economy Countries

Based on a comparison of the aggregate quantity of home market and U.S. sales and absent any information that a particular market situation in the exporting country did not permit a proper comparison, we determined that the quantity of foreign like product sold by all respondents in the exporting country was sufficient to permit a proper comparison with the sales of the subject merchandise to the United States pursuant to section 773(a) of the Act. Each company's quantity of sales in its home market was greater than five percent of its sales to the U.S. market. Therefore, in accordance with section 773(a)(1)(B)(i) of the Act, we based normal value (NV) on the prices at which the foreign like products were first sold for consumption in the exporting country.

Due to the extremely large number of transactions that occurred during the POR and the resulting administrative burden involved in examining all of these transactions, we sampled sales to calculate NV in accordance with section 777A of the Act. When a firm had more than 2,000 home market sales transactions for a particular foreign like product, we used sales in sample months that corresponded to the sample weeks we selected for U.S. CEP sales plus one month prior to the POR and one following the POR. The sample months were February, May, July, October, and November of 1997 and January, April, and May of 1998.

We used sales to affiliated customers only where we determined such sales were made at arm's-length prices, *i.e.*, at prices comparable to prices at which the firm sold identical merchandise to unaffiliated customers.

Because the Department disregarded sales that failed the cost test provided for in section 773(b) of the Act in the last completed review with respect to SKF France (BBs), INA (All), SKF Germany (All), FAG Italy (BBs), SKF Italy (BBs), SKF Sweden (BBs), Koyo (BBs), Nachi (BBs and CRBs), NPBS (BBs), NSK (BBs and CRBs), NTN Japan (All), Barden U.K. (BBs), and NSK/RHP (BBs and CRBs), we had reasonable grounds to believe or suspect that sales of the foreign like product under consideration for the determination of NV in these reviews may have been made at prices below the cost of production (COP) as provided by section 773(b)(2)(A)(ii) of the Act. Therefore, pursuant to section 773(b)(1) of the Act, we initiated COP investigations of sales by these firms in the home market.

In accordance with section 773(b)(3) of the Act, we calculated the COP based on the sum of the costs of materials and fabrication employed in producing the foreign like product plus selling, general and administrative (SG&A) expenses and all costs and expenses incidental to packing the merchandise. In our COP analysis, we used the home market sales and COP information provided by each respondent in its questionnaire responses. We did not conduct a COP analysis regarding merchandise subject to an antidumping order for a respondent that reported no U.S. sales or shipments of merchandise subject to that order.

After calculating the COP, in accordance with section 773(b)(1) of the Act, we tested whether home market sales of AFBs were made at prices below the COP within an extended period of time in substantial quantities and whether such prices permitted the recovery of all costs within a reasonable period of time. We compared model-specific COPs to the reported home market prices less any applicable movement charges, discounts, and rebates.

Pursuant to section 773(b)(2)(C) of the Act, when less than 20 percent of a respondent's sales of a given product were at prices less than the COP, we did not disregard any below-cost sales of that product because the below-cost sales were not made in substantial quantities within an extended period of time. When 20 percent or more of a respondent's sales of a given product during the POR were at prices less than the COP, we disregarded the below-cost sales because they were made in substantial quantities within an extended period of time pursuant to sections 773(b)(2)(B) and (C) of the Act and because, based on comparisons of prices to weighted-average COPs for the POR, we also determined that these sales were at prices which would not permit recovery of all costs within a reasonable period of time in accordance with section 773(b)(2)(D) of the Act. Based on this test, we disregarded below-cost sales with respect to all of the above-mentioned companies and indicated merchandise except where there were no sales or shipments subject to review.

We compared U.S. sales with sales of the foreign like product in the home market, as noted above. We considered all non-identical products within a bearing family to be equally similar. As defined in the questionnaire, a bearing family consists of all bearings which are the foreign like product that are the same in the following physical characteristics: load direction, bearing design, number of rows of rolling elements, precision rating, dynamic load rating, outer diameter, inner diameter, and width.

Home market prices were based on the packed, ex-factory or delivered prices to affiliated or unaffiliated purchasers. When applicable, we made adjustments for differences in packing and for movement expenses in accordance with sections 773(a)(6)(A) and (B) of the Act. We also made adjustments for differences in cost attributable to differences in physical characteristics of the merchandise pursuant to section 773(a)(6)(C)(ii) of the Act and for differences in circumstances of sale (COS) in accordance with section 773(a)(6)(C)(iii) of the Act and 19 CFR 351.410. For comparisons to EP, we made COS adjustments by deducting home market direct selling expenses and adding U.S. direct selling expenses. For comparisons to CEP, we made COS adjustments by deducting home market direct selling expenses from NV. We also made adjustments, when applicable, for home market indirect selling expenses to offset U.S. commissions in EP and CEP calculations.

In accordance with section 773(a)(1)(B)(i) of the Act, to the extent practicable, we based NV on sales at the same level of trade as the EP or CEP. If NV was calculated at a different level of trade, we made an adjustment, if appropriate and if possible, in accordance with section 773(a)(7) of the Act. (See *Level of Trade* section below.)

In accordance with section 773(a)(4) of the Act, we used CV as the basis for NV when there were no usable sales of the foreign like product in the comparison market. We calculated CV in accordance with section 773(e) of the Act. We included the cost of materials and fabrication, SG&A expenses, and profit in the calculation of CV. In accordance with section 773(e)(2)(A) of the Act, for all respondents except SNFA S.A. and Torrington Nadellager, we based SG&A expenses and profit on the amounts incurred and realized by each respondent in connection with the production and sale of the foreign like product in the ordinary course of trade for consumption in the home market. For Torrington Nadellager and SNFA S.A., pursuant to section 773(e)(2)(B) of the Act, we calculated profit for CV using an alternative methodology because the calculation of profit in accordance with section 773(e)(2)(A) of the Act is not attainable from the information on the record. For SNFA S.A. we calculated profit for CV in accordance with 773(e)(2)(B)(i); for Torrington Nadellager we calculated profit for CV in accordance with 773(e)(2)(B)(iii). See analysis memoranda from case analysts to Robin Gray, dated January 26, 1999, in Room B–099 for a description of the alternative CV-profit calculation methodologies.

When appropriate, we made adjustments to CV in accordance with section 773(a)(8) of the Act and 19 CFR 351.410 for COS differences and level-of-trade differences. For comparisons to EP, we made COS adjustments by deducting home market direct selling expenses from and adding U.S. direct selling expenses to NV. For comparisons to CEP, we made COS adjustments by deducting home market direct selling expenses. We also made adjustments, when applicable, for home market indirect selling expenses to offset U.S. commissions in EP and CEP comparisons.

When possible, we calculated CV at the same level of trade as the EP or CEP. If CV was calculated at a different level of trade, we made an adjustment, if appropriate and if possible, in accordance with sections 773(a)(7) and (8) of the Act. (See *Level of Trade* section below.)

Level of Trade

To the extent practicable, we determined NV for sales at the same level of trade as the U.S. sales (either EP or CEP). When there were no sales at the same level of trade, we compared U.S. sales to home market sales at a different level of trade. The NV level of trade is that of the starting-price sales in the home market. When NV is based on CV, the level of trade is that of the sales from which we derived SG&A and profit.

To determine whether home market sales are at a different level of trade than U.S. sales, we examined stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison-market sales were at a different level of trade and the differences affected price comparability, as manifested in a pattern of consistent price differences between the sales on which NV is based and comparison-market sales at the level of trade of the export transaction, we made a level-of-trade adjustment under section 773(a)(7)(A) of the Act. See *Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from South Africa,* 62 FR 61731 (November 19, 1997).

For a company-specific description of our level-of-trade analysis for these preliminary results, see Memorandum to Laurie Parkhill, Level of Trade, January 26, 1999, on file in Room B–099.

Methodology for Romania

Separate Rates

It is the Department's policy to assign all exporters of subject merchandise subject to review in a non-market-economy (NME) country a single rate unless an exporter can demonstrate that it is sufficiently independent to be entitled to a separate rate. For purposes of this ''separate rates'' inquiry, the Department analyzes each exporting entity under the test established in the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China,* 56 FR 20588 (May 6, 1991) (*Sparklers*), as amplified in *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China,* 59 FR 22585 (May 2, 1994) (*Silicon Carbide*). Under this test, exporters in NME countries are entitled to separate, company-specific margins when they can demonstrate an absence of government control over exports, both in law (*de jure*) and in fact (*de facto*).

Evidence supporting, though not requiring, a finding of *de jure* absence of government control includes the following: (1) an absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; and (3) any other formal measures by the government decentralizing control of companies.

De facto absence of government control with respect to exports is based on the following four criteria: (1) Whether the export prices are set by or subject to the approval of a government authority; (2) whether each exporter retains the proceeds from its sales and makes independent decisions regarding the disposition of profits or financing of losses; (3) whether each exporter has autonomy in making decisions regarding the selection of management; and (4) whether each exporter has the authority to negotiate and sign contracts. (See *Silicon Carbide* at 22587.) We have determined that the evidence of record demonstrates an absence of government control, both in

law and in fact, with respect to exports by TIE according to the criteria identified in *Sparklers* and *Silicon Carbide*. For a discussion of the Department's preliminary determination that TIE is entitled to a separate rate, see Memorandum from Suzanne Flood to Laurie Parkhill, dated January 20, 1999, ''*Assignment of Separate Rate for Tehnoimportexport: 1997–98 Administrative Review of the Antidumping Duty Order on Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Romania*'' (Separate Rate Memo), which is on file in Room B–099. Since TIE is preliminarily entitled to a separate rate and is the only Romanian firm for which an administrative review has been requested, it is not necessary for us to review any other Romanian exporters of subject merchandise.

Export Price—Romania

For sales made by TIE, we based our margin calculation on EP as defined in section 772(a) of the Act because the subject merchandise was first sold before the date of importation by the exporter of the subject merchandise outside of the United States to unaffiliated purchasers in the United States.

We calculated EP based on the packed price to unaffiliated purchasers in the United States. We made deductions from the price used to establish EP, where appropriate, for foreign inland freight, bank charges and international freight (air and ocean). To value foreign inland freight we used the freight rates from the public version of the Factors of Production Memorandum from *Disposable Lighters from the People's Republic of China* (A–570–834) (*Lighters from the PRC*) (April 27, 1995), which is on file in Room B–099. We used the actual reported expenses for international freight and bank charges because the expenses were paid to market-economy suppliers and incurred in market-economy currencies. No other adjustments were claimed or allowed.

Normal Value—Romania

For merchandise exported from an NME country, section 773(c)(1) of the Act provides that the Department shall determine NV using a factors-of-production methodology if available information does not permit the calculation of NV using home-market or third-country prices under section 773(a) of the Act. In every investigation or review we have conducted involving Romania, we have treated Romania as an NME country. None of the parties to this proceeding has contested such treatment in this review and, therefore, we have maintained our treatment of Romania as an NME for these preliminary results.

Accordingly, we calculated NV in accordance with section 773(c) of the Act and 19 CFR 351.408. In accordance with section 773(c)(3) of the Act, the factors of production used in producing AFBs include, but are not limited to, hours of labor required, quantities of raw materials employed, amounts of energy and other utilities consumed, and representative capital cost, including depreciation.

In accordance with section 773(c)(4) of the Act, the Department valued the factors of production, to the extent possible, using the prices or costs of factors of production in market-economy countries which are at a level of economic development comparable to that of Romania and which are significant producers of comparable merchandise. We determined that Indonesia is at a level of economic development comparable to that of Romania. We also found that Indonesia is a producer of bearings. Therefore, we have selected Indonesia as the primary surrogate country. For a further discussion of the Department's selection of surrogate countries, see Memorandum To The File from Suzanne Flood, dated January 21, 1999, ''*Surrogate-Country Selection: 1997–98 Administrative Review of the Antidumping Duty Order on Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from Romania*'' (Surrogate Memo), which is a public document on file in Room B–099.

For purposes of calculating NV, we valued the Romanian factors of production as follows:

- Where direct materials used to produce AFBs were imported by the producers from market-economy countries, we used the import price to value the material input. To value all other direct materials used in the production of AFBs, *i.e.*, those which were sourced from within Romania, we used the import value per metric ton of these materials into Indonesia as published in the 1997 *United Nations Trade Commodity Statistics (UNTCS)*, which includes the most recent published data closest to the months during the POR. We made adjustments to include freight costs incurred between the domestic suppliers and the AFB factories, using freight rates obtained from the public version of the April 27, 1995, calculation memorandum of *Lighters from the PRC*. We also reduced the steel input factors to account for the scrap steel that was sold by the producers of the relevant bearings.
- For labor, section 351.408(c)(3) of the Department's regulations requires the use of a regression-based wage rate. We have used the regression-based wage rate on Import Administration's internet website at www.ita.doc.gov/import—admin/records/wages.
- For factory overhead, SG&A expenses, and profit, we could not find values for the bearings industry in Indonesia. Therefore, consistent with *AFBs VIII*, we used the percentages calculated from the 1996 financial statements of the Indonesia company, P.T. Jaya Pari Steel Ltd. Corporation. See TIE Preliminary Analysis Memorandum from Suzanne Flood. We determined that amounts for energy usage for electricity and natural gas were included in the overhead calculations in these financial statements.
- To value packing materials, where materials used to package AFBs were imported into Romania from market-economy countries, we used the import price. To value all other packing materials, *i.e.*, those sourced from within Romania, we used the import value per metric ton of these materials (adjusted with the wholesale-price-index inflator to place these values on an equivalent basis) as published in the Indonesian Foreign Trade Statistical Bulletin—Imports. We adjusted these values to include freight costs incurred between the domestic suppliers and the AFB factories. To value freight costs, we used freight rates obtained from the public version of the calculation memorandum in *Lighters from the PRC*.

Preliminary Results of Reviews

As a result of our reviews, we preliminarily determine the weighted-average dumping margins (in percent) for the period May 1, 1997, through April 30, 1998, to be as follows:

Company	BBs	CRBs	SPBs
France			
SKF	7.35	(2)	7.39

Company	BBs	CRBs	SPBs
SNFA	0.41	0.21	(2)
SNR	2.91	1.91	(1)
Germany			
SKF	1.24	5.58	3.08
Torrington Nadellager	(2)	0.45	(3)
FAG	3.32	9.42	(1)
INA	7.51	3.97	0.93
Italy			
FAG	0.95	(1)	.....
SKF	3.42	(3)	.....
Somecat	1.24	(2)	.....
Japan			
Koyo	6.81	11.73	(1)
Nachi	11.19	1.51	(1)
NPBS	2.64	(2)	(2)
NSK Ltd.	0.74	4.31	(2)
NTN	0.59	0.71	1.05
Romania			
TIE	0.78	.....	.....
Sweden			
SKF	2.87	13.69	.....
United Kingdom			
Barden Corporation	2.89	(1)	.....
FAG (U.K.)	(1)	(1)	.....
NSK/RHP	21.46	51.05	.....
SNFA	0.00	(2)	.....

[1] No shipments or sales subject to this review. Rate is from the last relevant segment of the proceeding in which the firm had shipments/sales.
[2] No shipments or sales subject to this review. The firm has no individual rate from any segment of this proceeding.
[3] No review.

Any interested party may request a hearing within 30 days of the date of publication of this notice. A general issues hearing, if requested, and any hearings regarding issues related solely to specific countries, if requested, will be held in accordance with the following schedule and at the indicated locations in the main Commerce Department building:

Case	Date	Time	Room No.
General Issues	March 30, 1999	8:30 am	1412
Sweden	March 31, 1999	8:30 am	1412
Romania	March 31, 1999	2:00 pm	1412
Germany	April 1, 1999	8:30 am	1412
Italy	April 2, 1999	8:30 am	1412
United Kingdom	April 5, 1999	8:30 am	1412
France	April 5, 1999	2:00 pm	1412
Japan	April 6, 1999	8:30 am	1412

Issues raised in hearings will be limited to those raised in the respective case and rebuttal briefs. Case briefs from interested parties and rebuttal briefs, limited to the issues raised in the respective case briefs, may be submitted not later than the dates shown below for general issues and the respective country-specific cases. Parties who submit case or rebuttal briefs in these proceedings are requested to submit with each argument (1) a statement of the issue, and (2) a brief summary of the argument with an electronic version included.

Case	Briefs due	Rebuttals due
General Issues	March 19, 1999	March 26, 1999.
Sweden	March 22, 1999	March 29, 1999.
Romania	March 22, 1999	March 29, 1999.
Germany	March 23, 1999	March 30, 1999.
Italy	March 24, 1999	March 31, 1999.
United Kingdom	March 25, 1999	April 1, 1999.
France	March 25, 1999	April 1, 1999.

Case	Briefs due	Rebuttals due
Japan	March 26, 1999	April 2, 1999.

The Department will publish the final results of these administrative reviews, including the results of its analysis of issues raised in any such written briefs or hearings. The Department will issue final results of these reviews within 120 days of publication of these preliminary results.

Assessment Rates

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we have calculated, whenever possible, an exporter/importer-specific assessment rate or value for subject merchandise.

Export Price Sales

With respect to EP sales for these preliminary results, we divided the total dumping margins (calculated as the difference between normal value and EP) for each importer/customer by the total number of units sold to that importer/customer. We will direct the Customs Service to assess the resulting per-unit dollar amount against each unit of merchandise in each of that importer's/customer's entries under the relevant order during the review period.

Constructed Export Price Sales

For CEP sales (sampled and non-sampled), we divided the total dumping margins for the reviewed sales by the total entered value of those reviewed sales for each importer. When an affiliated party acts as an importer for EP sales we have included the applicable EP sales in this assessment-rate calculation. We will direct the Customs Service to assess the resulting percentage margin against the entered customs values for the subject merchandise on each of that importer's entries under the relevant order during the review period. While the Department is aware that the entered value of sales during the POR is not necessarily equal to the entered value of entries during the POR, use of entered value of sales as the basis of the assessment rate permits the Department to collect a reasonable approximation of the antidumping duties which would have been determined if the Department had reviewed those sales of merchandise actually entered during the POR.

Cash-Deposit Requirements

To calculate the cash-deposit rate for each respondent (*i.e.*, each exporter and/or manufacturer included in these reviews) we divided the total dumping margins for each company by the total net value for that company's sales of merchandise during the review period subject to each order.

In order to derive a single deposit rate for each order for each respondent, we weight-averaged the EP and CEP deposit rates (using the EP and CEP, respectively, as the weighting factors). To accomplish this when we sampled CEP sales, we first calculated the total dumping margins for all CEP sales during the review period by multiplying the sample CEP margins by the ratio of total days in the review period to days in the sample weeks. We then calculated a total net value for all CEP sales during the review period by multiplying the sample CEP total net value by the same ratio. We then divided the combined total dumping margins for both EP and CEP sales by the combined total value for both EP and CEP sales to obtain the deposit rate.

Entries of parts incorporated into finished bearings before sales to an unaffiliated customer in the United States will receive the respondent's deposit rate applicable to the order.

Furthermore, the following deposit requirements will be effective upon publication of the notice of final results of administrative reviews for all shipments of AFBs entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) The cash-deposit rates for the reviewed companies will be the rates shown above except that, for firms whose weighted-average margins are less than 0.5 percent and therefore *de minimis*, the Department shall not require a deposit of estimated antidumping duties; (2) for previously reviewed or investigated companies not listed above, the cash-deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash-deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash-deposit rate for all other manufacturers or exporters will continue to be the ''All Others'' rate for the relevant order made effective by the final results of review published on July 26, 1993 (see *Final Results of Antidumping Duty Administrative Reviews and Revocation in Part of an Antidumping Duty Order,* 58 FR 39729 (July 26, 1993), and, for BBs from Italy, see *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, et al: Final Results of Antidumping Duty Administrative Reviews, Partial Termination of Administrative Reviews, and Revocation in Part of Antidumping Duty Orders,* 61 FR 66472 (December 17, 1996)). These rates are the ''All Others'' rates from the relevant LTFV investigations.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative reviews.

This notice also serves as a reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

We are issuing and publishing this determination in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 16, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–4443 Filed 2–22–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–427–814, A–428–825, A–475–824, A–588–845, A–201–822, A–580–834, A–583–831, and A–412–818]

Preliminary Determinations of Sales at Less Than Fair Value, Stainless Steel Sheet and Strip from France, Germany, Italy, Japan, Mexico, South Korea, and United Kingdom; and Amended Preliminary Determination of Sales at Not Less Than Fair Value, Stainless Steel Sheet and Strip from Taiwan: Correction

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

ACTION: Correction to the Preliminary Determinations of Sales at Less Than Fair Value and Amended Preliminary Determination of Sales at Not Less Than Fair Value.

EFFECTIVE DATE: February 23, 1999.

FOR FURTHER INFORMATION CONTACT: Robert M. James, Antidumping and Countervailing Duty Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–5222.

Correction

The Department of Commerce (the Department) inadvertently misstated certain language in the ''Scope of the Investigation'' sections of the January 4, 1999 *Preliminary Determination of Sales at Less Than Fair Value (''LTFV''): Stainless Steel Sheet and Strip in Coils from France* (64 FR 130), *Germany* (64 FR 92), *Italy* (64 FR 116), *Japan* (64 FR 108), *Mexico* (64 FR 124), *South Korea* (64 FR 137), *Taiwan* (64 FR 101), *and the United Kingdom (64 FR 85);*[1] as well as the *Amended Preliminary Determination of Sales at Not LTFV: Stainless Steel Sheet and Strip in Coils From Taiwan* (A–583–831);[2] and the *Amended Preliminary Determination of Sales at LTFV: Stainless Steel Sheet and Strip in Coils From Korea*.[3] The effect of this error is that suspension of liquidation could be ordered for a certain product which is not, in fact, included in the scope of these investigations. In explaining this product's exclusion from the scope of the investigations each of these notices stated:

> Certain stainless steel foil for automotive catalytic converters is also excluded from the scope of this investigation. . . . This steel contains, by weight, . . . lanthanum of between 0.002 and 0.05 percent.

(Emphasis added). Pursuant to the Department's regulation at 19 CFR 351.224(e), we correct this statement in the notices referenced above to read as follows:

> Certain stainless steel foil for automotive catalytic converters is also excluded from the scope of this investigation. . . . This steel contains, by weight, . . . lanthanum of less than 0.002 or greater than 0.05 percent.

In addition to the error listed above, in the *Amended Preliminary Determination of Sales at Not Less Than Fair Value: Stainless Steel Sheet and Strip in Coils from Taiwan*, 64 FR 4070, the Department inadvertently referred to the case number as ''A–583–830.'' The proper case number is ''A–583–831.''

This correction is issued in accordance with section 351.224 of the Department's regulations (19 CFR 351.224, April 1, 1998).

Dated: February 8, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–4444 Filed 2–22–99; 8:45 am]

BILLING CODE 3510–DS–P

[1] The scope language in each notice was identical.

[2] 64 FR 4070 (January 27, 1999). The scope language in this Amended Preliminary Determination was consistent with the scope language from the original determinations.

[3] 64 FR 3928 (January 26, 1999). The scope language in this Amended Preliminary Determination was consistent with the scope language from the original determinations.

DEPARTMENT OF COMMERCE

International Trade Administration

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce invites U.S. companies to participate in the following overseas trade mission:

Ambassador David Aaron's Business Devevelopment Mission to Central America

Location: Honduras, Nicaragua, Guatemala, El Salvador

Date: March 21–28, 1999

Under Secretary of International Trade, Ambassador David Aaron will lead a business development mission of 15 U.S. companies to Central America. The mission will visit Honduras Nicaragua, Guatemala, and El Salvador. In the wake of Hurricane Mitch, significant portions of regional infrastructure, as well as major sources of foreign exchange and economic growth, have been damaged. Reconstruction needs are estimated at over $8 billion for the region. Focusing on reconstruction, the mission will strive to expand opportunities for U.S. companies in the following sectors: general infrastructure (roads and bridges; power generation/distribution; urban construction; environment; water; tourism; telecommunications; port expansion/management; emergency preparedness equipment), finance, light manufacturing, and agribusiness.

Additionally, the growing interest in the regional integration of energy, transport and telecommunication will be explored. In each country, meetings will be held with senior government officials, leaders of the local business communities and members of the American Chambers of Commerce.

Time frame for applications: Applications may be submitted after February 17, 1999 to the Director of the Infrastructure Division, Department of Commerce, 14th and Pennsylvania Avenue, NW, Room 4056, Washington, D.C. 20230; telephone: (202) 482–2374; *facsimile:* (202) 482–3352. *Internet address:* ''jay__smith@ita.doc.gov''.

All applications must be received by March 3, 1999. Applications received after that date will be considered on a space available basis.

FOR FURTHER INFORMATION CONTACT: Jay Smith, Department of Commerce Tel: 202–482–0681; Fax: 202–482–0304.

Dated: February 18, 1999.

Tom Nisbet,

Director, Promotion Planning and Support Division.

[FR Doc. 99–4445 Filed 2–22–99; 8:45 am]

BILLING CODE 3510–DRF–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Associated Form, and OMB Number: Request for Visit Authorization; DD Forms 1823 and 1823–C; OMB Number 0704–0221.

Type of Request: Reinstatement.

Number of Respondents: 64.

Responses Per Respondent: 623.

Annual Responses: 40,832.

Average Burden Per Response: 10 minutes.

Annual Burden Hours: 6,805.

Needs and Uses: Respondents are employees of foreign governments, businesses, or international

organizations requesting approval to visit Defense installations or Defense contractors on official business. The information collected provides the DoD approving authority with the data necessary to evaluate visit requests. It is also used to coordinate these visits and release information necessary to satisfy the visit purpose. Each request is limited to a visit to one location for multiple visitors on a specified subject.

Affected Public: Individuals (Representing foreign governments and international organizations); Businesses or Other For-Profit.

Frequency: On occasion.

Respondent's obligation: Required to Obtain or Retain Benefits.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: February 16, 1999.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99–4331 Filed 2–22–99; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Department of the Army

Advisory Committee Meeting Notice

AGENCY: Army Training and Doctrine Command (TRADOC), DOD.

ACTION: Notice of meeting.

SUMMARY: In accordance with section 10 (a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following meeting:

Name of Committee: Distance Learning/Training Technology Applications Subcommittee of the Army Education Advisory Committee.

Date: February 25, 1999.

Place: Newport News, Virginia.

Time: 1300–1500 on 25 February 1999.

Proposed Agenda: Review and discussion of the status of Army National Guard Distance Learning.

Purpose of the Meeting: The members will advise the Assistant Deputy Chief of Staff (ADCST), HQ Training and Doctrine Command (TRADOC), on matters pertaining to the Army National Guard Distance Learning system to include the Distributive Training Technology Project.

Waiver: Waiver to 15-day-notice requirement for the **Federal Register** is approved. Command Decision to hold the meeting in tandem with The Army Learning and Training Effectiveness Symposium, scheduled for 23–25 February, was made too late for timely notification. Combining the meetings will save travel expense for subcommittee members and National Guard briefer.

FOR FURTHER INFORMATION CONTACT: All communications regarding this subcommittee meeting should be addressed to Mr. Rick Karpinski, at Commander, Headquarters TRADOC, ATTN: ATTG–CF (Mr. Karpinski), Fort Monroe, VA 23651–5000; telephone number (757) 728–5531.

SUPPLEMENTARY INFORMATION: Meeting of the advisory committee is open to the public. Because of restricted meeting space, attendance will be limited to those persons who have notified Mr. Karpinski prior to the meeting of their intention to attend. He will provide meeting agenda and specific location.

Any member of the public may file a written statement with the committee before, during, or after the meeting. To the extent that time permits, the committee chairman may allow public presentations or oral statements at the meeting.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 99–4379 Filed 2–22–99; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Corps of Engineers

Chief of Engineers Environmental Advisory Board

AGENCY: Army Corps of Engineers, DoD.

ACTION: Notice of open meeting.

SUMMARY: In accordance with section 10(a)(2) of Pub. L. 92–463, The Federal Advisory Committee Act, this announces the 58th Meeting of the Chief of Engineers Environmental Advisory Board (EAB):

Name of Committee: Chief of Engineers Environmental Advisory Board

Dates of Meeting: April 19–23, 1999.

Place: Radisson Plaza Hotel, 815 Main Street, Fort Worth, Texas.

Time: 1 p.m–5 p.m. (April 19, 1999); 8 a.m.—5 p.m. (April 20, 1999); 8 a.m.–5 p.m. (April 21, 1999); 8 a.m.–5 p.m. (April 22, 1999); 8 a.m.–10 a.m. (April 23, 1999).

FOR FURTHER INFORMATION CONTACT: Dr. Lloyd Saunders, CECW–AG, U.S. Army Corps of Engineers, 20 Massachusetts Ave., NW, Washington, DC 20314–1000, phone (202) 761–8731.

SUPPLEMENTARY INFORMATION: The meeting will be divided into an orientation session and technical program. The Orientation Session, April 19, will explain Corps business practices to new members of the Board. Orientation will continue on April 20 with a field trip to local water resources projects. The technical program, April 21–23, will be the conclusion of our decision on the Watershed Perspective in Water Resources Development.

The meeting will be open to the public to the extent that space limitations of the meeting location permit. Because of these limitations, interested parties are requested to notify our office (above address) in writing at least five days prior to the meeting of their intent to attend.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 99–4380 Filed 2–22–99; 8:45 am]

BILLING CODE 3710–92–M

DEPARTMENT OF ENERGY

Nevada Operations Office; Notice of Solicitation for Research and Development on Automotive Electric Motor Drive (AEMD)

AGENCY: Nevada Operations Office, Department of Energy.

ACTION: Notice of issuance of a research cooperative agreement solicitation for an Automotive Electric Motor Drive for the Partnership for a New Generation of Vehicles.

SUMMARY: The Nevada Operations Office of the Department of Energy (DOE) plans to issue a Financial Assistance Solicitation for Research and Development of an Automotive Electric Motor Drive (AEMD) under Solicitation Number: DE–SC08–99EE50569. This solicitation, which is due to be released on or about March 12, 1999, supports the Government/automotive industry Partnership for a New Generation of Vehicles (PNGV). The Partnership goal is to develop light-duty vehicles that achieve up to 80 mpg, meet emission standards, and offer the same level of performance and cost as today's vehicles. Additional information on the Partnership can be obtained at the United States Council for Automotive Research (USCAR) Internet web site

http://uscar.org. The technology that has been selected by PNGV to attain the goals are hybrid electric propulsion, with direct injection engines, fuel cells, light-weight materials, along with advanced integrated power electronics. The goal is to develop one or more subsystem suppliers who will develop the next generation AEMD which will eventually be integrated with the Automotive Integrated Power Module (AIPM). The AIPM procurement activity is currently under the Department of Energy's Chicago Operations Office solicitation number DE–SC02–98EE5025. Applicants for the AEMD solicitation shall develop and demonstrate their innovation by using open architecture concepts that permit scalable power output capability, and low-cost manufacturing to meet automotive goals and requirements. Further, the selected applicant(s) shall participate with DOE and its automotive industry partners to demonstrate the system capabilities of the proposed AEMD. Independent of this solicitation, DOE plans to do a vehicle system validation of this technology. Those prototypes that are successful may be used to develop automotive engineering solutions for operation under extreme conditions. The AEMD specification was coordinated with the DOE AIPM Program, efforts of the Automotive Industry Partnership and the Institute of Electrical and Electronic Engineers (IEEE). Additional information can be found on the USCAR web site and the IEEE web site *http://stdsbbs.ieee.org/groups/1461.* System integration issues for the AEMD include delivery of complete full scale models incorporating the principles of design for manufacturing and means to update DOE existing cost analyses.

DATES: All applications for Solicitation Number: DE–SC08–99EE50569 should be received according to the solicitation's Due Date for Applications. This solicitation is expected to be released on or about March 12, 1999.

ADDRESSES: Applications should be sent to U.S. Department of Energy, Nevada Operations Office, Contracts Management Division, ATTN: Rosa M. Gomez, 232 Energy Way, N. Las Vegas, Nevada 89030.

FOR FURTHER INFORMATION CONTACT: All questions should be addressed to Rosa M. Gomez, Contracts Management Division, Telephone Number: (702) 295–4064, Fax Number: (702) 295–5305. A copy of the solicitation will be accessible via Internet: *http://www.nv.doe.gov/business/procurement/solicit.htm.* There will be no printed or hard copies of the Solicitation mailed. If you do not have access to the Internet, there is a public reading room available for viewing the document at DOE/NV's facility in North Las Vegas, Nevada. Additionally, most public libraries have resources available to electronically access and download the Solicitation. CAUTION: This Solicitation will be issued electronically as well as any amendments thereto. Because of this, the Government is under no obligation and is in fact unable to maintain a COMPLETE bidders mailing list. It is therefore incumbent upon any interested parties to periodically access the above Internet address in order to obtain any amendments which may be issued. Failure to obtain any said amendments and to respond to them prior to the date and time set for receipt of applications may render your application nonresponsive and result in rejection of the same.

SUPPLEMENTARY INFORMATION: DOE anticipates that multiple agreements may result from this solicitation. Periods of performance may range from 24 to 36 months and total estimated DOE funds in the amount of $6,000,000 are anticipated. Cost sharing requirements will be at least 50 percent of total estimated costs. Awards are subject to the availability of funds. The issuance of a solicitation will not obligate DOE to make any award(s). Any non-profit or for-profit organization, university of other institution of higher education, or non-federal agency or entity is eligible to apply. Federal laboratory participation will be limited to the Designated Scientific User Facilities, which are identified on the solicitation's web site stated above. The solicitation will provide further guidance in this area. Award(s) resulting from this solicitation will be subject to the requirements of the Energy Policy Act, which in general, requires that the awardee be a United States-owned company (including certain non-profits) or that the foreign country in which the parent company is located meets certain conditions of reciprocity in the treatment of investments, access to research and development programs, and protection of intellectual property. All responsible sources, as indicated above, may submit an application which will be considered by the Government. All interested organizations are invited to submit applications.

Issued in North Las Vegas, Nevada on February 8, 1999.

Kenneth W. Powers,

Head of Contracting Activity.

[FR Doc. 99–4419 Filed 2–22–99; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF ENERGY

Notice of Availability of Solicitation for Awards of Financial Assistance

AGENCY: Idaho Operations Office, DOE.

ACTION: Notice of availability of Solicitation Number DE–PS07–99ID13744—Geothermal Power Initiative.

SUMMARY: The U.S. Department of Energy (DOE) Idaho Operations Office (ID) is seeking applications for cost-shared research and development in the area of geothermal energy conversion technology. The research is to be directed toward the domestic use and development of new technologies that enhance the feasibility of generating electrical power from geothermal resources by lowering costs and/or improving performance. DOE funds will be used only to fund tasks directly related to the research and development of geothermal power plant technology. Tasks that support reservoir technology, exploration, or drilling will not be funded. Applications involving work in foreign countries will not be considered.

DATES: The deadlines for receipt of full applications are March 10, 1999, May 12, 1999, and August 11, 1999 at 3:00 p.m. MST.

ADDRESSES: Applications should be submitted to: Beth Dahl, Contract Specialist, Procurement Services Division, U.S. Department of Energy, Idaho Operations Office, 850 Energy Drive, Mail Stop 1221, Idaho Falls, Idaho 83401–1563.

FOR FURTHER INFORMATION CONTACT: Beth Dahl, Contract Specialist at *dahlee@id.doe.gov,* or Linda Hallum, Contracting Officer at *hallumla@id.doe.gov.*

SUPPLEMENTARY INFORMATION: DOE anticipates making up to 6 grant/cooperative agreement awards, each with duration of three years or less. The awardee is required to provide a minimum of 20% cost-share for the proposed activities. Federal funds presently available for this solicitation are $1,100,000. Additional funds are subject to funding availability. Federal cost share of $200,000 is preferred. For-profit, not-for-profit, state and local governments, Indian Tribes, and institutions of higher education may submit applications in response to this solicitation.

The statutory authorities for this program are the Geothermal Energy Research, Development and Demonstration Act of 1974 (Public Law 93–410) and the Energy Policy Act of 1992 (EPACT).

The issuance date of Solicitation Number DE–PS07–99ID13744 is on or about February 10, 1999. The solicitation is available in its full text via the Internet at the following address: *http://www.id.doe.gov/doeid/PSD/procdiv.html.* Applications shall be submitted by 3:00 p.m. MST on March 10, 1999, May 12, 1999, and August 11, 1999. Technical and non-technical questions should be submitted in writing to Beth Dahl by facsimile at 208–526–5548 or by e-mail *(dahlee@id.doe.gov)* no later than February 17, 1999, April 1, 1999, and July 1, 1999.

Issued in Idaho Falls on February 10, 1999.

Michael L. Adams,

Acting Director, Procurement Services Division.

[FR Doc. 99–4418 Filed 2–22–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Golden Field Office

Remote Applications of Renewable Power Technologies on Native American Lands

AGENCY: Office of Energy Efficiency and Renewable Energy, Golden Field Office, DOE.

ACTION: Notice of Supplemental Announcement (08) to the Broad Based Solicitation for Financial Assistance Applications Involving Research, Development and Demonstration for Renewable Energy and Energy Efficiency Technologies, DE–PS36–99GO10383.

SUMMARY: The U.S. Department of Energy (DOE), pursuant to the DOE Financial Assistance Rules, 10 CFR 600.8, is announcing its intention to solicit applications for Remote Applications of Renewable Power Technologies on Native American Lands. Financial assistance awards issued under this Supplemental Announcement will be cooperative agreements.

DATES: The solicitation will be issued on or about February 17, 1999.

ADDRESSES: Copies of the Solicitation once issued, can be obtained from the Golden Field Office Home page at http://www.eren.doe.gov/golden/solicitations.html. DOE will issue written copies of the solicitation upon request.

SUPPLEMENTARY INFORMATION: DOE is soliciting Applications to develop and field validate the use of renewable power systems on reservations or other tribally-owned lands for a variety of applications. Eligible technologies include photovoltaics (PV), wind, biomass power, hydro, solar ponds, concentrating solar power, geothermal electricity generation, geothermal direct uses, ground-coupled heat pumps, and other renewable hybrid systems. Applications include, but are not limited to, the use of renewable power for: direct electrical generation; residential, commercial or industrial building uses; water pumping; crop drying and processing; or other small off-grid power systems. Successful applications should demonstrate the potential for job creation, market penetration of renewable power technology, replicability, and economic and environmental benefits including those specific to the participating tribe(s) or tribal members. Applicants must provide at least three years of operational information on the fielded systems and document system performance in a final report. DOE will only consider Applications that include, as an active partner, a Federally recognized Indian tribe or Alaskan Native Corporation on whose reservation or tribally-owned lands the system(s) will be located. Proposals under this solicitation must demonstrate viable opportunities for the development and field validation of renewable power applications on reservation(s) or tribally-owned land that are economical and environmentally viable. Successful applications shall demonstrate the potential for job creation, market penetration of renewable power technology, replicability, and economic and environmental benefits including those specific to the participating tribe(s) or tribal members. Applicants are encouraged, but not required, to form business relationships or collaborative arrangements with the U.S. renewable power industry, National Laboratories, the utility industry, and academic institutions to support the advancement of renewable power technology. The ability of the participants to design, install, validate, maintain, and operate the renewable power systems will be a major factor in selecting projects for award under this solicitation. During the project period, each partnership will design renewable power systems for specific application on reservation(s) or other tribally-owned lands; develop and implement education and training programs for tribal members; establish arrangements for system maintenance, operation, and monitoring; identify future opportunities for replication; and document system(s) performance and potential enhancements, economic and environmental benefits, lessons learned during the project; and plans for future commercial development. An interim report documenting project accomplishments, lessons learned, and plans for system(s) monitoring will be required prior to the three year operational period. Awards under this Supplemental Announcement will be cooperative agreements with a term of up to five years including the three-year operational period. Subject to funding availability, the total DOE funding available for all technologies under this Supplemental Announcement will be approximately $1,800,000. A minimum of $300,000 will be awarded to wind energy projects due to sources of funding available. DOE anticipates selecting 10 to 20 applications for award under this Supplemental Announcement. A minimum cost share of 20% of total project costs is required from non-Federal sources in order to be considered for award under this solicitation, unless the applicant is a for-profit private sector institution, in which case a cost share of 50% of total project costs is required. Solicitation Number DE–PS36–99GO10383, in conjunction with this Supplemental Announcement 08, will include complete information on the program including technical aspects, funding, application preparation instructions, application evaluation criteria, and other factors that will be considered when selecting projects for funding. Issuance of the solicitation is planned for February 17, 1999, with responses due on May 18, 1999. A pre-application conference will be held March 8, 1999 from 2 pm to 5 pm Mountain Standard Time. The conference will be held at the Crown Plaza Hotel in Phoenix, AZ in conjunction with the ''Reservation Economic Summit.'' Potential applicants are encouraged to submit questions prior to the pre-application conference. Questions should be submitted in writing to: John P. Motz, DOE Golden Field Office, 1617 Cole Boulevard, Golden, CO 80401–3393; transmitted via facsimile to John P. Motz at (303) 275–4788; or electronically to john__motz@nrel.gov. To confirm your participation in the pre-application conference, contact Amy Johnson at (303) 275–4716 or via facsimile at (303) 275–4788.

FOR FURTHER INFORMATION CONTACT: John Motz, Contract Specialist, at 303–275–4737, e-mail john__motz@nrel.gov, or Robert Martin, Project Officer, at 303–275–4763, e-mail robert__martin@nrel.gov.

Issued in Golden, Colorado, on February 16, 1999 .

Matthew A. Barron,

Acting Procurement Director, GO

[FR Doc. 99–4420 Filed 2–22–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER99–1001–000]

CH Resources, Inc.; Notice of Issuance of Order

February 17, 1999.

CH resources, Inc. (CH Resources), a power marketer and wholly-owned subsidiary of Central Hudson Gas & Electric Company, filed an application requesting that the Commission authorize it to sell capacity and energy at market-based rates, and for certain waivers and authorizations. In particular, CH Resources requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liabilities by CH Resources. On February 11, 1999, the Commission issued an Order Conditionally Accepting For Filing Proposed Rate Schedules For Sales Of Capacity, Energy, And Ancillary Services At Market-Based Rates (Order), in the above-docketed proceeding.

The Commission's February 11, 1999 Order granted the request for blanket approval under Part 34, subject to the conditions found in Ordering Paragraphs (E), (F), and (H):

(E) Within 30 days of the date of this order, any person desiring to be heard or to protest the Commission's blanket approval of issuances of securities or assumptions of liabilities by CH Resources should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214.

(F) Absent a request to be heard within the period set forth in Ordering Paragraph (E) above, CH Resources is hereby authorized to issue securities and assume obligations and liabilities as guarantor, indorser, surety or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of CH Resources, compatible with the public interest, and reasonably necessary or appropriate for such purposes.

(H) The Commission reserves the right to modify this order to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of CH Resources' issuances of securities or assumptions of liabilities.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 15, 1999.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, N.E., Washington, D.C. 20426.

David P. Boergers,

Secretary.

[FR Doc. 99–4375 Filed 2–22–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–209–000]

Columbia Gas Transmission Corporation; Notice of Application

February 17, 1999.

Take notice that on February 10, 1999, Columbia Gas Transmission Corporation, (Columbia), 12801 Fairlakes Parkway, Fairfax, Virginia 22030–0146, filed in Docket No. CP99–209–000, an abbreviated application pursuant to Sections 7 (c) and (b) of the Natural Gas Act (NGA) for permission and approval to replace certain natural gas facilities and the abandonment of the facilities being replaced, all as more fully set forth in the application on file with the Federal Energy Regulatory Commission and open to public inspection.

This filing may also be viewed on the web at http://www.ferc.fed.us/online/rims.htm (please call (202) 208–2222 for assistance).

Columbia proposes the construction and operation of approximately 0.33 mile of 4-inch pipeline and appurtenances and the abandonment of approximately 0.25 mile of 4-inch and 0.08 mile of 6-inch storage pipeline and appurtenances to be replaced. Columbia states the facilities to be replaced and abandoned are designated as Columbia's Line 19302, located in Schuyler County, New York.

Columbia does not request authorization for any new or additional service. Columbia reports that the estimated cost of the proposed construction would be $170,900.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 10, 1999, 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 taken but will not serve to make the Protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

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 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 advised, it will be unnecessary for Columbia to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–4403 Filed 2–22–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–222–001]

Columbia Gulf Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

February 17, 1999.

Take notice that on February 11, 1999, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheet, bearing a proposed effective date of March 11, 1999:

Third Revised Sheet No. 317

Columbia Gulf states that on February 9, 1999 it filed revised tariff sheets in

Docket No. RP99–222, revising the pro forma service agreements in its tariff to incorporate the types of discounts that Columbia Gulf and its customers may consider. It has come to Columbia Gulf's attention that the header information set forth on Third Revised Sheet No. 317 incorrectly reflected Volume No. 2 instead of Volume No. 1 of its FERC Gas Tariff. By the instant filing Columbia Gulf is requesting permission to withdraw its filing of February 9, 1999, and to resubmit the instant filing with the correct Volume No. 1, bearing the same effective date of March.

Columbia Gulf states that this filing is being submitted to modify the pro forma service agreement in its tariff to specify types of permissible rate discounts. As permissible rate discounts, such discounts would not constitute a ''material deviation.''

Columbia Gulf states that copies of its filing have been mailed to all firm customers, interruptible customers and affected state commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such 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. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–4409 Filed 2–22–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–207–000]

East Tennessee Natural Gas Company; Notice of Request Under Blanket Authorization

February 17, 1999.

Take notice that on February 10, 1999, East Tennessee Natural Gas Company (East Tennessee), P.O. Box 2511, Houston, Texas 77252–2511, filed, in Docket No. CP99–207–000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.212) for authorization to install and operate a new delivery point in Hamilton County, Tennessee under East Tennessee's blanket certificate issued in Docket No. CP82–412–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection. The application may be viewed on the web at www.ferc.fed.us/online/rims/htm (call (202) 208–2222 for assistance).

East Tennessee states that it proposes to install and operate a 4-inch tap, check valve, interconnecting pipe and electronic gas measurement equipment to serve E.I. duPont de Nemours and Company (duPont). East Tennessee states that the volumes proposed to be delivered to duPont will be pursuant to East Tennessee's blanket transportation certificate authorized in FERC Docket No. CP90–1292 and that duPont's estimated peak day requirements will be 4,800 Mcf per day. East Tennessee further states that the proposed activities will not affect East Tennessee's ability to serve its other existing customers.

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. 99–4399 Filed 2–22–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–194–000]

El Paso Natural Gas Company; Notice of Request Under Blanket Authorization

February 17, 1999.

Take notice that on February 5, 1999, El Paso Natural Gas Company (El Paso), a Delaware corporation, whose mailing address is P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP99–194–000 a request pursuant to Sections 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.216) for authorization to abandon by removal the J.E. Meacham Tap with appurtenances and the service rendered by means thereof, in Maricopa County, Arizona, under the blanket authorization issued in CP82–435–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection. The application may be viewed on the web at www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance).

The request states that certificate authorization for the installation of the J.E. Meacham Tap with appurtenances, was permitted under Section 2.55(c) of the Commission's Rules of Practice and Procedure. This facility was required by El Paso to facilitate the delivery and/or measurement and sale of natural gas from its interstate transmission pipeline system to Southwest Gas Corporation (Southwest) for resale.

By letter dated August 25, 1998, Southwest requested El Paso to abandon and remove the J.E. Meacham Tap. Southwest's request was prompted by a private developer requesting the removal of this facility due to the encroachment of a business development. Accordingly, El Paso proposes to abandon the J.E. Meacham Tap, with appurtenances, and the related natural gas service. It is El Paso's understanding that Southwest has arranged to provide service to its customers behind the J.E. Meacham Tap through Southwest's facilities at an alternate location. The proposed abandonment will not result in or cause any interruption, reduction or termination of natural gas service presently rendered to El Paso's customers. El Paso proposes to abandon the tap facility by removal. El Paso will remove and scrap the tap facilities. There will be no salvage or cost of

removal associated with the removal of the J.E. Meacham Tap.

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. 99–4398 Filed 2–22–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–208–000]

El Paso Natural Gas Company; Notice of Request Under Blanket Authorization

February 17, 1999.

Take notice that on February 10, 1999, El Paso Natural Gas Company (El Paso), PO Box 1492, El Paso, Texas, 79978, filed a request pursuant to Sections 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.216) pursuant to its blanket certificate issued in Docket No. CP82–435–000, for authorization to abandon and remove one tap and four meter facilities serving KN Marketing, L.P. (KN), all as more fully set forth in the request that is on file with the Commission and open to public inspection. The application may be viewed at www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance).

By letter agreement dated August 10, 1998, KN consented to El Paso's abandonment by removal the Ewing Halsell Tap, the Lariat, Farwell Junction, Friona South, and the Palo Dura Meter Stations due to long-term inactivity. El Paso advises that the tap and meter stations have been on a temporary disconnect since January 1985 and May 1991, respectively.

El Paso also states that after the abandonment, any salvable materials will be removed and scrapped, that non-salvable items will be removed and placed in stock, and that the abandonment will render no interruption, reduction or termination of natural gas service presented rendered to El Paso's customers. El Paso has estimated the cost of removal at $500.

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 (19 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. 99–4400 Filed 2–22–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–41–002]

El Paso Natural Gas Company; Notice of Compliance Filing

February 17, 1999.

Take notice that on February 11, 1999, El Paso Natural Gas Company (El Paso) tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1–A, the following tariff sheets:

1st Sub Third Revised Sheet No. 211
1st Sub First Revised Sheet No. 211a

El Paso states that the filing is being made in compliance with the Commission's order issued January 27, 1999 at Docket No. RM99–41–001.

El Paso states that the tariff sheets are being filed to clarify El Paso's bumping tariff provisions in compliance with the Commission's order in this proceeding. The tariff sheets are proposed to become effective November 1, 1998.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such 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. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www/ferc.fed.us./online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–4408 Filed 2–22–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Entergy Nuclear Generation Company; Notice of Issuance of Order

[Docket No. ER99–1004–000]

February 17, 1999.

Entergy Nuclear Generation Company (Entergy Nuclear), an affiliate of Entergy Corporation, filed an application requesting that the Commission authorize it to engage in wholesale power sales at market-based rates, and for certain waivers and authorizations. In particular, Entergy Nuclear requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liabilities by Entergy Nuclear. On February 11, 1999, the Commission issued an Order Conditionally Accepting For Filing Market-Based Rates And Reassignment Of Transmission Capacity And Granting Waiver Of Notice (Order), in the above-docketed proceeding.

The Commission's February 11, 1999 Order granted the request for blanket approval under Part 34, subject to the conditions found in Ordering Paragraphs (D), (E), and (G):

(D) Within 30 days of the date of this order, any person desiring to be heard or to protest the Commission's blanket approval of issuances of securities or assumptions of liabilities by Entergy Nuclear should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214.

(E) Absent a request to be heard within the period set forth in Ordering Paragraph (D) above, Entergy Nuclear is hereby authorized to issue securities and assume obligations and liabilities as guarantor, indorser, surety or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of Entergy Nuclear, compatible with the public interest, and reasonably necessary or appropriate for such purposes.

(G) The Commission reserves the right to modify this order to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of Entergy Nuclear's issuances of securities or assumptions of liabilities. * * *

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 15, 1999.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, N.E., Washington, D.C. 20426.

David P. Boergers,

Secretary.

[FR Doc. 99–4376 Filed 2–22–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–183–000]

Mississippi Canyon Gas Pipeline, LLC; Notice of Request Under Blanket Authorization

February 17, 1999.

Take notice that on January 29, 1999, Mississippi Canyon Gas Pipeline, LLC (MCGP), 1301 McKinney, Suite 700, Houston, Texas 77010, filed and supplemented on February 12, 1999, in Docket No. CP99–183–000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.212) for authorization to establish a new delivery point in Plaquemines Parish, Louisiana under MCGP's blanket certificate issued in Docket No. CP97–172–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection. The application may be viewed on the web at www.ferc.fed.us/online/rims/htm (call (202) 208–2222 for assistance).

MCGP states that the proposed delivery point will consist of 400 feet of sixteen-inch pipe and three meter runs that commence at an existing valve on the MCGP meter skid and extend to an existing valve on the Tennessee Gas Pipeline Company (TGPC) piping located in the Venice Gas Plant. MCGP states that it will construct and own the delivery point and TGPC will operate the new delivery point. MCGP states that up to 360 MMCF/day of natural gas can be delivered at the new delivery point and it will have no impact on the 600 MMCF/day capacity of the 30-inch MCGP system. MCGP states that this request is not prohibited by any existing tariff provisions.

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 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. 99–4397 Filed 2–22–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–203–000]

Northern Natural Gas Company; Notice of Informal Settlement Conference

February 17, 1999.

Take notice that an informal settlement conference will be convened in this proceeding commencing at 9:00 a.m., on Tuesday, February 23, 1999, at the offices of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, for the purpose of exploring the possible settlement of the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, please contact Sandra J. Delude at (202) 208–0583, Bob Keegan at (202) 208–0158, or Edith A. Gilmore at (202) 208–2158.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–4377 Filed 2–22–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 477, 135, and 2195]

Portland General Electric Company, Portland, OR; Notice of Initial Information Meeting for Portland General Electric Company's Relicense of the Bull Run, Oak Grove, and North Fork Hydroelectric Projects

February 17, 1999.

By letter dated September 1, 1998, Portland General Electric Company (PGE) of Portland, Oregon, has asked to use an alternative procedure, including use of a third-party contractor, in filing an application for a new license for their Bull Run Project No. 477, Oak Grove Project No. 135, and North Fork Project No. 2195.[1]

The Commission's regulations allow applicants the option of hiring a third-party contractor (supervised by the Commission) to prepare a Preliminary Draft Environmental Impact Statement (PDEIS) for a hydropower project, and filing the PDEIS with their license application as part of the alternative licensing procedure.[2] On December 10, 1998, the Commission approved the use of an alternative licensing procedure in the preparation of the Bull Run, Oak Grove, and North Fork license applications.

The alternative procedures include provisions for the distribution of an initial information package, and for the identification of special studies and environmental issues. On December 21, 1998, Portland General Electric distributed an initial information package (IIP) to all parties who had expressed interest in the proceeding for

[1] The Bull Run project, near the town of Sandy, Oregon, consists of diversion dams on the Sandy River and Little Sand River and a powerhouse on the Bull Run River. The Oak Grove Project, near the town of Estacada, Oregon, consists of two dams on the Oak Grove Fork of the Clackamas River and a powerhouse on the Clackamas River. The North Fork Project, also near the town of Estacada, Oregon, consists of three dams and a powerhouse on the Clackamas River.

[2] 81 FERC 61,103 (1997).

the Bull Run Project. On February 12, 1999, PGE distributed IIPs to all parties for the Oak Grove and North Fork Projects. Copies of the IIPs can be obtained by contacting David Heintzman of PGE at 503–464–8162.

Two public meetings will be held to discuss these documents. PGE will give an overview of the existing facilities and operation, discuss what is currently known about environmental resources at the project, and discuss how those resources are currently being managed. As time permits, preliminary environmental issues and special studies will be discussed.

Additional notices seeking comments on the specific project proposal, public scoping, interventions and protests, and recommended terms and conditions will be issued at later dates.

PGE will hold the public meetings on March 16 & 17. All interested individuals, organizations, and agency representatives are invited and encouraged to attend any or all the meetings.

The March 16th meeting will be held at the Environmental Learning Center, Lakeside Education Hall, Clackamas Community College, 19600 South Molalla Avenue, Oregon City, Oregon, from 7 p.m. until 9 p.m.

The March 17th meeting will be held at the Two World Trade Center, Plaza Conference Room, 121 SW Salmon Street, Portland, Oregon from 9 a.m. until 3 p.m.

For further information, pleases contact Dave Hientzman at PGE at 503–464–8162 or John Blair at the Commission at (202) 219–2845.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–4404 Filed 2–22–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER99–970–000]

RockGen Energy, LLC; Notice of Issuance of Order

February 17, 1999.

RockGen Energy, LLC (RockGen), is a limited liability company formed for the purpose of constructing, owning, and operating a 525 MW generating plant in Wisconsin. RockGen states that electric capacity and energy produced at the facility will be sold at market rates under a Power Purchase Agreement to Wisconsin Power & Light Company, Interstate Power Corporation, and IES Utilities, Inc. In addition, RockGen will sell energy to a power marketer and other third parties. RockGen filed an application requesting that the Commission authorize it to engage in power sales at market-based rates, and for certain waivers and authorizations. In particular, RockGen requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liabilities by RockGen. On February 11, 1999, the Commission issued an Order Accepting For Filing Proposed Market-Based Rates (Order), in the above-docketed proceeding.

The Commission's February 11, 1990 Order granted the request for blanket approval under Part 34, subject to the conditions found in Ordering Paragraphs (E), (F), and (H):

(E) Within 30 days of the date of this order, any person desiring to be heard or to protest the Commission's blanket approval of issuances of securities or assumptions of liabilities by RockGen should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214.

(F) Absent a request to be heard within the period set forth in Ordering Paragraph (E) above, RockGen is hereby authorized to issue securities and assume obligations and liabilities as guarantor, indorser, surety or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of RockGen, compatible with the public interest, and reasonably necessary or appropriate for such purposes.

(H) The Commission reserves the right to modify this order to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of RockGen's issuances of securities or assumptions of liabilities.* * *

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 15, 1999.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, N.E., Washington, D.C. 20426.

David P. Boergers,

Secretary.

[FR Doc. 99–4374 Filed 2–22–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER99–972–000]

SkyGen Energy Marketing LLC; Notice of Filing

February 17, 1999.

Take notice that on January 25, 1999, SkyGen Energy Marketing LLC (SkyGen Energy) tendered for filing two letters in response to a Commission Staff request for additional information dated January 12, 1999, including an organizational chart listing all the entities affiliated with SkyGen Energy and its direct and upstream owners. SkyGen Energy requested confidential treatment of the organizational chart pursuant to 18 CFR 388.112.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before February 24, 1999. Protests will be considered by the Commission to determine 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 or on the internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–4378 Filed 2–22–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–140–004]

Tennessee Gas Pipeline Company; Notice of Compliance Filing

February 17, 1999.

Take notice that on February 11, 1999, Tennessee Gas Pipeline Company (Tennessee), tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, First Revised Sheet No. 405D for inclusion in Tennessee's. Tennessee requests an effective date of March 13, 1999.

Tennessee states that the revised tariff sheet is being submitted in compliance with the Commission's ''Order on Rehearing and Clarification'' issued on January 27, 1999 in Docket No. RP98–140–003 (Rehearing Order) and the Commission's Letter Order issued on January 27, 1999 in Docket No. RP98–140–002 (Compliance Order). Tennessee Gas Pipeline company, 86 FERC ¶ 61,066 (1999). Tennessee further states that this revised tariff sheet contains certain modifications which the Compliance Order and the Rehearing Order, taken in tandem, required Tennessee to make to its tariff provisions authorizing Tennessee to reserve certain types of existing available capacity for future expansion projects.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such 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. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–4407 Filed 2–22–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER99–967–000]

Wisvest-Connecticut, L.L.C.; Notice of Issuance of Order

February 17, 1999.

Wisvest-Connecticut, L.L.C. (Wisvest-Connecticut), filed a proposed rate schedule that would allow it to make sales of power at market-based rates, and for certain waivers and authorizations. In particular, Wisvest-Connecticut requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liabilities by Wisvest-Connecticut. On February 10, 1999, the Commission issued an Order Conditionally Accepted For Filing Proposed Rate Schedules For Sales Of Capacity, Energy, And Ancillary Services At Market-Based Rates (Order), in the above docketed proceeding.

The Commission's February 10, 1999 Order granted the request for blanket approval under Part 34, subject to the conditions found in Ordering Paragraphs (C), (D), and (F):

(C) Within 30 days of the date of this order, any person desiring to be heard or to protest the Commission's blanket approval of issuances of securities or assumptions of liabilities by Wisvest-Connecticut should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 an 385.214.

(D) Absent a request to be heard within the period set forth in Ordering Paragraph (C) above, Wisvest-Connecticut is hereby authorized to issue securities and assume obligations and liabilities as guarantor, indorser, surety or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of Wisvest-Connecticut, compatible with the public interest, and reasonably necessary or appropriate for such purposes.

(F) The Commission reserves the right to modify this order to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of Wisvest-Connecticut's issuances of securities or assumptions of liabilities.

* * *

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 12, 1999.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, N.E., Washington, D.C. 20426.

Davud P. Boergers,

Secretary.

[FR Doc. 99–4373 Filed 2–22–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Request for Motions To Intervene and Protests

February 17, 1999.

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

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* P–11663–000.

c. *Date filed:* January 14, 1999.

d. *Applicant:* Universal Electric Power Corp.

e. *Name of Project:* Allegheny Lock and Dam No. 7 Project.

f. *Location:* At the U.S. Army Corps of Engineers' Allegheny Lock and Dam No. 7 Project on the Allegheny River, near the Town of Kittaning, Armstrong County, Pennsylvania.

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

h. *Applicant Contact:* Mr. Ronald S. Feltenberger, Universal Electric Power Corp., 1145 Highbrook Street, Akron, Ohio 44301, (330) 535–7115.

i. *FERC Contact:* Ed Lee (202) 219–2808 or E-mail address at Lee.Ed@FERC.fed.us.

j. *Comment Date:* April 26, 1999.

k. *Description of Project:* The proposed project would utilize the U.S. Army Corps of Engineers' Allegheny Dam No. 7 and Reservoir, and would consist of the following facilities: (1) a new powerhouse to be constructed on the downstream side of the dam having an installed capacity of 11,680 kilowatts; (2) a new 14.7–kV transmission line; and (3) appurtenant facilities. The proposed average annual generation is estimated to be 48.5 gawatthours. The cost of the studies under the permit will not exceed $2,250,000.

l. *This notice also consists of the following standard paragraphs:* A5, A7, A9, A10, B, C, and D2.

m. *Available Locations of Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 888 North Capitol Street, N.E., Room 2–A, Washington, D.C. 20426, or by calling (202) 219–1371. A copy is also available for inspection and reproduction at Universal Electric Power Corp., Mr. Ronald S. Feltenberger 1145 Highbrook Street, Akron, Ohio 44301, (330) 535–7115. A copy of the application may

also be viewed or printed by accessing the Commission's website on the Internet at www.ferc.fed.us/online/rims.htm (for assistance, users may call (202) 208–2222).

A5. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

A7. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

A10. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

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.

C. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''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. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or 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. 99–4405 Filed 2–22–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Request for Motions To Intervene and Protests

February 17, 1999.

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

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* P–11665–000.

c. *Date filed:* January 19, 1999.

d. *Applicant:* Universal Electric Power Corp.

e. *Name of Project:* Crooked Creek Dam Project.

f. *Location:* At the U.S. Army Corps of Engineers' Crooked Creek Lock and Dam Project on the Crooked Creek, near the Town of Rosston, Armstrong County, Pennsylvania.

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

h. *Applicant Contact:* Mr. Ronald S. Feltenberger, Universal Electric Power Corp., 1145 Highbrook Street, Akron, Ohio 44301, (330) 535–7115.

i. *FERC Contact:* Ed Lee (202) 219–2808 or E-mail address at Lee.Ed@FERC.fed.us.

j. *Comment Date:* April 26, 1999.

k. *Description of Project:* The proposed project would utilize the U.S. Army Corps of Engineers' Crooked Creek Dam and Reservoir, and would consist of the following facilities: (1) a new powerhouse to be constructed on the downstream side of the dam having an installed capacity of 1,060 kilowatts; (2) a new 14.7–kV transmission line; and (3) appurtenant facilities. The proposed average annual generation is estimated to be 3.5 gigawatthours. The cost of the studies under the permit will not exceed $500,000.

l. *This notice also consists of the following standard paragraphs:* A5, A7, A9, A10, B, C, and D2.

m. *Available Locations of Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 888 North Capitol Street, N.E., Room 2–A, Washington, D.C. 20426, or by calling (202) 219–1371. A copy is also available for inspection and reproduction at Universal Electric Power Corp., Mr. Ronald S. Feltenberger 1145 Highbrook Street, Akron, Ohio 44301, (330) 535–7115. A copy of the application may also be viewed or printed by accessing

the Commission's website on the Internet at www.ferc.fed.us/online/rims/htm (for assistance, users may call (202) 208–2222).

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A7. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

A10. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

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.

C. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''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. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or 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. 99–4406 Filed 2–22–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting

February 17, 1999.

THE FOLLOWING NOTICE OF MEETING IS PUBLISHED PURSUANT TO SECTION 3(A) OF THE GOVERNMENT IN THE SUNSHINE ACT (PUB. L. NO. 94–409), 5 U.S.C. 552B:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: February 24, 1999 10:00 a.m.

PLACE: Room 2C 888 First Street, N.E. Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note—Items Listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: David P. Boergers, Secretary, telephone (202) 208–0400, for a recording listing items stricken from or added to the meeting, call (202) 208–1627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Reference and Information Center.

Consent Agenda—Hydro 714th Meeting—February 24, 1999 Regular Meeting (10:00 a.m.)

CAH–1.
DOCKET# P–2696, 008, NIAGARA MOHAWK POWER CORPORATION

CAH–2.
DOCKET# P–1025, 025, SAFE HARBOR WATER POWER CORPORATION

CAH–3.
DOCKET# P–2088, 038, OROVILLE-WYANDOTTE IRRIGATION DISTRICT

CAH–4.
DOCKET# P–2458, 062, GREAT NORTHERN PAPER, INC.
OTHER#S P–2572, 036, GREAT NORTHERN PAPER, INC.

CAH–5.
DOCKET# P–2042, 010, PUBLIC UTILITY DISTRICT NO. 1 OF PEND OREILLE COUNTY, WASHINGTON
OTHER#S P–2042, 007, PUBLIC UTILITY DISTRICT NO. 1 OF PEND OREILLE COUNTY, WASHINGTON

CAH–6.
DOCKET# P–1390, 001, SOUTHERN CALIFORNIA EDISON COMPANY

Consent Agenda—Electric

CAE–1.
DOCKET# ER99–28, 000, SIERRA PACIFIC POWER COMPANY
OTHER#S EL99–38, 000, SIERRA PACIFIC POWER COMPANY
ER99–28, 001, SIERRA PACIFIC POWER COMPANY
ER99–945, 000, SIERRA PACIFIC POWER COMPANY

CAE–2.
DOCKET# ER99–1125, 000, LG&E-WESTMORELAND RENSSELAER

CAE–3.
DOCKET# ER99–1165, 000, SOUTHERN COMPANY SERVICES, INC.
OTHER#S EL99–27, 000, SOUTHERN COMPANY SERVICES, INC.
ER99–363, 000, SOUTHERN COMPANY SERVICES, INC.

ER99–374, 000, SOUTHERN COMPANY SERVICES, INC.
ER99–423, 000, SOUTHERN COMPANY SERVICES, INC.
ER99–424, 000, SOUTHERN COMPANY SERVICES, INC.
ER99–425, 000, SOUTHERN COMPANY SERVICES, INC.
ER99–426, 000, SOUTHERN COMPANY SERVICES, INC.
ER99–427, 000, SOUTHERN COMPANY SERVICES, INC.
ER99–428, 000, SOUTHERN COMPANY SERVICES, INC.
ER99–429, 000, SOUTHERN COMPANY SERVICES, INC.
ER99–430, 000, SOUTHERN COMPANY SERVICES, INC.
ER99–431, 000, SOUTHERN COMPANY SERVICES, INC.
ER99–432, 000, SOUTHERN COMPANY SERVICES, INC.
ER99–433, 000, SOUTHERN COMPANY SERVICES, INC.
ER99–434, 000, SOUTHERN COMPANY SERVICES, INC.
ER99–435, 000, SOUTHERN COMPANY SERVICES, INC.
ER99–447, 000, SOUTHERN COMPANY SERVICES, INC.
ER99–448, 000, SOUTHERN COMPANY SERVICES, INC.
ER99–796, 000, SOUTHERN COMPANY SERVICES, INC.

CAE–4.
DOCKET# ER99–1203, 000, AMEREN SERVICES COMPANY, AS AGENT FOR UNION ELECTRIC COMPANY AND CENTRAL ILLINOIS PUBLIC SERVICE COMPANY

CAE–5.
DOCKET# ER99–1213, 000, LAKEWOOD COGENERATION LIMITED PARTNERSHIP

CAE–6.
DOCKET# ER99–1079, 000, CALIFORNIA POWER EXCHANGE CORPORATION

CAE–7.
DOCKET# ER99–1132, 000, DUQUESNE LIGHT COMPANY
OTHER#S ER99–1280, 000, DUQUESNE LIGHT COMPANY

CAE–8.
DOCKET# ER99–202, 000, MIDAMERICAN ENERGY COMPANY

CAE–9.
DOCKET# QF86–590, 008, COSO ENERGY DEVELOPERS
OTHER#S QF84–327, 006, COSO FINANCE PARTNERS
QF85–199, 006, VULCAN/BN GEOTHERMAL POWER COMPANY
QF86–591, 008, COSO POWER DEVELOPERS
QF86–647, 006, ELMORE, L.P.
QF86–727, 007, DEL RANCH, L.P.
QF86–930, 006, POWER RESOURCES, INC.
QF86–1043, 005, SALTON SEA POWER GENERATION L.P.
QF87–511, 006, SALTON SEA POWER GENERATION L.P.
QF88–543, 004, LEATHERS, L.P.
QF89–297, 005, SALTON SEA POWER GENERATION, L.P.
QF89–299, 005, NORCON POWER PARTNERS, L.P.
QF90–114, 007, SARANAC POWER PARTNERS, L.P.
QF90–143, 004, YUMA COGENERATION ASSOCIATES
QF95–9, 003, SALTON SEA POWER GENERATION L.P. AND FISH LAKE POWER COMPANY

CAE–10.
DOCKET# ER99–218, 001, ENTERGY SERVICES, INC.
OTHER#S ER99–1044, 000, ENTERGY SERVICES, INC.

CAE–11.
DOCKET# ER99–1127, 000, DUKE ENERGY MOSS LANDING LLC
OTHER#S ER99–1128, 000, DUKE ENERGY OAKLAND LLC

CAE–12.
DOCKET# ER99–1115, 000, CABRILLO POWER I, LLC
OTHER#S ER99–1116, 000, CABRILLO POWER II, LLC

CAE–13.
DOCET# ER99–1184, 000, MINNESOTA AGRI-POWER, L.L.C.

CAE–14.
DOCKET# ER99–1204, 000, MOBILE ENERGY SERVICES COMPANY, L.L.C.

CAE–15.
DOCKET# EF98–3011, 000, UNITED STATES DEPARTMENT OF ENERGY-SOUTHEASTERN POWER ADMINISTRATION

CAE–16.
DOCKET# EC99–23, 000, BANGOR HYDRO-ELECTRIC COMPANY
OTHER#S ER99–1166, 000, BANGOR HYDRO-ELECTRIC COMPANY

CAE–17.
DOCKET #ER98–3527, 000, PJM INTERCONNECTION, L.L.C.

CAE–18.
DOCKET #ER97–2398, 000, DUKE ENERGY CORPORATION
OTHER #S ER97–2398, 003, DUKE ENERGY CORPORATION

CAE–19.
DOCKET #ER94–1409, 002, CAMBRIDGE ELECTRIC LIGHT COMPANY
OTHER #S EL94–88, 002, CAMBRIDGE ELECTRIC LIGHT COMPANY

CAE–20.
DOCKET #ER97–3729, 000, PJM SUPPORTING COMPANIES

CAE–21.
DOCKET #ER99–977, 000, WISVEST-CONNECTICUT, L.L.C.

CAE–22.
DOCKET #ER94–734, 000, NEW CHARLESTON POWER I, L.P.
OTHER #S ER94–734, 003, NEW CHARLESTON POWER I, L.P.
ER94–734, 005, NEW CHARLESTON POWER I, L.P.

CAE–23.
OMITTED,

CAE–24.
DOCKET #ER98–2668, 003, DUKE ENERGY MOSS LANDING LLC
OTHER #S ER98–2669, 002, DUKE ENERGY OAKLAND LLC

CAE–25.
DOCKET #EL98–52, 002, NORTH AMERICAN ELECTRIC RELIABILITY COUNCIL

CAE–26.
DOCKET #EL96–53, 002, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE V. NEW HAMPSHIRE ELECTRIC COOPERATIVE, INC.

CAE–27.
DOCKET #EL99–6, 000, SAM RAYBURN G&T ELECTRIC COOPERATIVE, INC. V. ENTERGY GULF STATES, INC. AND ENTERGY SERVICES, INC.
OTHER #S ER99–231, 000, ENTERGY SERVICES, INC.
ER99–232, 000, ENTERGY SERVICES, INC.
ER99–487, 000, ENTERGY SERVICES, INC.

CAE–28.
DOCKET #EL99–14, 000, SOUTHWESTERN ELECTRIC COOPERATIVE, INC. V. SOYLAND POWER COOPERATIVE, INC.

CAE–29.
DOCKET #OA98–12, 001, ALLIANT SERVICES, INC., INTERSTATE POWER COMPANY, WISCONSIN POWER & LIGHT COMPANY AND IES UTILITIES, INC.
OTHER #S OA97–130, 002, MINNESOTA POWER & LIGHT COMPANY
OA97–173, 002, CAMBRIDGE ELECTRIC LIGHT COMPANY AND COMMONWEALTH ELECTRIC COMPANY
OA97–234, 002, WISCONSIN PUBLIC SERVICE COMPANY
OA97–294, 002, POTOMAC ELECTRIC POWER COMPANY
OA97–318, 002, ALLIANT SERVICES, INC., INTERSTATE POWER COMPANY, WISCONSIN POWER & LIGHT COMPANY AND IES UTILITIES, INC.
OA97–400, 002, SOUTHWESTERN PUBLIC SERVICE COMPANY
OA97–406, 002, NORTHERN STATES POWER COMPANY (MINNESOTA) AND NORTHERN STATES POWER COMPANY (WISCONSIN)
OA97–415, 002, ALLIANT SERVICES, INC., INTERSTATE POWER COMPANY, WISCONSIN POWER & LIGHT COMPANY AND IES UTILITIES, INC.
OA97–418, 002, DAYTON POWER AND LIGHT COMPANY
OA97–421, 002, ALLIANT SERVICES, INC., INTERSTATE POWER COMPANY, WISCONSIN POWER & LIGHT COMPANY AND IES UTILITIES, INC.
OA97–423, 002, PP&L, INC.
OA97–441, 002, MONTANA POWER COMPANY
OA97–453, 002, MONTAUP ELECTRIC POWER COMPANY
OA97–455, 002, IDAHO POWER COMPANY
OA97–455, 003, IDAHO POWER COMPANY
OA97–457, 002, GPU ENERGY, JERSEY CENTRAL POWER & LIGHT COMPANY, METROPOLITAN EDISON COMPANY AND PENNSYLVANIA ELECTRIC COMPANY
OA97–466, 002, ARIZONA PUBLIC SERVICE COMPANY
OA97–466, 004, ARIZONA PUBLIC SERVICE COMPANY
OA97–515, 002, PACIFIC GAS & ELECTRIC COMPANY
OA97–590, 002, IDAHO POWER COMPANY

OA97–594, 002, PP&L, INC.
OA98–14, 001, EDISON SAULT ELECTRIC COMPANY
CAE–30.
DOCKET #ER99–1251, 000, CARR STREET GENERATING STATION, L.P.

Consent Agenda—Gas and Oil

CAG–1.
DOCKET #PR94–9, 003, MICHIGAN CONSOLIDATED GAS COMPANY
CAG–2.
DOCKET #RP99–211, 000, COLORADO INTERSTATE GAS COMPANY
CAG–3.
DOCKET #RP99–212, 000, EL PASO NATURAL GAS COMPANY
CAG–4.
DOCKET #RP99–215, 000, WYOMING INTERSTATE COMPANY, LTD
CAG–5.
DOCKET #CP88–391, 023 TRANSCONTINENTAL GAS PIPE LINE CORPORATION
OTHER #S RP93–162, 008, TRANSCONTINENTAL GAS PIPE LINE CORPORATION
CAG–6.
DOCKET #PR98–13, 000, PEOPLES GAS LIGHT & COKE COMPANY
OTHER #S PR98–13, 001, PEOPLES GAS LIGHT & COKE COMPANY
CAG–7.
DOCKET #PR98–15, 000, LOUISIANA RESOURCES PIPELINE COMPANY LIMITED PARTNERSHIP
OTHER #S PR98–15, 001, LOUISIANA RESOURCES PIPELINE COMPANY LIMITED PARTNERSHIP
CAG–8.
DOCKET #RP99–218, 000, KERN RIVER GAS TRANSMISSION COMPANY
CAG–9.
DOCKET #TM99–1–22, 000, CNG TRANSMISSION CORPORATION
OTHER #S TM99–1–22, 001, CNG TRANSMISSION CORPORATION
CAG–10.
OMITTED,
CAG–11.
DOCKET #RP98–391, 000, COLORADO INTERSTATE GAS COMPANY
OTHER #S RP98–391, 001, COLORADO INTERSTATE GAS COMPANY
CAG–12.
DOCKET #RP99–172, 000, NORTHERN NATURAL GAS COMPANY
CAG–13.
DOCKET #RP99–178, 000, TRANSCOLORADO GAS TRANSMISSION COMPANY
OTHER #S RP99–178, 001, TRANSCOLORADO GAS TRANSMISSION COMPANY
RP99–178, 002, TRANSCOLORADO GAS TRANSMISSION COMPANY
CAG–14.
DOCKET #RP99–201, 000, NORTHERN BORDER PIPELINE COMPANY
CAG–15.
DOCKET #IS87–36, 002, ENDICOTT PIPELINE COMPANY
CAG–16.
DOCKET #RP98–40, 019, PANHANDLE EASTERN PIPE LINE COMPANY
CAG–17.
DOCKET #RP98–381, 002, TRANSCONTINENTAL GAS PIPE LINE CORPORATION
CAG–18.
DOCKET #RP93–109, 014, WILLIAMS NATURAL GAS COMPANY
CAG–19.
DOCKET #RP99–96, 001, KERN RIVER GAS TRANSMISSION COMPANY
CAG–20.
DOCKET #RP98–117, 003, K N INTERSTATE GAS TRANSMISSION COMPANY
OTHER #S TM98–2–53, 007, K N INTERSTATE GAS TRANSMISSION COMPANY
CAG–21.
DOCKET #CP96–53, 002, NE HUB PARTNERS, L.P.
OTHER #S CP96–53, 000, NE HUB PARTNERS, L.P.
CP96–53, 003, NE HUB PARTNERS, L.P.
CP96–53, 004, NE HUB PARTNERS, L.P.
CP96–53, 005, NE HUB PARTNERS, L.P.
CP96–53, 006, NE HUB PARTNERS, L.P.
CP96–53, 007, NE HUB PARTNERS, L.P.
CP96–53, 008, NE HUB PARTNERS, L.P.
CAG–22.
DOCKET #CP98–280, 001, WILLIAMS GAS PIPELINES CENTRAL, INC
CAG–23.
DOCKET #CP98–637, 000, COLUMBIA GAS TRANSMISSION CORPORATION
CAG–24.
DOCKET #CP98–86, 000, COLUMBIA GAS TRANSMISSION CORPORATION
CAG–25.
DOCKET #CP99–25, 000, PETAL GAS STORAGE COMPANY
CAG–26.
DOCKET #CP97–706, 001, WILLIAMS NATURAL GAS COMPANY
OTHER #S CP97–706, 000, WILLIAMS NATURAL GAS COMPANY
CAG–27.
OMITTED,
CAG–28.
DOCKET #CP98–684, 000, COLUMBIA GAS TRANSMISSION CORPORATION
OTHER #S CP98–683, 000, BLAZER ENERGY CORPORATION
CAG–29.
DOCKET #GT99–10, 000, TENNESSEE GAS PIPELINE COMPANY
CAG–30.
DOCKET #RP99–190, 000, NATIONAL FUEL GAS DISTRIBUTION CORPORATION

Hydro Agenda

H–1.
RESERVED

Electric Agenda

E–1.
RESERVED

Oil and Gas Agenda

I. PIPELINE RATE MATTERS

PR–1.
RESERVED

II. PIPELINE CERTIFICATE MATTERS

PC–1.
RESERVED

David P. Boergers,
Secretary.

[FR Doc. 99–4524 Filed 2–19–99; 12:17 pm]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–00264; FRL–6062–3]

National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A meeting of the National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances (NAC/AEGL Committee) will be held on March 11–12, 1999, in New Orleans, LA. At this meeting, the NAC/AEGL Committee will address, as time permits, the various aspects of the acute toxicity and the development of Acute Exposure Guideline Levels (AEGLs) for the following chemicals: Ethylene diamine, jet fuel, methyl isocyanate, phosphorus oxychloride, phosphorus trichloride, sulfur tetrafluoride, and tetranitromethane.

DATES: A meeting of the NAC/AEGL Committee will be held from 8 a.m. to 5:15 p.m. on Thursday, March 11 and from 8 a.m. to 3 p.m. on Friday, March 12, 1999.

ADDRESSES: The meeting will be held in the Wyndham Riverfront Hotel, 701 Convention Center Blvd., New Orleans, LA.

FOR FURTHER INFORMATION CONTACT: Paul S. Tobin, Designated Federal Officer (DFO), Office of Prevention, Pesticides and Toxic Substances (7406), 401 M St., SW., Washington, DC 20460; telephone: (202) 260–1736; e-mail address: tobin.paul@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Electronic Availability

Electronic copies of this notice are available from the EPA Home Page on the Internet at the **Federal Register**—Environmental Documents entry under ''Laws and Regulations'' (http://www.epa.gov/fedrgstr/).

II. Meeting Procedures

For additional information on the scheduled meeting, the agenda of the NAC/AEGL Committee, or the submission of information on chemicals to be discussed at the meeting, contact

the DFO listed under ''FOR FURTHER INFORMATION CONTACT.''

The meeting of the NAC/AEGL Committee will be open to the public. Oral presentations or statements by interested parties will be limited to 10 minutes. Interested parties are encouraged to contact the DFO to schedule presentations before the NAC/AEGL Committee. Since seating for outside observers may be limited, those wishing to attend the meeting as observers are also encouraged to contact the DFO at the earliest possible date to ensure adequate seating arrangements. Inquiries regarding oral presentations and the submission of written statements or chemical specific information should be directed to the DFO.

List of Subjects

Environmental protection, Chemicals, Hazardous substances, Health.

Dated: February 16, 1999.

William H. Sanders, III,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 99–4437 Filed 2–22–99; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00587; FRL–6064–9]

EPA-USDA Tolerance Reassessment Advisory Committee: Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA-USDA Tolerance Reassessment Advisory Committee (TRAC) will hold two ''update'' meetings to provide status reports on recent policy developments, organophosphate risk assessments and refinements, and the overall status of tolerance reassessments. TRAC was established in 1998 as a subcommittee under the auspices of the EPA National Advisory Council for Environmental Policy and Technology (NACEPT), in response to Vice President Gore's request for EPA and the U.S. Department of Agriculture (USDA) to work together to ensure implementation of the Food Quality Protection Act (FQPA).

DATES: The East Coast TRAC Update meeting will be held on February 25, 1999, from 8:30 a.m. to 3:00 p.m. The West Coast TRAC Update meeting will be held in Phoenix, AZ on March 2, 1999, from 8:30 a.m. to 3:00 p.m.

ADDRESSES: The East Coast TRAC meeting will be held at the Hotel Washington, 15th & Pennsylvania Avenue NW., Washington, DC (202–638–5900). (Approximately two blocks from the Metro Center station).

The West Coast TRAC Update meeting will be held at the Embassy Suites Phoenix North, 2577 West Greenway Road, Phoenix, AZ (602–375–1777).

The official record is available in the Docket for inspection during normal business hours, Monday - Friday, excluding Federal holidays, at the U.S. Environmental Protection Agency, Crystal Mall 2 (CM #2), Room 101, 1921 Jefferson Davis Highway, Arlington, VA 22202, telephone: 703–305–5805 or the EPA TRAC World Wide Web site (http://www.epa.gov/pesticides/trac).

FOR FURTHER INFORMATION CONTACT: By Mail: Margie Fehrenbach or Terria Northern, Office of Pesticide Programs (7501–C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number and e-mail address: CM #2, Rm. 1119, 1921 Jefferson Davis Highway, Arlington, VA; telephone number 703–305–7090; e-mail addresses: Fehrenbach.Margie@epa.gov or Northern.Terria@epa.gov.

SUPPLEMENTARY INFORMATION: The Food Quality Protection Act (FQPA) (Pub. L–104–170) was passed in 1996. This new law strengthens the nation's system for regulating pesticides on food. The TRAC was established by EPA and USDA to provide policy guidance on sound science, ways to increase transparency in decision-making, strategies for a reasonable transition for agriculture and ways to enhance consultations with stakeholders, as pesticide tolerances are reassessed, including those for organophosphates.

The TRAC is co-chaired by EPA Acting Deputy Administrator Peter Roberston and USDA Deputy Secretary Richard Rominger. The TRAC is composed of experts that include farmers, environmental and public interest groups representatives, public health officials, pediatric experts, pesticide companies, food processors and distributors, academicians, Federal agencies, tribal, State and local governments.

The TRAC meetings are open to the public under section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92–463. Outside statements will be limited to 3–5 minutes by each person or organization. Any person who wishes to file a written statement may do so before or after a TRAC meeting. These statements will become part of the official record and will be provided to the TRAC members. The official record will be available for public inspection at the address listed under ''Addresses'' at the beginning of this document.

Agenda topics: Update on Science Policy Framework Development, overall status of tolerance reassessment, progress on organophosphate preliminary risk assessments and refinements, risk management process, transition strategies and other relevant issues.

List of Subjects

Environmental protection, Agriculture, Chemical, Foods, Pesticides and pests.

Dated: February 16, 1999.

Marcia E. Mulkey,

Director Office of Pesticide Programs.

[FR Doc. 99–4316 Filed 2–18–99; 11:54 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00584; FRL–6060–4]

Rodenticide Stakeholder Workgroup; Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: This notice announces a public meeting of the Rodenticide Stakeholder Workgroup. The Rodenticide Stakeholder Workgroup is a workgroup of the Pesticide Programs Dialogue Committee (PPDC). The Rodenticide Stakeholder process is to develop a risk mitigation strategy to protect young children from rodenticide products while preserving the public health benefits of these products. The meeting will involve and potentially affect products with the following active ingredients: brodifacoum, bromadiolone, bromethalin, chlorophacinone, cholecalciferol, difethialone, diphacinone (and its sodium salt), pival (and its sodium salt), red squill (scilliroside), warfarin (and its sodium salt) and/or zinc phosphide. Anyone interested in these products may attend.

DATES: The meeting will be held on Tuesday, March 30, 1999, from 8:30 am to 5:00 pm.

ADDRESSES: The meeting will be held at: The Sheraton Crystal City Hotel, 1800 Jefferson Davis Highway, Arlington,

Virginia 22202; Telephone number (703) 486–1111.

FOR FURTHER INFORMATION CONTACT: By mail: Michael McDavit or Dennis Deziel, Special Review and Reregistration Division (7508W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office locations and telephone numbers: 6th floor, Crystal Mall 2 (CM #2), 1921 Jefferson Davis Highway, Arlington, Virginia 22202; Michael McDavit, (703) 308–0325; Dennis Deziel, (703) 308–8173. E-mail: mcdavit.michael@epamail.epa.gov., and deziel.dennis@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Electronic Availability. As background information, electronic copies of the Rodenticide Cluster and Zinc Phosphide REDs and RED fact sheets are available on the internet. See http://www.epa.gov/REDs. Additional information concerning the schedule and activities of the Rodenticide Stakeholder Workgroup will in the future also be posted on the Agency's web page.

The Rodenticide Stakeholder Workgroup is composed of a balanced group of participants from the following sectors: Federal agencies and State, local, and Tribal governments; consumer and environmental/public interest groups, including representatives from the general public; medical community; the public health community; pesticide/rodenticide industry; and user groups.

Rodenticide Stakeholder Workgroup meetings are open to the public. Outside statements are welcome. Oral statements will be limited to 5 minutes per individual or group. Any person who wishes to file a written statement can do so before or after a Workgroup meeting. These statements will become part of the permanent file and will be provided to the Workgroup members for their information.

The Agency is concerned about accidental poisonings of young children by rodenticide products. Data collected by the American Association of Poison Control Centers (AAPCC) for 1995 showed approximately 15,000 exposure cases to children younger than 6 years of age. Of the total number of human exposure cases involving rodenticides in 1995, almost 6,500 were significant enough to result in treatment at a health care facility.

During the Rodenticide Cluster Reregistration Eligibility Decision (RED) and the Zinc Phosphide RED process, the Agency investigated several regulatory measures that could mitigate these risks, but wanted to ensure that any adopted measures were consistent with public health values and priorities. Therefore, the Agency is initiating a rodenticide stakeholder process to develop a risk mitigation strategy to protect young children from rodenticide products while preserving the public health benefits of these products. The stakeholder process will consist of a series of meetings that will be open to the public. The workgroup is made up of individuals or representatives from organizations who will discuss and analyze several mitigation proposals, ultimately concluding with recommendations to the PPDC and the Agency on how to further mitigate risks to young children from rodenticide poisonings.

The Rodenticide Stakeholder Workgroup will hold its first meeting March 30, 1999, at the Sheraton Crystal City Hotel, 1800 Jefferson Davis Highway, Arlington, Virginia. The Agency envisions holding three more meetings. The Agency proposes the following tentative dates for the other three meetings: May 6; June 10, and July 14, 1999. Specific times and locations will be announced.

List of Subjects

Environmental protection.

Dated: February 5, 1999.

Lois Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 99–4319 Filed 2–18–99; 11:54 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPP–34162A; FRL–6065–8]

Chlorfenapyr; Availability of Risk and Benefit Assessments; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; extension of comment period.

SUMMARY: On January 20, 1999, EPA issued a Notice of Availability of Risk and Benefit Assessments for the pesticide chlorfenapyr. The document announced the availability of risk and benefit assessments related to EPA's consideration of American Cyanamid's application for registration of the pesticide chlorfenapyr (Pirate®, Alert®) on cotton. The Agency issued the Notice of Availability of Risk and Benefit Assessments to: (1) Present its assessment of the risks posed by chlorfenapyr residues in the environment; (2) present its assessment of the benefits arising from use on cotton; and (3) request public comment on key scientific and policy questions raised by this application for registration. EPA has received a large number of comments on this Notice. Because of the broad interest in this matter and the complexity of the issues, and the large influx of comments late in the comment period, EPA believes that providing additional time to the public to comment would be helpful. Therefore, EPA is extending, until March 2, 1999 the comment period for persons wishing to submit comments on the materials referred to in the Notice of Availability.

DATES: Comments must be submitted to EPA by March 2, 1999.

ADDRESSES: By mail, submit written comments identified by the docket control number OPP–34162 to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Follow the instructions under Unit II. of this document. No Confidential Business Information (CBI) should be submitted through e-mail.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. The public docket is available for public inspection in Rm. 119 at the Virginia address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding holidays. Paper copies of the risk and benefit assessments will be made available in the OPP docket at the address listed below.

FOR FURTHER INFORMATION CONTACT: Ann Sibold, Chemical Review Manager, PM Team 10, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location, telephone number, and e-mail address: Rm. 212, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA; (703) 305–6502; e-mail: sibold.ann@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Electronic Availability

Electronic copies of this document are available from the EPA Home Page at the Environmental Sub-Set entry for this document under ''Laws and Regulations'' (http://www.epa.gov/fedrgstr/). The risk and benefit assessments have been posted on the EPA-Office of Pesticide Program (OPP) Home Page at the following address: www.epa.gov/pesticides/reg_assessment.

I. Background

In the **Federal Register** of January 20, 1999 (64 FR 3091) (FRL–6053–2), EPA issued a Notice of Availability of Risk and Benefit Assessments for the pesticide chlorfenapyr. EPA has made available the risk and benefit assessments for the pesticide chlorfenapyr, which has not been included in any previously registered products. The information in these risk and benefit assessments supplements the information provided in the notice of receipt of application for registration of a pesticide (63 FR 66534, December 2, 1998) (FRL–6046–6) issued pursuant to section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act. The Agency is making the risk and benefit assessments available for public notice and comment prior to making a regulatory decision on this compound. Comments received within the specified time period will be considered before a final decision is made. Comments received after the time specified will be considered only to the extent possible without delaying the regulatory decision.

II. Public Record and Submission of Electronic Comments

The official record for this notice, as well as the public version, has been established for this notice under docket number OPP–34162 (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official record is located at the address in ADDRESSES at the beginning of this document.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comment and data will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number OPP–34162. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

List of Subjects

Environmental protection.

Dated: February 19, 1999.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 99–4523 Filed 2–19–99; 1:37 pm]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPP–30468; FRL–6062–1]

Certain Companies; Applications to Register Pesticide Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register pesticide products containing new active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATES: Written comments must be submitted by March 25, 1999.

ADDRESSES: By mail, submit written comments identified by the document control number [OPP–30468] and the file symbols to: Public Information and Records Intregrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Environmental Protection Agency, Rm. 119, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Comments and data may also be submitted electronically to: opp-docket@epamail.epa.gov. Follow the instructions under ''SUPPLEMENTARY INFORMATION.'' No Confidential Business Information (CBI) should be submitted through e-mail.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. The public docket is available for public inspection in Rm. 119 at the Virginia address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Mary Waller, Product Manager (PM-21), Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 249, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703 308–9354, e-mail: waller.mary@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA received applications as follows to register pesticide products containing active ingredients not included in any previously registered products pursuant to the provision of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

I. Products Containing Active Ingredients Not Included In Any Previously Registered Products

1. File Symbol: 66330–GA. Applicant: Tomen Agro Inc., 100 First St., Suite 1610, San Francisco, CA 94105. Product Name: Fenhexamid Technical. TM-402 Fungicide. Active ingredient: *N*-(2,3-Dichloro-4-hydroxyphenyl)-1-methyl-cyclohexanecarboxamide 97.8%. Proposed classification/Use: None. For formulation into end-use pesticides used for disease control in grapes, strawberries, and ornamentals.

2. File Symbol: 66330–GL. Applicant: Tomen Agro, Inc. Product Name: Elevate 50 WDG Fungicide. TM-402 Fungicide. Active ingredient: *N*-(2,3-Dichloro-4-hydroxyphenyl)-1-methyl-cyclohexanecarboxamide 50.0%. Proposed classification/Use: None. For agricultural and horticultural use only; for control of *Botryris* diseases of grapes, strawberries, and ornamentals.

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register**. The procedure for requesting data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time

specified will be considered only to the extent possible without delaying processing of the application.

II. Public Record and Electronic Submissions

The official record for this notice, as well as the public version, has been established for this notice under docket number [OPP–30468] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official notice record is located at the address in ''ADDRESSES'' at the beginning of this document.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comment and data will also be accepted on disks in Wordperfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPP–30468]. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection, Pesticides and pest, Product registration.

Dated: February 9, 1999.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 99–4322 Filed 2–22–99; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[PF–825A; FRL–6058–8]

Notice of Filing of a Pesticide Petition

ACTION: Notice.

SUMMARY: This notice announces the amendment of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by the docket control number PF–825A must be received on or before March 25, 1999.

ADDRESSES: By mail submit written comments to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticides Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person bring comments to: Rm. 119, CM #2, 1921 Jefferson Davis Highway, Arlington, VA. 22202.

Comments and data may also be submitted electronically by following the instructions under ''SUPPLEMENTARY INFORMATION.'' No Confidential Business Information (CBI) should be submitted through e-mail.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as CBI. CBI should not be submitted through e-mail. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 119 at the address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Mary L. Waller, office location, telephone and e-mail address: Rm. 249, CM #2, 1921 Jefferson Davis Hwy, VA, 703–308–9354, e-mail: waller.mary@epa.gov.

SUPPLEMENTARY INFORMATION: EPA has received a pesticide petition as follows, proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various raw food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

The official record for this notice, as well as the public version, has been established for this notice of filing under docket control number PF–825A (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official record is located at the address in ''ADDRESSES'' at the beginning of this document.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comment and data will also be accepted on disks in WordPerfect 5.1/6.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket control number PF–825A and appropriate petition number. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

List of Subjects

Environmental protection, Agricultural commodities, Food additives, Feed additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 11, 1999.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Summary of Petition

Petitioner summary of the pesticide petition is printed below as required by section 408(d)(3) of the FFDCA. The summary of the petition was prepared by the petitioner and represents the view of the petitioner. EPA is publishing the petition summary verbatim without editing it in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

Amended Petition

In the **Federal Register** of August 26, 1998 (63 FR 45497) (FRL–6023–4), EPA issued a notice of filing of pesticide petitions (PP) 7E 4919 and 8F 4978 from Novartis Crop Protection, Inc., 410 Swing Road, Greensboro, NC 27419 proposing pursuant to section 408(d) of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing tolerances for residues of fludioxonil (4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1*H*-pyrrole-3-carbonitrile) in or on the raw agricultural commodities: grapes at 1.00 parts per million (ppm) (7E4919);

canola, peanuts, sunflowers, leafy vegetables except brassica (Crop Group 4); brassica leafy vegetables (Crop Group 5); legume vegetables (Crop Group 6); foliage of legume vegetables (Crop Group 7); fruiting vegetables (Crop Group 8); cucurbit vegetables (Crop Group 9); forage, fodder, and straw of cereal grains (Crop Group 16); grass, forage, fodder, and hay (Crop Group 17); and non-grass animal feeds (Crop Group 18) at 0.01 ppm; root and tuber vegetables (Crop Group 1); leaves of root and tuber vegetables (Crop Group 2); bulb vegetables (Crop Group 3); cereal grains (Crop Group 15); and herbs and spices (Crop Group 19) at 0.02 ppm; and cotton at 0.05 ppm (8F 4978).

EPA has received an amendment to PP 8F 4978 from Novartis Crop Protection, Inc., proposing to amend 40 CFR part 180 by establishing tolerances for residues of fludioxonil (4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1*H*-pyrrole-3-carbonitrile) in or on the raw agricultural commodities of flax seed at 0.05 parts per million (ppm) and safflower seed at 0.01 ppm. The tolerances proposed in this amendment were included in the risk assessment presented by Novartis Crop Protection, Inc., in the notice of filing published in the **Federal Register** on August 26, 1998. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

[FR Doc. 99–4324 Filed 2–22–99; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6234–7]

Research Strategy for Oxygenates in Water

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of a final document.

SUMMARY: The notice announces the availability of a final document, Oxygenates in Water: Critical Information and Research Needs (EPA/600/R–98/048, December 1998), prepared by the National Center for Environmental Assessment, within the Office of Research and Development of the U.S. Environmental Protection Agency (EPA). The purpose of this document is to identify key issues related to assessing and managing the potential health and environmental risks of water contamination by oxygenates. The document focuses on the most critical and immediate research needs pertaining to oxygenates in water. The term oxygenates refers to chemicals, known as ''oxyfuels,'' added to fuels to increase the oxygen content and reduce certain emissions from use of the fuels. The document is primarily intended to serve as a starting point and general guide to planning needed research. It is not a comprehensive review of issues related to oxygenates in water, and it does not attempt to specify in detail the specific studies and projects that may be needed.

ADDRESSES: The document is being made available electronically from the NCEA web site at http://www.epa.gov/ncea/oxyneeds.htm. A limited number of paper copies also will be available from EPA's National Service Center for Environmental Publications on or about April 1, 1999. Interested parties may request a copy by telephoning 800–490–9198 and providing the document title and EPA number.

FOR FURTHER INFORMATION CONTACT: Dr. J. Michael Davis, National Center for Environmental Assessment-RTP Office (MD–52), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone: 919–541–4162; facsimile: 919–541–0245; E-mail: davis.jmichael@epa.gov.

SUPPLEMENTARY INFORMATION: An earlier draft of this document was peer reviewed at a workshop held in Washington, DC, on October 7, 1997. Comments received on the workshop draft were considered in preparing an external review draft. The EPA subsequently released this external review draft for public review during the summer of 1998 and considered the resulting comments in preparing this final version.

Dated: February 15, 1999.

William H. Farland,

Director, National Center for Environmental Assessment.

[FR Doc. 99–4436 Filed 2–22–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting; Open Commission Meeting Thursday, February 25, 1999

The Federal Communications Commission will hold an Open Meeting on the subject listed below on Thursday, February 25, 1999, which is scheduled to commence at 9:30 a.m. in Room TW–C305, at 445 12th Street, S.W., Washington, DC.

Item No.	Bureau	Subject
1	Common Carrier	Title: Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services (CC Docket No. 95–20); and 1998 Biennial Regulatory Review—Review of Computer III and ONA Safeguards and Requirements (CC Docket No. 98–10). Summary: The Commission will consider action concerning its Computer III requirements.
2	Common Carrier	Title: Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information (CC Docket No. 96–115). Summary: The Commission will consider rules regarding carrier provision of subscriber list information to directory publishers.
3	Common Carrier	Title: Implementation of the Local Competition Provisions in the Telecommunications Act of 1996 (CC Docket No. 96–98); and Inter-Carrier Compensation for ISP-Bound Traffic. Summary: The Commission will consider issues related to the jurisdictional nature of dial-up traffic delivered to internet service providers.
4	Common Carrier	Title: Defining Primary Lines (CC Docket No. 97–181). Summary: The Commission will consider action to define ''primary residential line'' and ''single line business line'' as those terms relate to subscriber line charges and presubscribed interexchange carrier charges.
5	Common Carrier	Title: Continuing Property Records Audits. Summary: The Commission will consider action relating to audits of continuing property records.

Item No.	Bureau	Subject
6	International	Title: Amendment of Parts 2 and 25 to Implement the Global Mobile Personal Communications by Satellite (GMPCS) Memorandum of Understanding and Arrangements. Summary: The Commission will consider action concerning licensing, certification, marking, traffic data provision and customs procedures designed to enhance the global transport and roaming of GMPCS terminals.
7	Wireless Telecommunications.	Title: Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies (RM–9332); and Establishment of Public Service Radio Pool in the Private Mobile Frequencies Below 800 MHz. Summary: The Commission will consider action concerning the Balanced Budget Act of 1997.

Additional information concerning this meeting may be obtained from Maureen Peratino or David Fiske, Office of Public Affairs, telephone number (202) 418–0500; TTY (202) 418–2555.

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, International Transcription Services, Inc. (ITS, Inc.) at (202) 857–3800; fax (202) 857–3805 and 857–3184; or TTY (202) 293–8810. These copies are available in paper format and alternative media; including large print/type; digital disk; and audio tape. ITS may be reached by e-mail: its__inc@ix.netcom.com. Their Internet address is http://www.itsi.com.

This meeting can be viewed over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. For information on these services call (703) 993–3100. The audio portion of the meeting will be broadcast live on the Internet via the FCC's Internet audio broadcast page at <http://www.fcc.gov/realaudio/>. The meeting can also be heard via telephone, for a fee, from National Narrowcast Network, telephone (202) 966–2211 or fax (202) 966–1770. Audio and video tapes of this meeting can be purchased from Infocus, 341 Victory Drive, Herndon, VA 20170, telephone (703) 834–0100; fax number (703) 834–0111.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–4601 Filed 2–19–99; 3:46 pm]

BILLING CODE 6712–10–M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2318]

Petitions for Reconsideration of Action in Rulemaking Proceedings

February 16, 1999.

Petitions for Reconsideration have been filed in the Commission's rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, NW., Washington, DC or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857–3800. Oppositions to these petitions must be filed by March 10, 1999. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Implementation of Section 207 of the Telecommunications Act of 1996 (CS Docket No. 96–83).

Restrictions on Over-the-Air Reception Devices: Television Broadcast, Multichannel Multipoint Distribution and Direct Broadcast Satellite Services.

Number of Petitions Filed: 2.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–4369 Filed 2–22–99; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 9, 1999.

A. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, P.O. Box 291, Minneapolis, Minnesota 55480-0291:

1. Steven J. Huston, Rockford, Minnesota; to acquire voting shares of Rockford Bancorporation, Inc., Rockford, Minnesota, and thereby indirectly acquire voting shares of Rockford State Bank, Rockford, Minnesota.

Board of Governors of the Federal Reserve System, February 17, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–4347 Filed 2–22–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 19, 1999.

A. Federal Reserve Bank of Richmond (A. Linwood Gill III, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261-4528:

1. South Branch Valley Bancorp, Inc., Moorefield, West Virginia; to acquire 100 percent of the voting shares of Shenandoah Valley National Bank, Winchester, Virginia (in organization).

B. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. Citizens Corporation, Columbia, Mississippi; to merge with Walthall Capital Group, Ltd., Tylertown, Mississippi, and thereby indirectly acquire Walthall Citizens Bank, Tylertown, Mississippi.

C. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Local Financial Corporation, Oklahoma City, Oklahoma; to become a bank holding company by acquiring 100 percent of the voting shares of Local Oklahoma Bank, N.A., Oklahoma City, Oklahoma (formerly known as Local Federal Bank, F.S.B., Oklahoma City, Oklahoma). Comments regarding this application must be received not later than March 11, 1999.

Board of Governors of the Federal Reserve System, February 18, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–4474 Filed 2–22–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 9, 1999.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

1. Westdeutsche Landesbank Girozentrale, Duesseldorf, Germany; to engage *de novo* through its subsidiary, WestLB Panmure Securities Inc., New York, New York, in financial and investment advisory activities, pursuant to § 225.28(b)(6)(iii) of Regulation Y. These activities will be conducted worldwide.

Board of Governors of the Federal Reserve System, February 17, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–4348 Filed 2–22–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 10, 1999.

A. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. NCB Holdings, Inc., Chicago, Illinois; to engage *de novo* through its subsidiary, Century Financial Company, LLC, Chicago, Illinois, in securities brokerage services, pursuant to § 225.28(b)(7)(i) of Regulation Y.

B. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, P.O. Box 291, Minneapolis, Minnesota 55480-0291:

1. Community First Bankshares, Inc., Fargo, North Dakota, and Community Insurance, Inc., Fargo, North Dakota; to acquire the insurance agency assets of Thad Scholl Insurance Agency, LLC, Holyoke, Colorado, and thereby engage in general insurance agency activities in a place of less than 5,000, pursuant to § 225.28(b)(11)(iii) of Regulation Y.

Board of Governors of the Federal Reserve System, February 18, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–4473 Filed 2–22–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11:00 a.m., Monday, March 1, 1999.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Future capital framework. (This item was originally announced for a closed meeting on February 12, 1999)

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any matters carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: February 19, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–4602 Filed 2–19–99; 3:52 pm]

BILLING CODE 6210–01–P

GOVERNMENT PRINTING OFFICE

Depository Library Council to the Public Printer; Meeting

The Depository Library Council to the Public Printer (DLC) will hold its Spring 1999 meeting on Monday, April 12, 1999, through Thursday, April 15, 1999, in Bethesda, Maryland. The meeting sessions will take place from 8:30 a.m. until 5 p.m. on Monday, Tuesday, Wednesday and from 8:30 a.m. until 12 noon on Thursday. The sessions will be held at the Holiday Inn-Bethesda, 8120 Wisconsin Avenue, Bethesda, Maryland 20814. The purpose of this meeting is to discuss the Federal Depository Library Program. The meeting is open to the public.

A limited number of hotel rooms have been reserved at the Holiday Inn-Bethesda for anyone needing hotel accommodations. Telephone: 301–652–2000; FAX: 301–652–4525. Room cost per night is $126. To receive this rate, reservations must be made no later than March 11, 1999, and specify the GPO Conference when you contact the hotel.

Michael F. DiMario,

Public Printer.

[FR Doc. 99–4370 Filed 2–22–99; 8:45 am]

BILLING CODE 1520–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention (CDC)

[Announcement 99036]

Extramural Grants for Trauma Care Systems Evaluation; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces that grant applications are being accepted for Injury Prevention and Control Research Grants (RO1s) for fiscal year (FY) 1999.

This program addresses the priority areas of Violent and Abusive Behavior and Unintentional Injuries.

The purpose of this program is to:

1. Support injury prevention and control research on priority issues as delineated in: Healthy People 2000; Injury Control in the 1990's: A National Plan for Action; Injury in America; Injury Prevention: Meeting the Challenge; and Cost of Injury: A Report to the Congress;
2. Encourage professionals from a wide spectrum of disciplines such as engineering, medicine, health care, public health, health care research, behavioral and social sciences, and others, to undertake research to prevent and control injuries.
3. Expand the development and evaluation of current or new intervention methods and strategies for preventing and controlling injuries.
4. Build the scientific base for the prevention and control of injuries and deaths.

B. Eligible Applicants

Applications may be submitted by public and private nonprofit and for-profit organizations and by governments and their agencies; that is, universities, colleges, research institutions, hospitals, other public and private nonprofit and for-profit organizations, State and local governments or their bona fide agents, and federally recognized Indian tribal governments, Indian tribes, or Indian tribal organizations.

Applicant requirements:

1. A principal investigator who has conducted research, published the findings in peer-reviewed journals, and has specific authority and responsibility to carry out the proposed project.
2. Demonstrated experience (on the applicant's project team) in conducting, evaluating, and publishing in peer-reviewed journals injury control research.
3. Effective and well-defined working relationships within the performing organization and with outside entities that will ensure implementation of the proposed activities.
4. The ability to carry out an injury control research project.
5. The overall match between the applicant's proposed theme and research objectives and the program interests as described under the heading ''Programmatic Interests.''

Note: Pub. L. 104–65 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, cooperative agreement, contract, loan or any other form.

C. Availability of Funds

Approximately $1.5 million is available for one FY 1999 injury research grant that address the evaluation of trauma care systems. It is expected that the award will begin on or about September 1, 1999, and will be made for a 12-month budget period within a project period of up to three years. Funding estimates may vary and are subject to change.

The maximum funding level for year one will not exceed $1,500,000 (including both direct and indirect costs). Applications that exceed the funding cap of $1,500,000 will be excluded from the competition and returned to the applicant. Funding for years two and three may be increased to $2,000,000 per year (including both direct and indirect costs) bringing the maximum total for the three year project period to $5.5 million subject to the availability of Federal funds.

Note: Grant funds will not be made available to support the provision of direct care. Eligible applicants may enter into contracts, including consortia agreements (as set forth in the PHS Grants Policy Statement, dated April 1, 1994), as necessary to meet the requirements of the program and strengthen the overall application.

Programmatic Interests

There is programmatic interest in comparing the costs and outcomes of trauma care between trauma center and non-trauma center hospitals. There is special interest in the central question of whether trauma centers provide more cost-effective care than non-trauma center hospitals. Priority is placed on collecting cost and outcome data in the same properly designed observational study, with special emphasis on collecting data on functional outcomes of trauma patients treated in trauma center and non-trauma center hospitals, including functional outcomes measured after hospital discharge. Functional outcome measures of interest include both generic and condition-

specific measures that are applicable to the health status and quality of life of trauma patients included in the study. The cost measure of interest is the monetary value of resources expended during acute hospitalization in a trauma center or non-trauma center hospital. A clearly defined traumatic injury condition or set of traumatic injury conditions is needed to facilitate data collection, follow up, and comparison between patients treated in different hospitals, appropriately adjusted for case-mix differences. A multi-hospital project, with diverse geographic representation, is most likely to yield generalizable findings and help establish a uniform approach to evaluating trauma costs and outcomes.

Funding Preferences

Preference will be given to applicants who include: 1. trauma center and non-trauma center hospitals (trauma center designation refers to designation by a recognized State or regional authority) from at least two of the four major geographic regions of the United States (Northeast, Midwest, South, and West); and 2. consultation with key stakeholder groups during the study design phase. These groups include trauma care professional and multi-disciplinary associations, State and regional emergency medical services (EMS) agencies responsible for trauma systems, managed care organizations and other health care policymakers and payers.

In accordance with the US Bureau of the Census classification of the 50 States and the District of Columbia, the four major geographic regions of the United States are: Northeast—Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania. Midwest—Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas. South—Delaware, Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas. West—Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, California, Alaska, Hawaii.

D. Application Content

Applications should follow the PHS–398 (Rev. 5/95) application and Errata sheet, and should include the following information:

1. The project's focus that justifies the research needs and describes the scientific basis for the research, the expected outcome, and the relevance of the findings to reduce injury morbidity, mortality, disability, and economic losses. This focus should be based on recommendations in Healthy People 2000; Injury in America; Injury Prevention: Meeting the Challenge; and Cost of Injury and should seek creative approaches that will contribute to a national program for injury control.

2. Specific, measurable, and time-framed objectives.

3. A detailed plan describing the methods by which the objectives will be achieved and evaluated, including their sequence. A comprehensive evaluation plan is an essential component of the application.

4. A description of the grant's principal investigator's role and responsibilities.

5. A description of all the project staff regardless of their funding source. It should include their title, qualifications, experience, percentage of time each will devote to the project, as well as that portion of their salary to be paid by the grant.

6. A description of those activities related to, but not supported by the grant.

7. A description of the involvement of other entities that will relate to the proposed project, if applicable. It should include commitments of support and a clear statement of their roles.

8. A detailed first year's budget for the grant with future annual projections, if relevant. Awards will be made for a project period of up to three years.

An applicant organization has the option of having specific salary and fringe benefit amounts for individuals omitted from the copies of the application which are made available to outside reviewing groups. To exercise this option: on the original and five copies of the application, the applicant must use asterisks to indicate those individuals for whom salaries and fringe benefits are not shown; the subtotals must still be shown. In addition, the applicant must submit an additional copy of page four of Form PHS–398, completed in full, with the asterisks replaced by the salaries and fringe benefits. This budget page will be reserved for internal staff use only.

F. Submission and Deadline

Submit the original and five copies of PHS 398 (OMB Number 0925–0001 and adhere to the instructions on the Errata Instruction sheet for PHS 398). Forms are in the application kit.

On or before April 15, 1999, submit to: Anne Fogelsong, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Announcement #99036, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Room 3000, Atlanta, Georgia 30341–4146.

Applications shall be considered as meeting the deadline if they are received at the above address on or before the deadline date; or sent on or before the deadline date, and received in time for the review process. Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.

G. Evaluation Criteria

(Please take special notice as elements of this section have changed since the last announcement. A more complete description of the grant award selection process policy can be obtained by calling the phone number found under Where to Obtain Additional Information in the application package).

Upon receipt, applications will be reviewed by CDC staff for completeness and responsiveness as outlined under Eligible Applicants, subtitle, Applicant Requirements (Item 1–5). Incomplete applications and applications that are not responsive will be returned to the applicant without further consideration. It is especially important that the applicant's abstract reflects the project's focus, because the abstract will be used to help determine the responsiveness of the proposal.

Applications which are complete and responsive will be subjected to a preliminary evaluation (triage) by a peer review committee, the Injury Research Grant Review Committee (IRGRC), to determine if the application is of sufficient technical and scientific merit to warrant further review by the IRGRC; CDC will withdraw from further consideration applications judged to be noncompetitive and promptly notify the principal investigator/program director and the official signing for the applicant organization. Those applications judged to be competitive will be further evaluated by a dual review process.

Awards will be determined by the Director of the National Center for Injury Prevention and Control (NCIPC) based on priority scores assigned to applications by the primary review committee, recommendations by the secondary review committee, consultation with NCIPC senior staff, and the availability of funds.

1. The primary review will be a peer review conducted by the IRGRC. All proposals will be reviewed for scientific merit by a committee of no less than

three reviewers with appropriate expertise using current National Institutes of Health (NIH) criteria to evaluate the methods and scientific quality of the proposal. Factors to be considered will include:

a. The specific aims of the research project, i.e., the broad long-term objectives, the intended accomplishment of the specific research proposal, and the hypothesis to be tested.

b. The background of the proposal, i.e., the basis for the present proposal, the critical evaluation of existing knowledge, and specific identification of the injury control knowledge gaps which the proposal is intended to fill.

c. The significance and originality from a scientific or technical standpoint of the specific aims of the proposed research, including the adequacy of the theoretical and conceptual framework for the research.

d. The progress of preliminary studies (optional) pertinent to the application.

e. The adequacy of the proposed research design, approaches, and methodology to carry out the research, including quality assurance procedures, plan for data management, and statistical analysis plan.

f. The extent to which the research findings will lead to feasible, cost-effective injury interventions.

g. The extent to which the evaluation plan will allow the measurement of progress toward the achievement of the stated objectives.

h. Qualifications, adequacy, and appropriateness of personnel to accomplish the proposed activities.

i. The degree of commitment and cooperation of other interested parties (as evidenced by letters detailing the nature and extent of the involvement).

j. Gender and minority issues—Are plans to include both sexes and minoritities and their subgroups adequately developed (as appropriate for the scientific goals of the project)? Are strategies included for the recruitment and retention of human subjects?

k. Human Subjects—Are the procedures proposed adequate for the protection of human subjects and are they fully documented? Are all procedures in compliance with applicable published regulations?

l. The reasonableness of the proposed budget to the proposed research and demonstration program.

m. Adequacy of existing and proposed facilities and resources.

2. The secondary review will be conducted by the Science and Program Review Work Group (SPRWG) from the Advisory Committee for Injury Prevention and Control (ACIPC). At the SPRWG's request, Federal ex officio members may be invited to attend the secondary review. The Federal ex officio members will be responsible for identifying proposals in overlapping areas of research interest so that unwarranted duplication in federally-funded research can be avoided. At the SPRWG's request, NCIPC Division Associate Directors (ADS) for science may be invited to attend the secondary review to assure that research priorities of the announcement are understood and to provide background regarding current research activities. The SPRWG may reach over better ranked proposals in order to assure maximal impact and balance of proposed research. The factors to be considered will include:

a. The results of the primary review including the proposal's priority score as the primary factor in the selection process.

b. The match between the proposal and the program announcement's programmatic interests and funding preferences.

c. The relevance and balance of proposed research relative to the NCIPC programs and priorities.

d. The significance of the proposed activities in relation to the priorities and objectives stated in Healthy People 2000, Injury in America, Injury Prevention, Meeting the Challenge, and Cost of Injury.

e. Budgetary considerations.

Only SPRWG members will vote on funding recommendations. These recommendations will be carried to the entire ACIPC in the form of a report. The ACIPC may vote to approve, disapprove, or modify the recommendations for funding. These recommendations will then be presented to the NCIPC Director for final decision.

3. Continued Funding. Continuation awards made after FY 1999, but within the project period, will be made on the basis of the availability of funds and the following criteria:

a. The accomplishments reflected in the progress report of the continuation application indicate that the applicant is meeting previously stated objectives or milestones contained in the project's annual workplan and satisfactory progress demonstrated through presentations at work-in-progress monitoring workshops.

b. The objectives for the new budget period are realistic, specific, and measurable.

c. The methods described will clearly lead to achievement of these objectives.

d. The evaluation plan will allow management to monitor whether the methods are effective.

e. The budget request is clearly explained, adequately justified, reasonable and consistent with the intended use of grant funds.

H. Other Requirements

Technical Reporting Requirements

Provide CDC with an original plus two copies of:

1. Progress report annually,

2. Financial status report, no more than 90 days after the end of the budget period, and

3. Final financial report and performance report, no more than 90 days after the end of the project period.

Send all reports to: Anne Foglesong, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Room 3000, Atlanta, Georgia 30341–4146.

The following additional requirements are applicable to this program. For a complete description of each see Addendum 1 in the application package.

AR98–1—Human Subjects Certification
AR98–2—Requirements for Inclusion of Women and Racial and Ethnic Minorities in Research
AR98–9—Paperwork Reduction Act Requirements
AR98–10—Smoke-Free Workplace Requirement
AR98–11—Healthy People 2000
AR98–12—Lobbying Restrictions
AR98–13—Prohibition on Use of CDC funds for Certain Gun Control Activities

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under sections 391(a) and 393(a) (42 U.S.C. 280b(a) and 280b–1(a)) of the Public Health Service Act, as amended. The catalog of Federal Domestic Assistance number is 93.136.

J. Where To Obtain Additional Information

Please refer to Program Announcement Number 99036 when requesting information. To receive additional written information and to request an application kit, call 1–888–GRANTS4 (1–888–472–6874). You will be asked to leave your name and address and will be instructed to identify the Announcement number of interest. If you have questions after reviewing the contents of all the documents, business management

technical assistance may be obtained from: Anne Foglesong, Grants Management Specialist, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Room 3000, Atlanta, Georgia 30341–4146, Telephone: (770) 488–2724, Email Address: anf3@cdc.gov.

For program technical assistance, contact: Ted Jones, Program Manager, Office of Research Grants, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway, NE, Mailstop K–58, Atlanta, GA 30341–3724, Telephone (770) 488–4824, Internet address: tmj1@cdc.gov.

This and other CDC announcements are available through the CDC homepage on the Internet. The address for the CDC homepage is <*http://www.cdc.gov*>.

Interested applicants may receive a draft copy of the ''Policy for Solicitation and Selection of Injury Research Grant Proposals'' by calling 770/488–4265.

Dated: February 17, 1999.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–4389 Filed 2–22–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 99050]

Extramural Grants for Biomechanics Injury Research; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces that grant applications are being accepted for Injury Prevention and Control Research Grants (RO1s) for fiscal year (FY) 1999.

This program addresses the priority areas of Violent and Abusive Behavior and Unintentional Injuries.

The purpose of this program is to:

1. Support injury prevention and control research on priority issues as delineated in: Healthy People 2000; Injury Control in the 1990's: A National Plan for Action; Injury in America; Injury Prevention: Meeting the Challenge; and Cost of Injury: A Report to the Congress.

2. Encourage professionals from a wide spectrum of disciplines such as engineering, medicine, health care, public health, health care research, behavioral and social sciences, and others, to undertake research to prevent and control injuries.

3. Expand the development and evaluation of current or new intervention methods and strategies for preventing and controlling injuries.

4. Build the scientific base for the prevention and control of injuries and deaths.

B. Eligible Applicants

Applications may be submitted by public and private nonprofit and for-profit organizations and by governments and their agencies; that is, universities, colleges, research institutions, hospitals, other public and private nonprofit and for-profit organizations, State and local governments or their bona fide agents, and federally recognized Indian tribal governments, Indian tribes, or Indian tribal organizations.

Applicant requirements:

1. A principal investigator who has conducted research, published the findings in peer-reviewed journals, and has specific authority and responsibility to carry out the proposed project.

2. Demonstrated experience (on the applicant's project team) in conducting, evaluating, and publishing injury control research in peer-reviewed journals.

3. Effective and well-defined working relationships within the performing organization and with outside entities that will ensure implementation of the proposed activities.

4. The ability to carry out an injury control research project.

5. The overall match between the applicant's proposed theme and research objectives and the program interests as described under the heading ''Programmatic Interests.''

Note: Pub. L. 104–65 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, cooperative agreement, contract, loan or any other form.

C. Availability of Funds

Approximately $1 million is available for FY 1999 injury research grants that address biomechanics. Approximately 3–5 awards will be made. It is expected that the awards will begin on or about September 1, 1999 and will be made for a 12-month budget period within a project period of up to three-years. Funding estimates may vary and are subject to change.

The maximum funding level per year will not exceed $300,000 (including both direct and indirect costs). Applications that exceed the funding cap will be excluded from the competition and returned to the applicant.

Note: Grant funds will not be made available to support the provision of direct care. Eligible applicants may enter into contracts, including consortia agreements (as set forth in the PHS Grants Policy Statement, dated April 1, 1994), as necessary to meet the requirements of the program and strengthen the overall application.

Programmatic Interests:

There is programmatic interest in advancing the biomechanical understanding of traumatic brain and spinal cord injuries (TBI/SCI), thoracic and abdominal injuries resulting from blunt impact, and injuries occurring to the extremities and joints. There is also interest in the biomechanical evaluation of intervention concepts and strategies (e.g., multi-use recreational helmets, mouth and face protection devices for athletes, energy-absorbing playground surfaces, hip pads, motor vehicle side impact and rollover countermeasures, etc.). There is special interest in defining human tolerance limits for injury; the development of biofidelic models to elucidate injury physiology and pharmacologic, surgical, rehabilitation, and other interventions; improvements in injury assessment technology; understanding impact injury mechanisms; and quantifying injury-related biomechanical responses for critical areas of the human body (e.g., brain and vertebral injury with spinal cord involvement). While extending and adapting results and conclusions of the above efforts to the entire population is both desirable and sought, additional consideration will be given to proposals that emphasize research especially applicable to young children, females, and/or the elderly.

D. Application Content

Applicants should follow the PHS–398 (Rev. 5/95) application and Errata sheet, and should include the following information:

1. The project's focus that justifies the research needs and describes the scientific basis for the research, the expected outcome, and the relevance of the findings to reduce injury morbidity, mortality, disability, and economic losses. This focus should be based on recommendations in Healthy People 2000; Injury in America; Injury Prevention: Meeting the Challenge; and Cost of Injury and should seek creative approaches that will contribute to a national program for injury control.

2. Specific, measurable, and time-framed objectives.

3. A detailed plan describing the methods by which the objectives will be achieved and evaluated, including their sequence. A comprehensive evaluation plan is an essential component of the application.

4. A description of the grant's principal investigator's role and responsibilities.

5. A description of all the project staff regardless of their funding source. It should include their title, qualifications, experience, percentage of time each will devote to the project, as well as that portion of their salary to be paid by the grant.

6. A description of those activities related to, but not supported by the grant.

7. A description of the involvement of other entities that will relate to the proposed project, if applicable. It should include commitments of support and a clear statement of their roles.

8. A detailed first year's budget for the grant with future annual projections, if relevant. Awards will be made for a project period of up to three years.

An applicant organization has the option of having specific salary and fringe benefit amounts for individuals omitted from the copies of the application which are made available to outside reviewing groups. To exercise this option: on the original and five copies of the application, the applicant must use asterisks to indicate those individuals for whom salaries and fringe benefits are not shown; the subtotals must still be shown. In addition, the applicant must submit an additional copy of page four of Form PHS–398, completed in full, with the asterisks replaced by the salaries and fringe benefits. This budget page will be reserved for internal staff use only.

F. Submission and Deadline

Submit the original and five copies of PHS 398 (OMB Number 0925–0001) (adhere to the instructions on the Errata Instruction Sheet for PHS 398). Forms are in the application kit. On or before April 15, 1999, submit the application to: Anne Foglesong, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Announcement 99050, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Room 3000, Atlanta, Georgia 30341.

Applications shall be considered as meeting the deadline if they are received at the above address on or before the deadline date; or sent on or before the deadline date, and received in time for the review process. Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.

G. Evaluation Criteria

Please take special notice as elements of this section have changed since the last announcement. A more complete description of the grant award selection process policy can be obtained by calling the phone number found under Where to Obtain Additional Information in the application kit.

Upon receipt, applications will be reviewed by CDC staff for completeness and responsiveness as outlined under the Eligible Applicants, subtitle Applicant Requirements (Items 1–5). Incomplete applications and applications that are not responsive will be returned to the applicant without further consideration. It is especially important that the applicant's abstract reflects the project's focus, because the abstract will be used to help determine the responsiveness of the proposal.

Applications which are complete and responsive will be subjected to a preliminary evaluation (triage) by a peer review committee, the Injury Research Grant Review Committee (IRGRC), to determine if the application is of sufficient technical and scientific merit to warrant further review by the IRGRC; CDC will withdraw from further consideration applications judged to be noncompetitive and promptly notify the principal investigator/program director and the official signing for the applicant organization. Those applications judged to be competitive will be further evaluated by a dual review process.

Awards will be determined by the Director of the National Center for Injury Prevention and Control (NCIPC) based on priority scores assigned to applications by the primary review committee, recommendations by the secondary review committee, consultation with NCIPC senior staff, and the availability of funds.

1. The primary review will be a peer review conducted by the IRGRC. All proposals will be reviewed for scientific merit by a committee of no less than three reviewers with appropriate expertise using current National Institutes of Health (NIH) criteria to evaluate the methods and scientific quality of the proposal. Factors to be considered will include:

a. The specific aims of the research project, i.e., the broad long-term objectives, the intended accomplishment of the specific research proposal, and the hypothesis to be tested.

b. The background of the proposal, i.e., the basis for the present proposal, the critical evaluation of existing knowledge, and specific identification of the injury control knowledge gaps which the proposal is intended to fill.

c. The significance and originality from a scientific or technical standpoint of the specific aims of the proposed research, including the adequacy of the theoretical and conceptual framework for the research.

d. The progress of preliminary studies (optional) pertinent to the application.

e. The adequacy of the proposed research design, approaches, and methodology to carry out the research, including quality assurance procedures, plan for data management, and statistical analysis plan.

f. The extent to which the research findings will lead to feasible, cost-effective injury interventions.

g. The extent to which the evaluation plan will allow the measurement of progress toward the achievement of the stated objectives.

h. Qualifications, adequacy, and appropriateness of personnel to accomplish the proposed activities.

i. The degree of commitment and cooperation of other interested parties (as evidenced by letters detailing the nature and extent of the involvement).

j. Gender and minority issues—Are plans to include both sexes and minoritities and their subgroups adequately developed (as appropriate for the scientific goals of the project)? Are strategies included for the recruitment and retention of human subjects?

k. Human Subjects—Are the procedures proposed adequate for the protection of human subjects and are they fully documented? Are all procedures in compliance with applicable published regulations?

l. The reasonableness of the proposed budget to the proposed research and demonstration program.

m. Adequacy of existing and proposed facilities and resources.

2. The secondary review will be conducted by the Science and Program Review Work Group (SPRWG) from the Advisory Committee for Injury Prevention and Control (ACIPC). At the SPRWG's request, Federal ex officio members may be invited to attend the secondary review. The Federal ex officio members will be responsible for identifying proposals in overlapping areas of research interest so that unwarranted duplication in federally-funded research can be avoided. At the SPRWG's request, NCIPC Division Associate Directors (ADS) for science may be invited to attend the secondary

review to assure that research priorities of the announcement are understood and to provide background regarding current research activities. The SPRWG may reach over better ranked proposals in order to assure maximal impact and balance of proposed research. The factors to be considered will include:

a. The results of the primary review including the proposal's priority score as the primary factor in the selection process.

b. The match between the proposal and the program announcement's programmatic interests and funding preferences.

c. The relevance and balance of proposed research relative to the NCIPC programs and priorities.

d. The significance of the proposed activities in relation to the priorities and objectives stated in Healthy People 2000, Injury in America, Injury Prevention, Meeting the Challenge, and Cost of Injury.

e. Budgetary considerations.

Only SPRWG members will vote on funding recommendations. These recommendations will be carried to the entire ACIPC in the form of a report. The ACIPC may vote to approve, disapprove, or modify the recommendations for funding. These recommendations will then be presented to the NCIPC Director for final decision.

3. Continuation awards made after FY 1999, but within the project period, will be made on the basis of the availability of funds and the following criteria:

a. The accomplishments reflected in the progress report of the continuation application indicate that the applicant is meeting previously stated objectives or milestones contained in the project's annual workplan and satisfactory progress demonstrated through presentations at work-in-progress monitoring workshops.

b. The objectives for the new budget period are realistic, specific, and measurable.

c. The methods described will clearly lead to achievement of these objectives.

d. The evaluation plan will allow management to monitor whether the methods are effective.

e. The budget request is clearly explained, adequately justified, reasonable and consistent with the intended use of grant funds.

H. Other Requirements

Technical Reporting Requirements

Provide CDC with an original plus two copies of:

1. Progress reports (annual);

2. Financial status report, no more than 90 days after the end of the budget period; and

3. Final financial status and performance reports, no more than 90 days after the end of the project period.

Send all reports to: Anne Foglesong, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Room 3000, Atlanta, Georgia 30341–4146.

The following additional requirements are applicable to this program. For a complete description of each see Addendum 1, in the application kit.

AR–1—Human Subjects Requirements
AR–2 Requirements for Inclusion of Women and Racial and Ethnic Minorities in Research
AR–9—Paperwork Reduction Act Requirements
AR–10—Smoke-Free Workplace Requirements
AR–11—Healthy People 2000
AR–12—Lobbying Restrictions
AR–13—Prohibition on Use of CDC funds for Certain Gun Control Activities
AR–20—Conference Activities within Grants/Cooperative Agreement

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under sections 391(a) and 393(a) of the Public Health Service Act, [42 U.S.C. 280b(a), and 280b–1(a)], as amended. The catalog of Federal Domestic Assistance number is 93.136.

J. Where To Obtain Additional Information

Please refer to Program Announcement Number 99050 when requesting information. To receive additional written information and to request an application kit, call 1–888–GRANTS4 (1–888–472–6874). You will be asked to leave your name and address and will be instructed to identify the Announcement number of interest.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Anne Fogelsong, Grants Management Specialist, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Room 3000, Atlanta, Georgia 30341, Telephone: (770) 488–2724, Email Address: anf3@cdc.gov.

For program technical assistance, contact: Ted Jones, Program Manager, Office of Research Grants, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway, NE, Mailstop K–58, Atlanta, GA 30341–3724, Telephone: (770) 488–4824, Email Address: tmj1@cdc.gov

This and other CDC announcements are available through the CDC homepage on the Internet. The address for the CDC homepage is http://www.cdc.gov.

Interested applicants may receive a draft copy of the ''Policy for Solicitation and Selection of Injury Research Grant Proposals'' by calling 770–488–4265.

Dated: February 17, 1999.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–4390 Filed 2–22–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Project:

Title: (1) TANF HIGH Performance Bonus Report, (2) Emergency TANF Data Report.

OMB No.: 0970–0180.

Description: Public Law 104–193 (The Personal Responsibility and Work Opportunity Reconciliation Act of 1996) established the Temporary Assistance for Needy Families (TANF) Program. It also included provisions for rewarding States that attain the highest levels of success in achieving the legislative goals of that program. The purpose of this collection is to obtain data upon which to base the computations for measuring State performance in meeting those goals and for allocating the bonus grant funds appropriated under the law. States will not be required to submit this information unless they elect to compete for the bonus grants. Respondents, therefore, may include any of the 50 States, the District of Columbia, and U.S. Territories of Guam, Puerto Rico, and the Virgin Islands. We are requesting extension of this currently approved information collection through November 30, 2000.

Respondents: State, Local or Tribal Government.

Annual Burden Estimates:

Instrument	Number of respondents	Number of responses per respondent	Averge burden hours per response	Total burden hours
TANF Quarterly Data Report, FY 1999 High Performance Bonus Awards	54	4	30	6,480
Emergency TANF Data Report	17	4	218.5	14,858

Emergency Total Annual Burden Hours: 21,338.

In compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection.

The Department specifically requests comments 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) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: February 17, 1999.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 99–4421 Filed 2–22–99; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. ACF/ACYF/HS 99–01]

Fiscal Year 1999 Discretionary Grant Announcement for Head Start Partnerships With Tribally Controlled Land Grant Colleges and Universities; Availability of Funds and Request for Applications

AGENCY: Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF), DHHS.

ACTION: Announcement of the availability of funds and request for applications for one priority area related to Head Start.

SUMMARY: The Administration for Children and Families (ACF), Administration on Children, Youth and Families (ACYF) announces the availability of funds to support training activities, Head Start and Early Head Start Partnerships with Tribally Controlled Land Grant Colleges/Universities.

DATES: The closing time and date for receipt of application is 4:30 p.m. (Eastern Time Zone) April 26, 1999. Applications received after 4:30 p.m. will be classified as late.

ADDRESSES: Mail applications to: ACYF Operations Center, 1815 North Fort Myer Drive, 3rd Floor, Arlington, Virginia 22209.

Hand delivered, courier or overnight delivery applications are accepted during the normal working hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, on or prior to the established closing date. All packages should be clearly labeled as follows: Application for Head Start Partnerships with Tribally Controlled Land Grant Colleges/Universities.

FOR FURTHER INFORMATION CONTACT: The Head Start Discretionary Grant Support Team (1–800–351–2293) is available to answer questions concerning application requirements and to refer you to the appropriate contact person in ACYF for programmatic questions. You may e-mail your questions to: CB@LCGNET.COM

In order to help us determine the number of applications we will need to review, if you are going to submit an application, you must send a post card or call 800–351–2293 with the following information: the name, address, telephone and fax numbers, and e-mail address of the principal investigator and the name of the college/university at least four weeks prior to the submission deadline date to: ACYF Operations Center, 1815 North Fort Myer Drive, 3rd Floor, Arlington, Virginia 22209.

Part I. Purpose and Background

A. Purpose

This announcement of financial assistance, to be competitively awarded to Tribally Controlled Land Grant Colleges/Universities, is to utilize the capabilities of these institutions of higher education to improve the quality and longterm effectiveness of Head Start and Early Head Start. This will be achieved by developing models of academic training and forming partnerships between the Tribally Controlled Land Grant Colleges/Universities and Head Start grantee and delegate agencies funded through the American Indian Programs Branch of Head Start.

Throughout this announcement, the term Head Start program or Head Start agency refers to both Head Start and Early Head Start grantees or delegate agencies, funded by the American Indian Programs Branch of the Head Start Bureau, unless otherwise specifically noted.

B. Background

The overall goal of Head Start is to bring about a greater degree of social competence in the children of low-income families. In order to accomplish this goal, Head Start provides comprehensive services to low-income children and their families. Head Start enhances children's physical, intellectual, social and emotional development. It supports parents in their efforts to fulfill their parental roles and provides for their involvement in implementing the Head Start program. Another goal of Head Start is to strengthen community supports for families with young children while they are working toward employment and self-sufficiency.

In an attempt to ensure quality services to low-income children and their families Head Start has conducted many demonstration projects, provided grantees with training and technical assistance and given grantees funds to implement their own training efforts. For example, Head Start supported the creation of the Child Development Associate (CDA) credential designed for early childhood development teaching staff, implemented the Head Start

Teaching Centers and other innovative projects.

The Head Start/Tribally Controlled Land Grant Colleges/Universities Partnerships are in keeping with the Head Start tradition of creating innovative programs of working with low-income children and their families. This announcement is an initial effort to fund and recognize partnerships between Head Start programs funded through the American Indian Programs Branch and Tribally Controlled Land Grant Colleges/Universities.

Under this announcement, except for applications addressing area 1 below, Tribally Controlled Land Grant Colleges/Universities must form a partnership with one or more Head Start grantee, or Head Start grantee and delegate agencies, to provide education/training to the Head Start agencies.

The partnership agreements must be beneficial to each partner, that is, the Tribally Controlled Land Grant Colleges/Universities must benefit and the participating Head Start grantees also must benefit. Partnership agreements must provide academic training and credit hours for a specified number of Head Start staff members. Partnership agreements can take many forms; however, they must clearly set out the reason the Tribally Controlled Land Grant College/University and the Head Start program(s) are entering into the partnership and what each party expects to gain from the partnership. For example, a Head Start grantee may form a partnership with a Tribally Controlled Land Grant College/University that agrees to provide education for all Head Start staff members; including food service workers, classroom staff, home visitors and management staff. Another Tribally Controlled Land Grant College/University may agree to educate mental health staff at several grantee locations, and provide modeling of sound child development practices with follow-up education and mentoring for center-based staff that may want to improve the overall learning environment of their classrooms. Other Head Start agencies may form partnerships with institutions of higher learning that would provide education for all classroom staff and home visitors that would lead to academic degrees. Other grantees may need help in addressing the need for courses in how to involve males in the lives of their children and how to work with other community organizations that have similar concerns. In addition, if the Head Start grantee has formed partnerships with local child care agencies, education/training by the institution of higher education can be offered to those child care staff members of those agencies and collaborating family child care providers. Examples of benefits for the Tribal Colleges/Universities could include expansion of capacity in various instructional areas, and an increased institutional competence in the area of technology.

All project applications shall address one of the following four areas:

1. *Identification of ''exemplary'' and or ''best'' practices which are occurring in Indian Head Start programs.* Currently there is no professionally developed ''exemplary'' or ''best'' practices literature on Indian Head Start programs. Such information would be developed and available for electronic delivery by the American Indian Programs Branch. Head Start programs funded by the American Indian Programs Branch would be strengthened by providing clear, descriptive models that Head Start programs can replicate in their home settings.

2. *Model education (not training) programs done in partnership between Tribally Controlled Land Grant Colleges/Universities and Head Start programs* that will result in an increase in the number of associate and bachelor degrees earned by Head Start staff members, parents and members of the community to create a bank of competent educators, social workers and other knowledge areas vital in building quality Head Start programs.

3. *Model programs that demonstrate how to design and implement tribal culture/language programs* through a partnership between a Tribally Controlled Land Grant College/University and Head Start program(s). Culture and language programs help ground children so that they can achieve a greater degree of social competence in their lives. Still, too little has been accomplished in developing ''best practices'' tribal culture/language-based curriculum and comprehensive program activities at Indian Head Start programs. All of the Tribally Controlled Land Grant Colleges/Universities have strong culture and language departments and should be prepared to model age-appropriate curriculum and program activities that can be replicated in Indian Head Start programs.

4. *Model technology programs between Tribally Controlled Land Grant Colleges/Universities and Indian Head Start programs* designed to: (a) help Indian Head Start programs in planning to upgrade their technology infrastructure; (b) support the use of age-appropriate, technologically delivered materials for use by Head Start eligible families and children and; (c) implement technology training and/or education programs for staff and parents. As the Administration for Children and Families and the Head Start Bureau continue to increase their capacity to communicate using new advance technologies, programs must also develop their capacity to keep up with the work being completed nationally. American Indian Head Start programs need to develop a technology infrastructure and capacity in order to achieve and maintain consistent excellence in this rapidly evolving information era.

Minimum Requirements for Project Design: In order to compete successfully under this priority area, the applicant should:

- Address no more than one of the areas outlined above.
- For numbers 2, 3, and 4 above, document the need for such a training program in the community to be served, and indicate the number of staff needing the training.
- For numbers 2, 3, and 4 above, have evidence that a partnership will be formed between the Head Start grantee(s) and any relevant child care agencies and the Tribally Controlled Land Grant College/University and how students will be recruited and retained.
- For numbers 1, 2, 3, and 4 above, the institution must be able to demonstrate that it is a Tribally Controlled Land Grant College/University.
- For numbers 2, 3, and 4 above, the institution must be able to demonstrate and that all course work will offer academic credit.
- For numbers 2, 3, and 4 above, describe the benefits to be gained by both the Head Start grantee(s) and the Tribally Controlled Land Grant College/University, including the number of Head Start staff that will be trained.
- For numbers 1, 2, 3, and 4 above, describe how the proposed project will be beneficial to the American Indian Programs Branch funded Head Start programs nationally.
- For numbers 1, 2, 3, and 4 above, describe the total approach to be taken in implementing this project, including responses to the following questions: Will the project provide education for all staff at either the associate or bachelors degree level? Will parents be allowed to participate in the education program developed? Will the project focus on a single Head Start area, such as mental health or childhood development? How will college/university staff be involved in assuring the success of the project. How will the ''best practices'' inquiry be conducted?
- For numbers 1, 2, 3, and 4 above, provide maps indicating the location of

the Tribally Controlled Land Grant College/University and the Head Start agencies.

- For numbers 1, 2, 3, and 4 above, document that the Tribally Controlled Land Grant College/University currently offers credit courses, and proposes to offer credit courses, in the areas valuable to Head Start such as Community Health Services, Mental Health, Education and Early Childhood Development, including infant/toddler development, social work and social services, community partnerships, parental education, Head Start program administration and management and human resources development.
- For numbers 2, 3, and 4 above, describe how the course work would be contextually and culturally relevant to the Head Start environment and would be available to all interested Head Start staff. Indicate how staff would be selected to participate in the program, including child care staff.
- For numbers 2, 3, and 4 above, indicate how joint planning and assessment with the Head Start grantee(s) will be implemented with timelines and clear lines of responsibility.
- For numbers 1, 2, 3, and 4 above, provide assurances that no more than three months will be devoted to planning activities. A copy of the agreement(s) between the Head Start program(s) and the Tribally Controlled Land Grant College/University, with specific plans on implementing the agreement(s) must be submitted to the ACYF at the end of that three month period.
- For numbers 2, 3, and 4 above, assure that training/coursework is offered at no cost to the grantee staff.
- For numbers 2, 3, and 4 above, describe the relevant curricula which would be used; how the courses would be scheduled and where located; how students will earn credits, including credits toward degrees; what support activities would be provided to the students, such as textbooks, child care and transportation; the number of students that would be involved in the project, the recruitment strategies that would be employed and plans for the dissemination of information about the project.
- For numbers 1, 2, 3, and 4 above, describe the activities that would continue after the completion of this project that would maintain the institution of higher learning involvement with Head Start.
- For numbers 1, 2, 3, and 4 above, describe the approach that would be used for the ongoing assessment and monitoring of the effectiveness of the project. No more than 10% of the total project budget shall be set aside for the ongoing assessment and monitoring effort.

Part II. Program Information

A. Statutory Authority

The Head Start Act, as amended, 42 U.S. C. 9801 *et seq.*

B. Eligible Applicants

Tribally Controlled Land Grant Colleges and Universities are those institutions cited in section 532 of the Equity in Educational Land Grant Status Act of 1994 (7 U.S.C. 301 note), any other institution that qualifies for funding under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 *et seq.*), and Navajo Community College, Authorized in the Navajo Community College Assistance Act of 1978, Public Law 95–471, title II (25 U.S.C. 640a note). Eligible applicants should offer courses of study in a significant area of interest to Head Start. These areas include: human services delivery, infant/toddler development, early childhood education and care, health care services, community partnerships, human resource development, Head Start program administration and management, and/or tribal culture and history.

C. Project Duration

The length of the project period must not exceed 36 months. This announcement is soliciting applications for project periods up to three years. Awards, on a competitive basis, will be for a one-year budget period, although project periods may be for three years. Applications for continuation grants funded under these awards beyond the one-year budget period but within the three year project period will be entertained in subsequent years on a noncompetitive basis, subject to availability of funds, satisfactory progress of the grantee and a determination that continued funding would be in the best interest of the Government.

D. Federal Share of Project Costs

The Federal share for each project awarded in areas 1 and 2 ranges from $70,000 to an amount not to exceed $150,000 per year. The maximum Federal share for each project awarded in areas 3 and 4 is not to exceed $70,000 per year. It is anticipated that $700,000 will be awarded this fiscal year through the competitive process described in this announcement.

E. Number of Projects To Be Funded

It is anticipated that up to 10 projects will be funded, with several projects funded in area 2.

F. Matching Requirement

Although there are no matching requirements, applicants are encouraged to provide non-Federal contributions to the project.

G. Project Description

The following Uniform Project Description (UPD) has been approved by OMB under control number 0970–0139

1. Purpose

The project description provides a major means by which an application is evaluated and ranked to compete with other applications for available assistance. The project description should be concise and complete and should address the activity for which Federal funds are being requested. Supporting documents should be included where they can present information clearly and succinctly. Applicants are encouraged to provide information on their organizational structure, staff, related experience, and other information considered to be relevant. Awarding offices use this and other information to determine whether the applicant has the capability and resources necessary to carry out the proposed project. It is important, therefore, that this information be included in the application. However, in the narrative the applicant must distinguish between resources directly related to the proposed project from those that will not be used in support of the specific project for which funds are requested.

2. General Instructions

Cross-referencing should be used rather than repetition. ACF is particularly interested in specific factual information and statements of measurable goals in quantitative terms. Project descriptions are evaluated on the basis of substance, not length. Extensive exhibits are not required. (Supporting information concerning activities that will not be directly funded by the grant or information that does not directly pertain to an integral part of the grant funded activity should be placed in an appendix.) Pages should be numbered and a table of contents should be included for easy reference.

3. Project Description

Applicants are required to submit a full project description and shall prepare the project description

statement in accordance with the following instructions.

a. *Project Summary/Abstract.* Provide a summary of the project description (a page or less) with reference to the funding request.

b. *Results or Benefits Expected.* Identify the results and benefits to be derived. For example, using a comprehensive review of the current literature, justify how the research questions and the findings will add new knowledge to the field or how it will improve services for children and families.

c. *Approach.* Outline a plan of action which describes the scope and detail of how the proposed work will be accomplished. Account for all functions or activities identified in the application. Cite factors which might accelerate or decelerate the work and state your reason for taking the proposed approach rather than others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.

Provide quantitative monthly or quarterly projections of the accomplishments to be achieved for each function or activity in such terms as the proportion of data collection expected to be completed. When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates.

Identify the kinds of data to be collected, maintained, and/or disseminated. Note that clearance from the U.S. Office of Management and Budget might be needed prior to a ''collection of information'' that is ''conducted or sponsored'' by ACF. List organizations, cooperating entities, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

4. Additional Information

Following is a description of additional information that should be placed in the appendix to the application:

a. *Staff and Position Data.* Provide a biographical sketch for each key person appointed and a job description for each vacant key position. A biographical sketch will also be required for new key staff as appointed.

b. *Organization Profiles.* Provide information on the applicant organization(s) and cooperating partners such as organizational charts, financial statements, audit reports or statements from CPAs/Licensed Public Accountants, Employer Identification Numbers, names of bond carriers, contact persons and telephone numbers, child care licenses and other documentation of professional accreditation, information on compliance with Federal/State/local government standards, documentation of experience in the program area, and other pertinent information. Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission. The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS code, *or* by providing a copy of the currently valid IRS tax exemption certificate, *or* by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

c. *Dissemination Plan.* Provide a plan for distributing reports and other project outputs to colleagues and the public. Applicants must provide a description of the kind, volume and timing of distribution.

d. *Budget and Budget Justification.* Provide line item detail and detailed calculations for each budget object class identified on the Budget Information form. Detailed calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. The detailed budget must also include a breakout by the funding sources identified in Block 15 of the SF–424.

Provide a narrative budget justification that describes how the categorical costs are derived. Discuss the necessity, reasonableness, and allocability of the proposed costs.

5. General

The following guidelines are for preparing the budget and budget justification. Both Federal and non-Federal resources shall be detailed and justified in the budget and narrative justification. For purposes of preparing the budget and budget justification, ''Federal resources'' refers only to the ACF grant for which you are applying. Non-Federal resources are all other Federal and non-Federal resources. It is suggested that budget amounts and computations be presented in a columnar format: first column, object class categories; second column, Federal budget; next column(s), non-Federal budget(s), and last column, total budget. The budget justification should be a narrative.

a. *Personnel.* Description: Costs of employee salaries and wages.

Justification: Identify the project director or principal investigator, if known. For each staff person, provide the title, time commitment to the project (in months), time commitment to the project (as a percentage or full-time equivalent), annual salary, grant salary, wage rates, etc. Do not include the costs of consultants or personnel costs of delegate agencies or of specific project(s) or businesses to be financed by the applicant.

b. *Fringe Benefits.* Description: Costs of employee fringe benefits unless treated as part of an approved indirect cost rate.

Justification: Provide a breakdown of the amounts and percentages that comprise fringe benefit costs such as health insurance, FICA, retirement insurance, taxes, etc.

c. *Travel.* Description: Costs of project-related travel by employees of the applicant organization (does not include costs of consultant travel).

Justification: For each trip, show the total number of traveler(s), travel destination, duration of trip, per diem, mileage allowances, if privately owned vehicles will be used, and other transportation costs and subsistence allowances. Travel costs for key staff to attend ACF-sponsored workshops should be detailed in the budget.

d. *Equipment.* Description: Costs of tangible, non-expendable, personal property, having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. However, an applicant may use its own definition of equipment provided that such equipment would at least include all equipment defined above.

Justification: For each type of equipment requested, provide a description of the equipment, the cost per unit, the number of units, the total cost, and a plan for use on the project, as well as use or disposal of the equipment after the project ends. An applicant organization that uses its own definition for equipment should provide a copy of its policy or section of its policy which includes the equipment definition.

e. *Supplies.* Description: Costs of all tangible personal property other than that included under the Equipment category.

Justification: Specify general categories of supplies and their costs. Show computations and provide other information that supports the amount requested.

f. *Contractual.* Description: Costs of all contracts for services and goods except for those which belong under other categories such as equipment, supplies, construction, etc. Third-party evaluation contracts (if applicable) and contracts with secondary recipient organizations, including delegate agencies and specific project(s) or businesses to be financed by the applicant, should be included under this category.

Justification: All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. If procurement competitions were held or if procurement without competition is being proposed, attach a list of proposed contractors, indicating the names of the organizations, the purposes of the contracts, the estimated dollar amounts, and the award selection process. Justify any anticipated procurement action that is expected to be awarded without competition and exceed the simplified acquisition threshold fixed at 41 U.S.C. 403(11) currently set at $100,000. Recipients might be required to make available to ACF pre-award review and procurement documents, such as request for proposals or invitations for bids, independent cost estimates, etc.

Note: Whenever the applicant intends to delegate part of the project to another agency, the applicant must provide a detailed budget and budget narrative for each delegate agency, by agency title, along with the required supporting information referred to in these instructions.

g. *Other.* Enter the total of all other costs. Such costs, where applicable and appropriate, may include but are not limited to insurance, food, medical and dental costs (noncontractual), professional services costs, space and equipment rentals, printing and publication, computer use, training costs, such as tuition and stipends, staff development costs, and administrative costs.

Justification: Provide computations, a narrative description and a justification for each cost under this category.

h. *Indirect Charges.* Description: Total amount of indirect costs. This category should be used only when the applicant currently has an indirect cost rate approved by the Department of Health and Human Services (HHS) or another cognizant Federal agency.

Justification: An applicant that will charge indirect costs to the grant must enclose a copy of the current rate agreement. If the applicant organization is in the process of initially developing or renegotiating a rate, it should immediately upon notification that an award will be made, develop a tentative indirect cost rate proposal based on its most recently completed fiscal year in accordance with the principles set forth in the cognizant agency's guidelines for establishing indirect cost rates, and submit it to the cognizant agency. Applicants awaiting approval of their indirect cost proposals may also request indirect costs. It should be noted that when an indirect cost rate is requested, those costs included in the indirect cost pool should not also be charged as direct costs to the grant. Also, if the applicant is requesting a rate which is less than what is allowed under the program, the authorized representative of the applicant organization must submit a signed acknowledgement that the applicant is accepting a lower rate than allowed.

i. *Total Direct Charges, Total Indirect Charges, Total Project Costs.* Self explanatory.

Part III. Evaluation Criteria and Review Process

A. Evaluation Criteria

In considering how applicants will carry out the responsibilities addressed under this announcement, competing applications for financial assistance will be reviewed and evaluated against the following criteria:

Criterion 1. Objectives and Need for Assistance: (25 Points)

The extent to which the application identifies relevant physical, economic, social, financial, institutional or other problems requiring a grant; demonstrates the need for assistance; states the principal and subordinate objectives of the project; provides supporting documentation or other testimonies from concerned interests other than the applicant.

Criterion 2. Results or Benefits Expected: (10 Points)

The extent to which the application identifies the results and benefits to be derived; describes the anticipated contribution to policy, practice, theory and/or research; specific benefits should be described for both the American Indian Tribal Colleges/ University and Head Start.

Criterion 3. Approach: (35 Points)

The extent to which the application outlines an acceptable plan of action pertaining to the scope of the project which details how the proposed work will be accomplished, including a timeline; lists of each organization, consultants, including key individuals who will work on the project along with a short description of the nature of their effort or contribution; assures the adequacy of time devoted to the project by key staff, the key staff should be knowledgeable of Head Start, the applicant must fully describe the approach and/or methodology and delineate the relationship of each task to the accomplishment of the proposed objectives. There should be evidence that the planned approach reflects sufficient input from and partnership with American Indian Programs Branch funded Head Start programs.

Criterion 4. Geographic Location: (5 Points)

The extent to which the application gives a precise location of the project and area to be served, including the location of the Head Start and Early Head Start grantees, by the project.

Criterion 5. Budget Appropriateness: (25 Points)

The extent to which the project's costs are reasonable in view of the activities to be carried out and the anticipated outcomes.

B. The Review Process

Applications received by the due date will be reviewed and scored competitively. Experts in the field, generally persons from outside the Federal government, will use the evaluation criteria listed in Part III of this announcement to review and score the applications. The results of this review are a primary factor in making funding decisions. ACYF may also solicit comments from ACF Regional Office staff and other Federal agencies.

Part IV. Instructions for Submitting Applications

A. Required Forms

Eligible applicants interested in applying for funds must submit a complete application including the required forms included at the end of this program announcement in Appendix A. In order to be considered for a grant under this announcement, an application must be submitted on the Standard Form 424 (approved by the Office of Management and Budget under Control Number 0348–0043). A copy has been provided. Each application must be signed by an individual authorized to act for the applicant and to assume responsibility for the obligations imposed by the terms and conditions of the grant award. Applicants requesting financial assistance for non-construction projects must file the Standard Form 424B, Assurances: Non-Construction Programs (approved by the Office of Management and Budget under control number 0348–

0040). Applicants must sign and return the Standard Form 424B with their application. Applicants must provide a certification concerning lobbying. Prior to receiving an award in excess of $100,000, applicants shall furnish an executed copy of the lobbying certification (approved by the Office of Management and Budget under control number 0348–0046). Applicants must sign and return the certification with their application. Applicants must provide a Uniform Project Description (approved by the Office of Management and Budget under control number 0970–0139).

Applicants must make the appropriate certification of their compliance with the Drug-Free Workplace Act of 1988. By signing and submitting the application, applicants are providing the certification and need not mail back the certification with the application.

Applicants must make the appropriate certification that they are not presently debarred, suspended or otherwise ineligible for award. By signing and submitting the application, applicants are providing the certification and need not mail back the certification with the application.

Applicants must also understand that they will be held accountable for the smoking prohibition included within P.L. 103–227, Part C Environmental Tobacco Smoke (also known as The Pro-Children's Act of 1994). A copy of the **Federal Register** notice which implements the smoking prohibition is included with the forms. By signing and submitting the application, applicants are providing the certification and need not mail back the certification with the application.

All applicants for research projects must provide a Protection of Human Subjects Assurance as specified in the policy described on the HHS Form 596 (approved by the Office of Management and Budget under control number 0925–0418) in Appendix A. If there is a question regarding the applicability of this assurance, contact the Office for Protection from Research Risks of the National Institutes of Health at (301)–496–7041. Those applying for or currently conducting research projects are further advised of the availability of a Certificate of Confidentiality through the National Institute of Mental Health of the Department of Health and Human Services. To obtain more information and to apply for a Certificate of Confidentiality, contact the Division of Extramural Activities of the National Institute of Mental Health at (301) 443–4673.

B. Application Limits

The narrative of the application should be double-spaced and single-sided on 8½″ x 11″ plain white paper, with 1″ margins on all sides. Use only a standard size font no smaller than 12 pitch throughout the proposal. All pages of the narrative of the application (including appendices, resumes, charts, references/footnotes, tables, maps and exhibits) must be sequentially numbered, beginning on the first page after the budget justification, the principal investigator contact information and the Table of Contents. The length of the application, including the narrative, appendices and resumes must not exceed 75 pages. Anything over 75 pages will be removed and not considered by the reviewers. The project summary should not be counted in the 75 pages. Applicants should not submit reproductions of larger sized paper that is reduced to meet the size requirement. Applicants are requested not to send pamphlets, brochures, or other printed material along with their applications as these pose copying difficulties. These materials, if submitted, will not be included in the review process. In addition, applicants must not submit any additional letters of endorsement beyond any that may be required.

Applicants are encouraged to submit curriculum vitae using ''Biographical Sketch'' forms used by some government agencies.

Please note that applicants that do not comply with the requirements in the section on ''Eligible Applicants'' will not be included in the review process.

C. Checklist for a Complete Application

The checklist below is for your use to ensure that the application package has been properly prepared.

—One original, signed and dated application plus two copies.

—Attachments/Appendices, when included, should be used only to provide supporting documentation such as resumes, and letters of agreement/support.

Front Matter:

- Cover Letter
- Table of Contents
- Project Abstract

(1) Application for Federal Assistance (SF 424, REV. 4–92);

(2) Budget information—Non-Construction Programs (SF424A&B REV.4–92);

(3) Budget Justification, including subcontract agency budgets;

(4) Letter from the Head Start program certifying that the program is a partner of the Tribally Controlled Land Grant College/University;

(5) Application Narrative, Appendices and resumes (not to exceed 75 pages);

(6) Proof that the organization is a Tribally Controlled Land Grant College/University.

(7) Assurances Non-Construction Programs;

(8) Certification Regarding Lobbying;

(9) Where appropriate, a completed SPOC certification with the date of SPOC contact entered in line 16, page 1 of the SF 424, REV.4–92;

(10) Certification of Protection of Human Subjects.

D. Due Date for the Receipt of Applications

Deadlines: The closing date for the submission of applications is 4:30 p.m. (EDT) April 26, 1999. Applications postmarked after the closing date will be classified as late and not considered for funding. Mailed applications shall be considered as meeting the deadline if they are either received on or before the deadline date or sent on or before the deadline date and received by ACYF in time for the independent review. Applications should be mailed to: ACYF Operations Center, 1815 North Fort Myer Drive 3rd Floor, Arlington, Virginia 22209. Application for Head Start Discretionary Grants: Head Start Partnerships with Tribally Controlled Land Grant Colleges and Universities.

Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.

Applications hand carried by applicants, courier services, or by overnight/express mail couriers shall be considered as meeting the announced deadline only if they are received on or before the deadline date, between the hours of 8:00 a.m. and 4:30 p.m., at the ACYF Operations Center, 1815 North Fort Myer Drive, 3rd Floor, Arlington, VA 22209 between Monday and Friday (excluding Federal holidays). (Applicants are cautioned that express/overnight mail services do not always deliver as agreed.)

ACYF cannot accommodate transmission of applications by fax or through other electronic media. Therefore, applications transmitted to ACYF electronically will not be accepted regardless of date or time of submission and time of receipt.

Late applications: Applications which do not meet the criteria above are considered late applications. ACF shall notify each late applicant that its application will not be considered.

Extension of deadlines: ACF may extend an application deadline for applicants affected by acts of God such as floods, hurricanes, or when there is widespread disruption of the mails, or when it is anticipated that many applications will come from rural or remote areas. A determination to waive or extend deadline requirements rests with the Chief Grants Management Officer.

E. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995, Public Law 104–13, the Department is required to submit to OMB for review and approval any reporting and record keeping requirements in regulations including program announcements. All information collections within this program announcement are approved under the following current valid OMB control numbers 0348–0043, 0348–0044, 0348–0040, 0348–0046, 0925–0418 and 0970–0139.

Public reporting burden for this collection is estimated to average 10 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed and reviewing the collection of information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

F. Required Notification of the State Single Point of Contact

This program is covered under Executive Order 12372, Intergovernmental Review of Federal Programs, and 45 CFR part 100, Intergovernmental Review of Department of Health and Human Services Program and Activities. Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

• All States and Territories except Alabama, Alaska, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, Washington, American Samoa and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from these twenty-four jurisdictions need take no action regarding E.O. 12372. Applicants for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of E.O. 12372. Otherwise, applicants should contact their SPOCs as soon as possible to alert them of the prospective applications and receive any necessary instructions. Applicants must submit any required material to the SPOCs as soon as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or the date of contact if no submittal is required) on the Standard Form 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline to comment on proposed new or competing continuation awards.

SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations.

Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which may trigger the accommodate or explain rule.

When comments are submitted directly to ACF, they should be addressed to: William Wilson, ACYF/Office of Grants Management, 330 C Street S.W., Washington, D.C. 20447, Attn: Head Start Partnerships with Tribally Controlled Land Grant Colleges and Universities. A list of the Single Points of Contact for each State and Territory can be found on the web site: http://www.hhs.gov/progorg/grantsnet/laws-reg/spoq0695.htm

Catalogue of Federal Domestic Assistance 93.600

Dated: February 17, 1999.

Patricia Montoya,

Commissioner, Administration on Children, Youth and Families.

[FR Doc. 99–4330 Filed 2–22–99; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–0192]

Agency Information Collection Activities: Proposed Collection; Comment Request; Infant Formula Recall Regulations

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on requirements related to the recall of infant formula.

DATES: Submit written comments on the collection of information by April 26, 1999.

ADDRESSES: Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth below.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the

burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Infant Formula Recall Regulations—21 CFR 107.230, 107.240, 107.250, 107.260, 107.280 (OMB Control Number 0910–0188—Reinstatement)

Section 412(e) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 350a(e)) provides that if the manufacturer of an infant formula has knowledge that reasonably supports the conclusion that an infant formula processed by that manufacturer has left its control and may not provide the nutrients required in section 412(i) of the act or is otherwise adulterated or misbranded, the manufacturer must promptly notify the Secretary of Health and Human Services (the Secretary). If the Secretary determines that the infant formula presents a risk to human health, the manufacturer must immediately take all actions necessary to recall shipments of such infant formula from all wholesale and retail establishments, consistent with recall regulations and guidelines issued by the Secretary. Section 412(f)(2) of the act states that the Secretary shall by regulation prescribe the scope and extent of recalls of infant formula necessary and appropriate for the degree of risk to human health presented by the formula subject to recall. FDA's infant formula recall regulations (part 107, subpart E (21 CFR part 107, subpart E)) implement these statutory provisions.

Section 107.230 requires each recalling firm to: (1) Evaluate the hazard to human health, (2) devise a written recall strategy, (3) promptly notify each affected direct account (customer) about the recall, and (4) furnish the appropriate FDA district office with copies of these documents. If the recalled formula presents a risk to human health, the recalling firm must also request that each establishment that sells the recalled formula post (at point of purchase) a notice of the recall and provide FDA with a copy of the notice. Section 107.240 requires the recalling firm to: (1) Notify the appropriate FDA district office of the recall by telephone within 24 hours, (2) submit a written report to that office within 14 days, and (3) submit a written status report at least every 14 days until the recall is terminated. Before terminating a recall, the recalling firm is required to submit a recommendation for termination of the recall to the appropriate FDA district office and wait for written FDA concurrence (§ 107.250). Where the recall strategy or implementation is determined to be deficient, FDA may require the firm to change the extent of the recall, carry out additional effectiveness checks, and issue additional notifications (§ 107.260). In addition, to facilitate location of the product being recalled, the recalling firm is required to maintain distribution records for at least 1 year after the expiration of the shelf life of the infant formula (§ 107.280).

The reporting and recordkeeping requirements described previously are designed to enable FDA to monitor the effectiveness of infant formula recalls in order to protect babies from infant formula that may be unsafe because of contamination or nutritional inadequacy or otherwise adulterated or misbranded. FDA uses the information collected under these regulations to help ensure that such products are quickly and efficiently removed from the market. If manufacturers were not required to provide this information to FDA, FDA's ability to ensure that recalls are conducted properly would be greatly impaired.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
107.230	1	1	1	4,500	4,500
107.240	1	1	1	1,482	1,482
107.250	1	1	1	120	120
107.260	1	1	1	650	650
Total					6,752

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Under 5 CFR 1320.3(b)(2), the time, effort, and financial resources necessary to comply with a collection of information are excluded from the burden estimate if the reporting, recordkeeping, or disclosure activities needed to comply are usual and customary because they would occur in the normal course of activities. No burden has been estimated for the recordkeeping requirement in § 107.280 because these records are maintained as a usual and customary part of normal business activities. Manufacturers keep infant formula distribution records for the prescribed period as a matter of routine business practice.

The reporting burden estimate is based on agency records, which show that there are five manufacturers of infant formula and that there have been three recalls in the last 3 years, or one recall annually.

Dated: February 8, 1999.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 99–4338 Filed 2–22–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of Intent to Prepare a Comprehensive Conservation Plan and Associated National Environmental Policy Act Document for the San Joaquin River National Wildlife Refuge, Stanislaus and San Joaquin Counties, California.

SUMMARY: The Fish and Wildlife Service (Service) is preparing a Comprehensive Conservation Plan (CCP) and National Environmental Policy Act (NEPA) document for the San Joaquin River National Wildlife Refuge. This notice advises the public that the Service intends to gather information necessary to prepare a CCP and environmental documents pursuant to the National Wildlife Refuge System Administration Act of 1966, as amended, and NEPA. The public is invited to participate in the planning process. The Service is furnishing this notice in compliance with the Service CCP policy:

(1) To advise other agencies and the public of our intentions,

(2) To obtain suggestions and information on the scope of issues to include in the environmental documents, and

(3) To announce a public open house to occur in March, 1999. Information about the time and location of the open house will be published in local media, will be provided to individuals on our mailing list, and will be available by contacting the refuge or planning team leader.

DATES: To ensure that the Service has adequate time to evaluate and incorporate suggestions and other input into the planning process, comments should be received on or before April 9, 1999.

ADDRESSES: Send written comments or requests to be added to the mailing list to the following address: Planning Team Leader—San Joaquin River NWR, California/Nevada Refuge Planning Office, US Fish and Wildlife Service, 2233 Watt Avenue, Suite 230, Sacramento, California, 95825.

FOR FURTHER INFORMATION CONTACT: Leslie Lew, Planning Team Leader, (916) 979–2085, or Scott Frazer, Refuge Operations Specialist, (209) 826–3508.

SUPPLEMENTARY INFORMATION: The National Wildlife Refuge System Administration Act of 1966, as amended, mandates that all lands within the National Wildlife Refuge System are to be managed in accordance with an approved CCP. The CCP will guide management decisions and identify refuge goals, long-range objectives and management strategies for achieving refuge purposes. The planning process will consider many elements, including habitat and wildlife management, habitat protection, cultural resources, and environmental effects. Public input into this planning process is very important. The CCP will provide other agencies and the public with a clear understanding of the desired conditions for the refuges and how the Service will implement management strategies.

The Service is soliciting information from the public via written comments. Interested parties are urged to be added to the Service's mailing list. The Service will send out special mailings, newspaper articles, and announcements to people who are interested in the refuge. These mailings will provide information on how to participate in public involvement for the CCP. Comments received will be used to develop goals, key issues, and habitat management strategies. Additional opportunities for public participation will occur throughout the process, which is expected to be completed in late 1999. Data collection has been initiated to create computerized mapping, including vegetation, topography, habitat types and existing land uses.

The San Joaquin River National Wildlife Refuge is located west of Modesto, California, within the historic floodplain of the confluences of the San Joaquin, Stanislaus, and Tuolumne Rivers. The Refuge was established in 1987 because of the importance of the area as habitat for the endangered Aleutian Canada goose. This area is the traditional wintering area for virtually the entire population of the Aleutian Canada goose. Refuge lands consist of riparian forest, grasslands, pastures, agricultural fields, and wetlands.

The Refuge also protects other federally listed species, such as the threatened chinook salmon, improves and manages habitat for migratory birds, and conserves native fauna and flora. Currently the Refuge consists of 5,588 acres controlled by the Service within an approved Refuge boundary of 12,877 acres.

The Central Valley of California, which comprises the Sacramento and San Joaquin Valleys, provides winter habitat for about 60 percent of the Pacific flyway waterfowl population. Before the arrival of European settlers, about 4 million acres of wetlands existed in the Central Valley. Today, only about 300,000 acres of wetlands remain in the same area. Preservation, restoration, and management of wetlands, grasslands, and riparian habitat such as that found on the San Joaquin River National Wildlife Refuge, are needed to ensure that adequate wildlife habitat will be available to sustain the population levels of a variety of wildlife species.

The Refuge purpose is to conserve fish, wildlife, and plants which are Federally listed as endangered or threatened species. (16 U.S.C. 1534—Endangered Species Act of 1973).

The outcome of this planning process will be a CCP to guide refuge management for the next 15 years and accompanying NEPA document.

It is estimated that a draft CCP and NEPA document will be made available for public review in fall 2000.

Dated: February 12, 1999.

Michael J. Spear,

Manager, California Nevada Operations, U.S. Fish and Wildlife Service, Sacramento, California.

[FR Doc. 99–4386 Filed 2–22–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Application for Endangered Species Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of application for endangered species permit.

SUMMARY: The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

DATES: Written data or comments on these applications must be received, at the address given below, by March 25, 1999.

ADDRESSES: Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act,* by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: David Dell, Permit Biologist). Telephone: 404/679–7313; Facsimile: 404/679–7081.

FOR FURTHER INFORMATION CONTACT: David Dell, Telephone: 404/679–7313; Facsimile: 404/679–7081.

SUPPLEMENTARY INFORMATION:

Applicant: Regional Administrator, National Marine Fisheries Service, Southeast Region, St. Petersburg, Florida, TE676379–2

The applicant requests renewal of existing authorization to take (harass, capture, temporarily retain, tag, and similar activities) the endangered Atlantic ridley, *Lepidochelys kempii*, hawksbill, *Eretmochelys imbricata*, leatherback, *Dermochelys coriacea*, and green (in Florida), *Chelonia mydas*, sea turtles; and the threatened green (in remainder of range), loggerhead, *Caretta caretta*, and olive ridley, *Lepidochelys olivacea*, sea turtles. Take of these species will occur throughout their respective ranges in North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Puerto Rico, the U.S. Virgin Islands, the Gulf of Mexico, and the northwestern Atlantic Ocean, and will serve the purpose of enhancement of survival of the species.

Applicant: Steven M. Lohr, Clemson University, Clemson, South Carolina, TE007655–0

The applicant requests authorization to take (capture and band) the endangered red-cockaded woodpecker, *Picoides borealis*, throughout the species range in South Carolina for the purpose of enhancement of survival of the species.

Applicant: Dr. Barry J. Wicklow, Saint Anselm College, Manchester, New Hampshire, TE006986–0

The applicant requests authorization to take (capture and temporarily retain) the endangered dwarf wedge mussel, *Alasmidonta heterodon*, throughout the species range in North Carolina, for the purpose of enhancement of survival of the species.

Applicant: Forest Supervisor, National Forests in Alabama, Montgomery, Alabama, TE007744–0

The applicant requests authorization to take (capture, band, translocate, and harass during nest monitoring and augmentation) the endangered red-cockaded woodpecker, *Picoides borealis*, throughout the species range in Alabama, for the purpose of enhancement of survival of the species.

Applicant: Forest Supervisor, Daniel Boone National Forest, Winchester, Kentucky, TE007745–0

The applicant requests authorization to take (capture, band, translocate, and harass during nest monitoring and augmentation) the endangered red-cockaded woodpecker, *Picoides borealis*, throughout the species range in Kentucky, for the purpose of enhancement of survival of the species.

Applicant: Forest Supervisor, National Forests in Florida, Tallahassee, Florida, TE007747–0

The applicant requests authorization to take (capture, band, translocate, and harass during nest monitoring and augmentation) the endangered red-cockaded woodpecker, *Picoides borealis*, throughout the species range in Florida, for the purpose of enhancement of survival of the species.

Applicant: Forest Supervisor, Kisatchie National Forest, Pineville, Louisiana, TE007748–0

The applicant requests authorization to take (capture, band, translocate, and harass during nest monitoring and augmentation) the endangered red-cockaded woodpecker, *Picoides borealis*, throughout the species range in Louisiana, for the purpose of enhancement of survival of the species.

Applicant: Forest Supervisor, Francis Marion National Forest, South Carolina, TE007741–0

The applicant requests authorization to take (capture, band, translocate, and harass during nest monitoring and augmentation) the endangered red-cockaded woodpecker, *Picoides borealis*, throughout the species range in South Carolina, for the purpose of enhancement of survival of the species.

Dated: February 16, 1999.

Sam D. Hamilton,

Regional Director.

[FR Doc. 99–4385 Filed 2–22–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Klamath Fishery Management Council; Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Klamath Fishery Management Council, established under the authority of the Klamath River Basin Fishery Resources Restoration Act (16 U.S.C. 460ss *et seq.*). The Klamath Fishery Management Council makes recommendations to agencies that regulate harvest of anadromous fish in the Klamath River Basin. The objective of this meeting is to develop 1999 Klamath fall chinook salmon harvest management options, for recommendation to the Pacific Fishery Management Council and other agencies. The meeting is open to the public.

DATES: The Klamath Fishery Management Council will meet from 2:00 pm to 6:00 pm. on Sunday, March 7, 1999.

PLACE: The meeting will be held at the Oxford Suites Hotel, 12226 North Jantzen Drive, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald A. Iverson, Project Leader, U.S. Fish and Wildlife Service, P.O. Box 1006 (1215 South Main), Yreka, California 96097–1006, telephone (530) 842–5763.

SUPPLEMENTARY INFORMATION: At the March 7, 1999 meeting, the Klamath Fishery Management Council may schedule short follow-up meetings to be held between March 8, 1999 and March 11, 1999 at the Columbia River DoubleTree Hotel, 1401 North Hayden Island Drive, Portland, Oregon, where the Pacific Fishery Management Council will be meeting.

For background information of the Klamath Council, please refer to the notice of their initial meeting that appeared in the **Federal Register** on July 8, 1987 (52 FR 25639).

Dated: February 17, 1999.

Elizabeth H. Stevens,

Manager, California/Nevada Operations Office.

[FR Doc. 99–4384 Filed 2–22–99; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submitted for Office of Management and Budget Review; Comment Request

AGENCY: Minerals Management Service, DOI.

ACTION: Notice of information collection solicitation and public meetings.

SUMMARY: Under the Paperwork Reduction Act of 1995, the Minerals Management Service (MMS) is soliciting comments on revising an existing information collection, Report of Sales and Royalty Remittance, the Office of Management and Budget (OMB) Control Number 1010–0022, which expires on August 31, 2001.

FORM: MMS–2014.

DATES: Written comments should be received on or before April 26, 1999. MMS will hold two public meetings about the proposed royalty reporting changes on March 11, 1999, in Houston, Texas, and on March 17, 1999, in Lakewood, Colorado.

ADDRESSES: Comments sent via the U.S. Postal Service should be sent to Minerals Management Service, Royalty Management Program, Rules and Publications Staff, P.O. Box 25165, MS 3021, Denver, Colorado 80225–0165; courier address is Building 85, Room A613, Denver Federal Center, Denver, Colorado 80225; e-mail address is RMP.comments@mms.gov. The time and location for each public meeting is:

Houston—March 11, 1999, 8:30–11:30 a.m. Central Standard Time, Houston Compliance Division Office, 4141 North Sam Houston Parkway East, Houston, Texas 77032, Telephone Number (281) 987–6802

Denver—March 17, 1999, 8:30–11:30 a.m. Mountain Standard Time, Minerals Management Service, Denver Federal Center, Building 85, West 6th Avenue and Kipling Street, Lakewood, Colorado 80215, Telephone Number (303) 231–3585

(Access to the Denver Federal Center will require the presentation of a picture identification.)

FOR FURTHER INFORMATION CONTACT: Paula Neuroth, Reports Branch, at phone number (303) 231–3287, FAX number (303) 231–3700, or e-mail at Paula.Neuroth@mms.gov.

SUPPLEMENTARY INFORMATION: We are seeking your comments, both positive and negative, on our proposed changes to Form MMS–2014. Do you have, or are you able to obtain access to, the information needed to report the data element (all data elements are described below)? If not, from what other source could the Royalty Management Program (RMP) obtain the data? Is it appropriate to collect the proposed data via the revised Form MMS–2014, or should we collect by other means (realizing that this may mean a new information collection)? Are there other data elements that RMP should collect in lieu of the proposed data elements? Will collecting other data elements better enable us to meet our three goals stated in this Notice? Is this information collection necessary for us to properly do our job? Can we enhance the quality, utility, and clarity of the information we collect? Can we lessen the information collection burden on the respondents by using automated collection techniques or other forms of information technology?

The public meetings will be open to the public to discuss the proposed reporting changes. We encourage members of the public to attend these meetings. Those wishing to make formal presentations should sign up upon arrival. The sign-up sheet will determine the order of speakers. For building security measures, each person will be required to sign in and may be required to present a picture identification.

Comments, including names and home addresses of respondents, are available for public review during regular business hours and are placed on our web site at http://www.rmp.mms.gov/library/readroom/readrm.htm. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by the law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

In April 1996, RMP undertook a compliance reengineering initiative to examine the current compliance strategy and determine the best approach for accomplishing future goals and objectives. The principal reengineering objective was to define and implement a new compliance strategy that satisfied, in the most cost-effective manner possible, the compliance program's primary purpose of ensuring that Federal and Indian mineral lease revenues were accurately and timely paid.

The Royalty Policy Committee (RPC), which includes representatives from industry, States, Indian Tribal and allottee groups, and MMS, issued recommendations in June 1996 to streamline both royalty and production reporting. An action plan was developed to implement many of the recommendations; however, in August 1996, the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 (RSFA), was enacted into law. RSFA significantly changed many of RMP's historical operating assumptions as well as some fundamental Federal oil and gas mineral revenue financial activities. Although near-term changes in processes and systems were made to implement the law, long-term strategies, business processes and aging systems needed to be addressed for RMP to be cost-effective and responsive to customer needs. The decision was made April 1, 1997, to expand reengineering to all RMP core business processes. This is the most comprehensive review of the RMP's business processes and organization since its creation in 1982. As part of its reengineering effort, RMP analyzed current information collection requirements of the Form MMS–2014, and built upon the RPC's earlier recommendations. Is the information we collect necessary and how do we use it? Will it support reengineered business processes? Can we obtain or utilize the information we collect more efficiently? Are changes necessary to better support reengineered business processes?

There are several reasons why we conduct information collections:

- To fulfill our obligation of disbursement and distribution of funds to the ultimate recipients as quickly as possible;
- To comply with FOGRMA, Explanation of Payments (EOP) requirements. FOGRMA, Section 105(a) requires RMP to provide to revenue recipients along with payments: a description of the type of payment being made, the period covered by such payment, the source of such payment, production amounts, the royalty rate, unit value and such other information as may be agreed upon by the Secretary and the recipient State, Indian tribe, or Indian allottee. The Form MMS–2014 is the source of the information; and
- To collect sufficient and appropriate information to assist RMP in the compliance and asset management process which is dependent upon the accuracy and usefulness of the Form MMS–2014 data. The compliance and asset management process will ensure that all revenues, whether they are received through in-kind or in-value royalties, are accurately reported and paid and that the compliance status of all leases is known within a reasonable time.

As a result of our analysis, we developed and incorporated revised reporting requirements in the proposed Form MMS–2014 which will reduce the volume of lines reported and processed, minimize errors and related error correction workloads, simplify reporting and lower costs for both industry and RMP. The proposal incorporates RPC recommendations, and input received from States, Indian Tribes, and other industry groups. We plan to implement this proposal, or, a modified proposal based upon your comments, by September 2001.

We are seeking your comments on the proposed revisions presented and described below related to reporting for Federal and Indian oil, gas, and geothermal leases. These include revisions to reporting concepts, specific proposed Form MMS–2014 data elements, agreement level reporting, report format and presentation, paperless reporting, and reporting burden.

Reporting Concepts

1. Elimination of the Form MMS–4025, Payor Information Form (PIF), OMB Control Number 1010–0033

The RPC recommended that RMP simplify the current form, reduce the frequency of submissions, and explore alternatives to the PIF. RMP has performed extensive analysis of the alternatives and believes that in a reengineered system the PIF can be eliminated.

Each year, industry prepares and submits over 23,000 PIF's which identify the type of payment to be reported (rent, minimum royalty, royalty, etc.) and establish the specific lease, revenue source, product(s), and selling arrangements a payor will report on the Form MMS–2014.

PIFs are frequently not submitted timely or are prepared incorrectly. Additionally, the data actually reported on the Form MMS–2014 does not always correspond to the PIF

information, causing lines to reject. In fact, this is the principal reason for rejected Form MMS–2014 lines. Industry and RMP personnel spend many hours researching and correcting these rejected lines.

RMP is proposing that in lieu of the PIF, payors report the MMS converted lease and agreement number on the Form MMS–2014. The MMS has an existing unique numbering system to accommodate the Bureau of Land Management (BLM) and the Bureau of Indian Affairs (BIA) assigned numbers. Reporting of the MMS lease and agreement number eliminates the need for a PIF to establish the relationship of the payor to a revenue source. Payors will obtain the converted lease and agreement numbers via the Internet or by contacting RMP.

All other data that was established via the PIF, including product code(s), start and end dates, and rent and minimum royalty responsibility will now be established via the Form MMS–2014. RMP will use the reported sales month, payment type (royalty, rent, minimum royalty, etc), and product code to populate our data base.

This change allows RMP to eliminate a major industry reporting burden, reduces costs for RMP and industry, and significantly reduces the number of rejected Form MMS–2014 lines while enabling RMP to disburse and distribute funds to the recipients more efficiently.

2. Product Valuation

RMP believes automating product valuation monitoring, i.e., identifying reporting that appears to be outside RMP established tolerances, is the best way to efficiently and effectively improve the compliance and asset management process. We need sales data reported at a level of detail that does not mix volumes and values to mask true exceptions or generate erroneous exceptions. All MMS valuation regulations are based on the principle that arm's-length sales represent value. Arm's length is defined in 30 CFR 201.101 and 30 CFR 206.151 as a contract or agreement that has been arrived at in the market place between independent, nonaffiliated persons with opposing economic interests regarding that contract. Therefore, RMP must be able, at a minimum, to distinguish arm's-length sales from sales that are not arm's length.

Additionally, combining different types of contracts, such as percentage-of-proceeds, with other sales occurring during the month would skew the product value. Therefore, RMP will require payors to report separate lines of royalty detail based upon the nature of the sale (arm's length/non-arm's length) and the contract type. RMP will establish a code for each criteria. We will publish these codes in the appropriate payor handbooks. Multiple sales occurring during a month, but within a single criteria, will be reported as one line on the Form MMS–2014. We do not believe this requirement will increase the number of lines a payors must report. Most payors will not have sales from more than one contract type occurring in the same sales month on a lease. The proposed criteria are:

- Arm's-length spot contract
- Non-arm's-length spot contract

RMP defines a spot contract as a contract where the price under the contract is tied to a 30 day spot market price such as a bid-week index price, bid-week spot price or an after bid-week (after market) spot price. Normally, a spot contract is for a period of 30 days or less.

- Arm's-length long term contract
- Non-arm's-length long term contract

RMP defines a long term contract as a contract where the price under the contract is tied to something other than a 30-day spot market price or a negotiated fixed price such as a NYMEX futures forward month price. Normally, a long term contract is for a period greater than 30 days.

- Arm's-length percentage-of-proceeds (POP) contract
- Non arm's-length percentage-of-proceeds contract

RMP defines a POP contract as a contract for the sales of gas prior to processing in which the value of the wet, unprocessed gas is based on a percentage of the proceeds the purchaser receives for the sale of residue gas and gas plant products attributable to processing the lessee's gas.

Obtaining data at this level of detail will enable RMP to focus our efforts on true valuation problems and avoid unnecessary requests to industry for additional data.

3. Reporting Adjustments.

Between 40 and 60 percent of the total monthly lines reported by industry are adjustments to previously reported data. Currently, when a payor submits amended data, they must reverse the entire original line and report a new line incorporating the amended data. This practice requires both RMP and industry to maintain detail monitoring of the ''last line'' reported and accounts for a large number of the lines reported by industry and processed by RMP.

As recommended by RPC, RMP is proposing that the reporting of prior period adjustments be on a ''net'' basis. Net basis is defined as the incremental positive or negative volume/value change for a line of reporting. The original line would not be reversed. Only a single line entry to report the change in volume/value would be required. However, a two-line adjustment would be required if any of the original key data elements such as lease number, agreement number, product code, or sales month were incorrect. RMP estimates that this change will reduce the number of Form MMS–2014 lines by 700,000 to 1.0 million lines annually.

4. Transportation and Processing Allowance Deductions

The current process requires reporting of volumes and values on one line, transportation allowance deductions on a second line, and processing allowance deductions on a third line of the Form MMS–2014. This doubles and triples reporting of key data elements.

As recommended by the RPC, RMP is proposing that transportation and processing allowance deductions be reported on the same line as volumes and values. Reporting of key data elements only once for all related transactions can be accomplished by adding fields to the Form MMS–2014. RMP anticipates that this will reduce the number of Form MMS–2014 lines reported, processed, and verified by approximately 875,000 a year. It will also streamline and improve the accuracy of the payor's initial reporting of allowances by automatically assigning the deductions to the associated royalty value.

Form MMS–2014 Data Elements

RMP is seeking your comments on the proposed Form MMS–2014 data elements. Each of the proposed Form MMS–2014 data elements is explained below and is identified as required or not required. A brief explanation of the data and how it will be used is also provided.

1. Payor Name

Required. This identifies company/individual submitting the report. MMS uses the payor name to match to an existing payor code or to contact the company if the payor code is blank or invalid.

2. Payor Code

Required. This uniquely identifies the entity submitting the report. It also links to the payor address and company contact information in RMP's system.

3. Indian Report Indicator

Required. Is used to indicate that all lines on the report are for Indian leases. If not checked, report is assumed to be Federal. Indian and Federal leases cannot be reported on the same Form MMS–2014.

4. Payor Assigned Document Number

Required. A unique identifier assigned by the payor to both the report and the associated payment. Used by RMP system to automatically match a receivable (Form MMS–2014 or Bill/Order) to the associated payment. This data element has been expanded to an 8 place alpha/numeric field (no slashes, dashes, or special characters).

5. Line Number

Required. Used to sequentially number each line on the report.

6. Reserved for Payor's Use

Not Required. Can be used by the payor to enter their property identifier. RMP will process this data and store it in our system as part of the royalty line. It serves as a communication tool with the payor.

7. MMS Lease Number

Required. This is the MMS-assigned lease number, not the Agency Assigned (BLM, BIA, MMS's Offshore Minerals Management) lease number. RMP is required by FOGRMA to display the ''source of the payment'' (lease number) on the EOP which is provided to States and Indians. The lease number will be used in conjunction with the agreement number in Column 9 as a replacement for the current revenue source code. The lease number also drives the disbursement process.

8. API Well Number

Not Required. RMP is not requiring monthly well level reporting. The API well number will only be reported in two specific cases, but only if MMS instructs the payor to do so. These cases are:

- When Indian Tribes elect to opt out of an index zone as proposed in the new Indian gas valuation rule; and
- When certain Outer Continental Shelf royalty rate relief initiatives are implemented.

9. MMS Agreement Number

Required in those cases where royalties are being reported for sales attributable to unit or communitization agreement production. Must be blank if sales are being reported for lease level production. This eliminates the need to report a revenue source code. Instead, RMP will use the reported lease or lease and agreement number to compare sales volumes reported on the Form MMS–2014 to sold or transferred volumes reported on the monthly Oil and Gas Operations Report (OGOR).

10. Product Code

Required. Identifies the product on which royalties are calculated. RMP is required to provide this on the EOP. This information is used in many aspects of the royalty management process. RMP anticipates adding new product codes for the following:

- Geothermal—electrical generation, kilowatthours
- Geothermal—electrical generation, thousands of pounds
- Geothermal—electrical generation, millions of Btu's
- Geothermal—electrical generation, other
- Geothermal—direct utilization, millions of Btu's
- Geothermal—direct utilization, hundreds of gallons
- Geothermal—direct utilization, other
- Coalbed methane

11. API Gravity

Required if reported product code is 01-oil; 02-condensate; 13-fuel oil; 14-oil lost. Used in valuation monitoring.

12. Valuation Code

Required. This data field will be used to identify contract type and nature of disposition (arm's-length or non arm's-length) for Federal and Indian oil, gas, and geothermal leases. RMP has determined that this information is needed to effectively and timely identify and resolve product valuation issues. Payors will be able to roll up sales within each Valuation Code criteria on a lease and report a single line. Sales occurring across criteria will require separate lines of reporting.

13. Sales Month/Year

Required. RMP must collect this information for the EOP and it is used in all RMP downstream verification processes.

14. Transaction Code

Required. RMP must collect this information for use on the EOP. It is a key element in the royalty edit process, identifying for the MMS system what data elements and relationships to expect on the line and what activity is being reported (rent/ royalty/ recoupment/ etc.).

15. Adjustment Reason Code

Used to report a variety of adjustments and, in some cases, original line entries. Required field if:

- A line is an adjustment to data previously reported or,
- A line is a RSFA marginal property ''true-up'' line or,
- The payor is self-reporting interest or,
- The payor is reporting Indian major portion.

It also is used in the calculation of interest as it relates to the above items. RMP will reduce the number of adjustment reason codes, but has determined that maintaining a separate adjustment reason code provides needed functionality and flexibility.

16. Sales Volume

Required. The volume reported in this field is the MCF, barrels, gallons, long tons, kilowatt-hours, thousands of pounds, and hundreds of gallons on which the Indian/Federal royalty is calculated. Gas sales are reported at a standard temperature of 60 degrees Fahrenheit and 14.73 psia. Calculation of Sales Volume will be determined differently for entitlement versus takes reporting and for sales attributable to agreement production versus sales attributable to lease level production. RSFA provides the foundation for entitlements and takes requirements.

Entitlement Calculation

Sales attributable to agreement production:

Total agreement sales volume × Lease allocation percentage × Lease Federal or Indian mineral interest × Working interest owner percentage × Indian direct pay percentage (if applicable).

Sales attributable to lease production:

Lease sales × Lease Federal or Indian mineral interest × Working interest owner percentage × Indian direct pay percentage (if applicable).

Takes Calculation

Calculation for takes reporting will be defined by RMP through reporting instruction.

RMP must collect this information for use on the EOP. RMP will use this field to compare sales volumes reported on the Form MMS–2014 to sold or transferred volumes reported on the OGOR. It will also be used in conjunction with column 17 to calculate the Btu content for gas products.

17. Gas MMBtu Sales Volume

Required if the reported product code is:

03—processed (residue) gas,
04—unprocessed (wet) gas,
12—flash gas,
15—fuel gas, or
16—gas lost (flared or vented).

The MMBtu sales volume is calculated using the same formula as Column 16. RMP will use columns 16 and 17 to calculate the Btu content on gas products. MMBtu ÷ (MCF × 1000) = Btu/cf.

18. Royalty Rate

Required. Payors will report the royalty rate they used to calculate the Federal/Indian royalty due. RMP must collect this information for use on the EOP.

19. Unit Price

Required. This is the sales value divided by sales volume (MCF or MMBtu depending on the terms of the sales contract, tons, barrels, gallons, pounds, or kilowatt-hours). RMP must collect this information for use on the EOP. The MMS understands that this price will not directly relate to a specific contract because in most cases it will represent a weighted average price of many sales occurring during the sales month. Additionally, MMS has no plans or legal authority to force arm's-length payors with lower reported unit prices, paying on Federal leases to ''true-up'' to higher reported unit prices by other lessees in the field or area.

20. Royalty Value Prior to Allowances

Required. This is the royalty amount due prior to any allowable deductions for transportation or processing. Depending on the product reported, this value will be calculated using the following formula.

Oil, condensate, CO_2, gas plant products, helium, sulfur, nitrogen, and geothermal products:

Column 16 × Column 18 × Column 19 = Column 20

Processed gas, unprocessed gas, flash gas, fuel gas, gas lost:

Column 17 × Column 18 × Column 19 = Column 20

Column 20 will be in $/Mcf of $/MMBtu depending on whether column 16 or 17 is used.

21. Transportation Deduction

Required if the payor is reducing the Royalty Value Prior to Allowances for the actual costs of transporting the product from the lease to a sales point or processing plant off the lease. This amount is deducted from Column 20 to determine the Royalty Value Less Allowances due on the line.

22. Processing Deduction

Required if the payor is reducing the Royalty Value Prior to Allowances for the actual costs of processing the product. This is the amount claimed for processing gas prior to the royalty sales point. This amount is deducted from Column 20 to determine the Royalty Value Less Allowances due on the line.

23. Royalty Value Less Allowances

Required. This is the net payment applicable to the line. Royalty Value Prior to Allowances (Column 20) less amounts deducted for transportation (Column 21) and processing (Column 22), if any, equals Royalty Value Less Allowances.

24. Payment Method

Required. A unique payment method will identify royalty-in-kind transactions, as well as payments made directly to an Indian allottee, Indian lockbox, or MMS.

Report Control Block

This block is used to identify the payor's net payment. The payor will show the report total less Royalty In-Kind, Indian Direct Pay, and Indian Lockbox amounts. If applicable, the payor will also be able to identify and use credits that reside in RMP's system to offset the payment amount due on the current Form MMS–2014. Credits are created in RMP's system through a variety of actions such as interest exception processing which calculates interest owed to a payor. RMP has determined that it is more efficient to authorize the use of these credits to pay current obligations than to process refunds to the payor.

Agreement Level Reporting

Is it advantageous to require royalty reporting at the communitization or unitization participating area (agreement) level? Payors would report one line for the agreement showing total volumes, allowances and values applicable to the Federal/Indian leases. RMP would allocate each payor's reported volumes, allowances, and values to all leases in the agreement based on the allocation schedule in our system. Agreement level reporting:

- Results in fewer reporting lines from industry,
- Eliminates the need for RMP to roll-up Form MMS–2014 reported volumes for comparison to sold/transferred volumes reported on the Oil and Gas Operations Report,
- Supports and simplifies marginal property RSFA requirements,
- Requires RMP to roll-down reported information to the lease for distribution to the States and Indians,
- Results in RMP allocating each payor's volumes, allowances, and values to all leases in the agreement even though the payor may not have an interest in all leases in the agreement,
- Does not support designee/designor requirements of RSFA,
- Eliminates lease level sales and allowance detail information that might be useful in the compliance verification processes,
- Requires RMP to maintain and store data at the original Form MMS–2014 agreement level and at the lease level,
- Complicates monitoring of Indian over-payments and recoupments (recoupments can only be taken against the specific Indian lease where the overpayment occurred).

Report Format and Presentation

Included in this Notice are two proposed Form MMS–2014 formats. Attachment A is an 8½ × 11 inch portrait form. Attachment B is an 8½ × 14 inch landscape form. The data elements on both versions are the same. We are seeking your comments on which version you prefer and why.

Paperless Reporting

To assist industry in reporting, RMP offers a wide range of electronic reporting options including:

Electronic Data Interchange (EDI) (ANSIX12)
Form MMS–2014 Template Software
Comma Separated Values (CSV)
ASCII

The reports can be transmitted using EDI, e-Mail, tape or diskette. Specifics including edit specifications, template software, record layouts, and implementation information are all provided at no cost to industry. The time required for a company to draw data from its own files, enter a line of data, and generate the electronic report is significantly less that the time needed for a company to manually complete the line on a paper Form MMS–2014. Additionally the report does not require re-keying when received by RMP. We require most payors to report electronically.

Reporting Burden

RMP believes the overall reporting burden will be decreased by these proposed reporting changes, and we specifically invite your comments regarding this expected decrease in reporting burden. The current estimated time to manually complete one line on the Form MMS–2014 is 7 minutes. This time includes data assembly, value and royalty calculations, entering data on the form, and mailing. The total time involved varies considerably from a small company reporting only one or two leases to a large company reporting many leases. For those companies who report electronically, the time to generate and submit the data is estimated to be 2 minutes per line. MMS estimates that the proposed changes in reporting requirements will reduce the total number of lines currently reported on the Form MMS–2014, however, the reporting burden per line, either manually or electronically reported,

may increase. Furthermore, elimination of the PIF eliminates industry's burden for preparing this form which is currently estimated at 50 minutes per submission for approximately 23,000 submissions a year.

Dated: February 12, 1999.

Lucy Querques Denett,

Associate Director for Royalty Management.

BILLING CODE 4310–MR–P

U.S. DEPARTMENT OF THE INTERIOR
Minerals Management Service
Royalty Management Program

REPORT OF SALES AND ROYALTY REMITTANCE
FORM MMS-2014

DRAFT

1 PAYOR NAME: _____

2 PAYOR CODE: _ _ _ _ _

3 INDIAN REPORT INDICATOR ☐

4 PAYOR-ASSIGNED DOCUMENT NUMBER _ _ _ _ _ _ _ _ _ _

Page ___ of ___

5	Line Number	1	2	3	4
6	Reserved for Preparer's use				
7	MMS Lease Number				
8	API Well Number				
9	MMS Agreement Number				
10	Product Code				
11	API Gravity				
12	Valuation Code				
13	Sales Mo/Yr				
14	Transaction Code				
15	Adjustment Reason Code				
16	Sales Volume (mcf/bbls/gal/long tons)				
17	Gas MMBtu Sales Volume				
18	Royalty Rate				
19	Unit Price $				
20	Royalty Value Prior To Allowances $				
21	Transportation Allowance Deduction $				
22	Processing Allowance Deduction $				
23	Royalty Value Less Allowances $				
24	Payment Method Code				

REPORT CONTROL BLOCK

Report Total: $ _____
Less:
Royalty-In-Kind (PM4) Amount -
Indian Direct Pay (PM2) Amount -
Indian Lockbox (PM3) Amount -
Amount Due MMS (PM1): $ _____
Less Available Credits:
Doc. ID: _____ $-
Doc. ID: _____ -
Doc. ID: _____ -
Net Payment for this Report: $ _____

I have read and examined the statements in this report and agree they are accurate and complete.

Name (typed or printed) and authorized signature — Date

Name of preparer — Telephone

FORM MMS-2014 (01/99)

OMB (Expires)

U.S. DEPARTMENT OF THE INTERIOR
Minerals Management Service - Royalty Management Program

REPORT OF SALES AND ROYALTY REMITTANCE
FORM MMS-2014

DRAFT

1 PAYOR NAME: _____

2 PAYOR CODE: _ _ _ _ _ _

3 INDIAN REPORT INDICATOR ☐

4 PAYOR-ASSIGNED DOCUMENT NUMBER _ _ _ _ _ _ _ _ _ _

PAGE ____ OF ____

5 LINE NUMBER	6 RESERVED FOR PREPARER'S USE / 8 API WELL NUMBER	7 MMS LEASE NUMBER / 9 MMS AGREEMENT NUMBER	10 PRODUCT CODE	11 API GRAVITY	12 VALUATION CODE	13 SALES MO/YR	14 TRANSACTION CODE	15 ADJUSTMENT REASON CODE	16 SALES VOLUME (mcf/bbls/gal/long tons) / 20 ROYALTY VALUE PRIOR TO ALLOWANCES $	17 GAS MMBtu SALES VOLUME / 21 TRANSPORTATION ALLOWANCE DEDUCTION $	18 ROYALTY RATE / 22 PROCESSING ALLOWANCE DEDUCTION $	19 UNIT PRICE $ / 23 ROYALTY VALUE LESS ALLOWANCES $	24 PAYMENT METHOD CODE

OMB (Expires)

U.S. DEPARTMENT OF THE INTERIOR
Minerals Management Service - Royalty Management Program

REPORT OF SALES AND ROYALTY REMITTANCE
FORM MMS-2014

DRAFT

1 PAYOR NAME: _____

2 PAYOR CODE: _ _ _ _ _

3 INDIAN REPORT INDICATOR ☐

4 PAYOR-ASSIGNED DOCUMENT NUMBER _ _ _ _ _ _ _ _

PAGE ___ OF ___

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PAGE TOTAL

REPORT CONTROL BLOCK	
Report Total:	$
Less:	
Royalty-In-Kind (PM4) Amount	-
Indian Direct Pay (PM2) Amount	-
Indian Lockbox (PM3) Amount	-
Amount Due MMS (PM1):	$
Less Available Credits:	
Doc. ID:	$-
Doc. ID:	-
Doc. ID:	-
Net Payment for this Report:	$

FORM MMS-2014 (01/99)

For detailed instructions and examples on how to complete and submit this form, please refer to the appropriate Minerals Management Service handbook. See the *Oil and Gas Payor Handbook–Volume II* for oil and gas and geothermal leases. See the *AFS Payor Handbook–Solid Minerals* for solid mineral leases.

The Paperwork Reduction Act of 1995 requires us to inform you that this information is being collected by the Minerals Management Service (MMS) to document details of royalty payments and sales of minerals from leases on Federal and Indian lands. We will use this information to maintain and audit lease accounts, and we estimate the burden for reporting electronically is 2 minutes per line and for reporting manually is 7 minutes per line. Comments on the accuracy of this burden estimate or suggestions on reducing this burden should be directed to the Information Collection Clearance Officer, MS 4230, MMS, 1849 C Street, N.W., Washington, DC 20240 and to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Desk Officer for the U. S. Department of the Interior, Washington, DC 20503. Proprietary information submitted to the U.S. Department of the Interior is protected in accordance with standards established by the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1733), the Freedom of Information Act (5 U.S.C. 552 (b) (4), and the Departmental Regulations (43 CFR 2). The Indian Minerals Development Act of 1982 (25 U.S.C. 2103) provides that all information related to any Indian minerals agreement covered by the Act in the possession of the Department shall be held as proprietary information. Storage of such information and access to it is controlled by strict security measures. 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.

I have read and examined the statements in this report and agree they are accurate and complete.

Name (typed or printed) and authorized signature — Date

Name of preparer — Telephone

BILLING CODE 4310–MR–C

[FR Doc. 99–4371 Filed 2–22–99; 8:45 am]

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submitted for Office of Management and Budget Review; Comment Request

AGENCY: Minerals Management Service, DOI.

ACTION: Notice of information collection solicitation and public meetings.

SUMMARY: Under the Paperwork Reduction Act (PRA) of 1995, the Minerals Management Service (MMS) is soliciting comments on revising an existing information collection, Production Accounting and Auditing Reports, the Office of Management and Budget (OMB) Control Number 1010–0040, which expires on July 31, 2001. MMS is also giving notice of two public meetings concerning oil and gas production reporting changes.

FORMS: MMS–3160, MMS–4054, MMS–4055, MMS–4056, MMS–4058.

DATES: Written comments should be received on or before April 26, 1999. MMS will hold two public meetings about the proposed production reporting changes on March 11, 1999, in Houston, Texas, and on March 17, 1999, in Lakewood, Colorado.

ADDRESSES: Comments sent via the U.S. Postal Service should be sent to Minerals Management Service, Royalty Management Program, Rules and Publications Staff, P.O. Box 25165, MS 3021, Denver, Colorado 80225–0165; courier address is Building 85, Room A613, Denver Federal Center, Denver, Colorado 80225; E-mail address is RMP.comments@mms.gov. The time and location for each public meeting is:

Houston—March 11, 1999, 1–5 p.m. Central Standard Time, Houston Compliance Division Office, 4141 North Sam Houston Parkway East, Houston, Texas 77032, Telephone Number (281) 987–6802

Denver March 17, 1999, 1–5 p.m. Mountain Standard Time, Minerals Management Service, Denver Federal Center, Building 85, West 6th Avenue and Kipling Street, Lakewood, Colorado 80215, Telephone Number (303) 231–3585

(Access to the Denver Federal Center will require the presentation of a picture identification.)

FOR FURTHER INFORMATION CONTACT: Beth Ann Danford, Production Accounting Branch, Royalty Management Program (RMP), phone (303) 231–3522, FAX (303) 231–3700, e-mail Beth.Danford@mms.gov.

SUPPLEMENTARY INFORMATION: We are seeking your comments, both positive and negative, on our proposed changes for each oil and gas production form. Do you have objections to any of our proposed changes? What, if any, problems will the elimination of the Monthly Report of Operations, Form MMS–3160, for Onshore Federal and Indian oil and gas properties cause industry? Is this the best option for MMS to collect accurate and timely data for gallons per thousand cubic feet of gas (GPM) and Methane Mol percentage? Is it beneficial to industry to combine the Oil and Gas Operations Report (OGOR), Parts B and C? If you do have objections, what alternative(s) would you suggest? Can we enhance the quality, utility, and clarity of the information we collect? Can we lessen the information collection burden on the respondents by using automated collection techniques or other forms of information technology?

The public meetings will be open to the public to discuss the proposed reporting changes. We encourage members of the public to attend these meetings. Those wishing to make formal presentations should sign up upon arrival. The sign-up sheet will determine the order of speakers. For building security measures, each person will be required to sign in and may be required to present a picture identification.

Comments, including names and home addresses of respondents, are available for public review during regular business hours and placed on our web site at http://www.rmp.mms.gov/library/readroom/readrm.htm. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by the law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

MMS is responsible for ensuring that all revenues from Federal and Indian mineral properties are efficiently, effectively, and accurately collected, accounted for, verified, and disbursed to appropriate recipients in a timely manner. These revenues amount to more than $4.5 billion annually. In addition to a broad range of financial services, we also operate a comprehensive compliance strategy that includes an automated compliance verification program to validate the accuracy and timeliness of revenues paid and an audit program staffed by MMS, State, and Tribal auditors.

In April 1996, we undertook a compliance reengineering initiative to examine the current compliance strategy and determine the best approach for accomplishing future goals and objectives. The principal reengineering objective was to define and implement a new compliance strategy that satisfied, in the most cost-effective manner possible, the compliance program's primary purpose of ensuring that Federal and Indian mineral property revenues were accurately and timely paid.

In August 1996, the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 (RSFA) was enacted into law. This law amended the Federal Oil and Gas Royalty Management Act of 1982, the Outer Continental Shelf Lands Act, and the Mineral Leasing Act. RSFA significantly changed many of our historical operating assumptions as well as some fundamental Federal oil and gas mineral revenue financial activities. We needed to immediately change some of our procedures and processes to implement RSFA, but we also needed to reassess our long-term strategies, our business processes, and improve and modernize our ADP systems to become more cost-effective and responsive to our customers. Therefore, we decided to conduct an in-depth reengineering of all of our core business processes.

A reengineering design team analyzed current information reporting requirements to confirm the presence of data needed to support future RMP processes. Building upon a royalty and production reporting study completed in May 1996, by the Royalty Policy Committee (RPC), the design team identified opportunities for decreasing reporting burden, avoiding data duplication, decreasing error rates, and increasing processing efficiency. They critically analyzed the information collected by each royalty and production report to determine: Is it necessary to collect this information, and how will it be used? Will this information support reengineered business processes? Can this information be obtained or utilized more efficiently?

The design team recommended incorporating the RPC recommendations including eliminating some reports, streamlining the required data elements

on other reports, and modifying some reports. The RPC estimated savings for the RMP to be in the range of 1 to 1.5 million dollars per year. If these proposals are adopted, they will significantly reduce the volume of lines reported and processed, minimize errors and related error correction workload, simplify reporting, and lower costs for both oil and gas reporters and RMP. These reporting changes (for both royalty and production) are essential to achieving an end-to-end compliance and asset management core business process. We are seeking your comments on the proposed changes presented and described below related to production reporting for Federal and Indian oil and gas properties. We consistently made these changes on the proposed reporting forms which are included at the end of this notice. In the report identification area, we renamed ''Report Period'' to ''Production Month'' and eliminated ''Authorizing Name'' and ''Title'' from the report authorization area. Implementation of all proposed reporting changes is projected for September 2001.

We envision that operators will have the option, for all production reporting forms, to report via user-friendly templates or Internet interfaces with pull down menus. This should be especially beneficial to the smaller operators by eliminating reporting complexity and reducing reporting time burden or the need to learn codes.

Monthly Report of Operations, Form MMS–3160

Currently, most operators of onshore properties report their production on Form MMS–3160. Some onshore operators and all offshore operators report their production on OGOR, Form MMS–4054–A, B and C. MMS and those reporters that have production, both offshore and onshore, must currently maintain and support two separate production reporting systems. We believe it is more efficient for all parties to have one system for production reporting. Therefore, we propose that the Form MMS–3160 be eliminated and that reporters, whether their production is onshore or offshore, use the revised draft OGOR, Form MMS–4054 A & B, as further discussed below. We included a revised draft of this form at the end of this notice.

Oil and Gas Operations Report (OGOR), Form MMS–4054

The OGOR may appear to be more complex than the Form MMS–3160; however, they are quite similar. Essentially the same data elements are being collected on both forms. The proposed OGOR eliminates several data fields currently required on the Form MMS–3160. However, under the PRA, the following elements are not on the proposed OGOR, since this information is obtained through other sources:

—Field Name;
—Unit Name;
—Participating Area;
—County Name;
—State Code;
—Well Location Section Qtr Qtr;
—Well Location Township;
—Well Location Range; and
—Address.

Because the proposed OGOR was designed to accommodate both onshore and offshore reporting, it contains more data fields than the Form MMS–3160. However, many of these fields will either be system calculated (column totals) or will *not* be required for onshore reporters (metering points and facility numbers).

The current Form MMS–3160 identifies production disposition for only the seven most common situations preprinted on the form. All other dispositions are reported in the ''Other'' field, with explanations in the ''Comments'' field. This weakness in the form design creates a burden on industry to provide supplemental information in response to MMS system exception reports.

We propose to provide onshore reporters with the ability to select more disposition codes than currently provided on the Form MMS–3160. To keep the reporting simple, we will provide templates or Internet interfaces with pull-down menus to allow the small reporters to select the narrative response they are accustomed to reporting on the Form MMS–3160. RMP's system/software will automatically populate the appropriate two-digit disposition code.

The reporting impact will be almost transparent to the onshore reporter, and this change will allow our system to automatically resolve exceptions.

Adjustments to oil reported in inventory are also currently reported in the ''Other'' field on the Form MMS–3160. These adjustments will also be identified by pull-down menus for simplified reporting on the proposed OGOR. More accurate disposition data should also assist Bureau of Land and Management, Bureau of Indian Affairs, and the States in their production verification efforts.

One additional element ''Product Code'' will be required on the proposed OGOR–B. Due to the space limitations, the separate product volume fields that currently exist, had to be reduced to one field. A two digit ''Product Code'' was added to identify the product. Values will be limited to three options, 01 (Oil/Condensate), 04 (Gas), and 30 (Water), and will be accessible by a pull-down menu.

The impact to operators using this revised format to submit information will be minimal. MMS will provide operators with a user-friendly template/Internet interface that will guide them through completing all required data elements. Also, the few large operators that are not currently reporting on the OGOR will have the option of using the RMP template or redesigning their own system.

The OGOR is currently a three part form (OGOR-A, Well Production; OGOR-B, Production Disposition; and OGOR-C, Product Sales from Facility). We propose to adopt the RPC recommendation to reduce the well status code reported on the OGOR-A from up to 13 digits, down to 4 digits. We also propose that the data elements captured on the OGOR-C be combined with those on the proposed OGOR-B. Common elements on both will be eliminated. The resultant proposed OGOR-B will report both disposition and inventory data for a property. To make room on the proposed OGOR-B, three disposition volume columns (Oil, Gas, and Water) are consolidated into one disposition volume column. We added a two-digit Product Code column to enable RMP to continue to account for disposition volumes by product.

A main premise of the reengineering effort is to analyze all reported elements at one time, and thereby reduce the number of contacts with industry for exception resolution. To accomplish this goal, we must be able to accurately allocate volumes of processed gas and related natural gas liquids (NGLs) to the property level. The minimum data elements necessary to make these allocation calculations are GPM and Methane Mol percentage at the property level. In lieu of requesting these data elements on a separate Gas Analysis Report (GAR), we feel it is less burdensome to add these two fields to the proposed OGOR-B and instruct operators to populate these fields when the data last reported has changed. Accurate and timely reporting of these fields should eliminate the need for property operators to file a modified/amended OGOR-B and/or a GAR, except for specific exception resolution situations.

Currently, modifications to OGOR reports are made by deleting the original reported line and adding the new line (Delete/Add Method). Some companies expressed concern that their systems are

not compatible with this process and to file a total replacement report which will overlay the original report. We propose that our reengineered system be flexible enough to allow a company to choose the modification method that best meets each company's system capabilities.

Gas Analysis Report (GAR), Form MMS–4055

The GAR is currently used to report gas analysis data regarding the composition of OCS Federal lease gas production at the facility measurement point (FMP). It is used by lessees and gas plant operators to allocate residue gas and gas plant products to contributing properties. We propose that GPM and Methane Mol percentage be reported on the proposed OGOR-B at the property/FMP level when new samples are taken and/or the data last reported has changed. This eliminates collecting monthly GARs from the OCS property operators and removes the burden of reporting some 30-plus data elements. The GAR, in its current approved format, will only be requested on an as-needed basis when the reasonableness of residue gas and NGL allocations is in question.

Gas Plant Operations Report (GPOR), Form MMS–4056

The GPOR is currently required from a few onshore gas plants operators and from operators that process natural gas produced from OCS Federal oil and gas properties. It is used to verify that property level volume allocations are reasonable. We propose to simplify the form in several aspects. A draft revised Form MMS–4056 is included at the end of this notice. We have eliminated the analysis section of the current report (30-plus data elements). In lieu of the analysis data, we will require two additional data elements relative to field volumes. We added an element called ''Field Btu'' and will clarify that the existing Btu field is for residue gas. We also added an element called ''Field Methane Mol %.'' Component product volumes will still be required but only for the most common components as identified on the form. That is, scrubber condensate (reported in gallons instead of barrels), natural gas liquids (Gallons), carbon dioxide (MCF), nitrogen (MCF), helium (MCF), and sulfur (Long Tons). The pressure base for all elements reported on the GPOR will be defined as 14.73 psia. We propose that the simplified GPOR be required monthly from each operator of a gas plant that processes gas produced on OCS properties. In specific instances, the GPOR may be required from onshore gas plants.

Production Allocation Schedule Report (PASR), Form MMS–4058

The PASR is currently required only for OCS Federal properties. We propose to simplify it by removing the ''Product Code'' field from the Report Identification Area, by removing the ''Delivered Production Volumes'' column, and by removing the ''Beginning and Ending Inventory'' fields from the body of the current report. A draft revised Form MMS–4058 is included at the end of this notice. Three optional fields were added at the request of industry representatives. A one-character field to identify injector type, ''Operator Facility Name/Location,'' and ''Operator/Area/Block'' will each be optional. The number of detail lines available for reporting was also increased at the request of industry.

Reporting Burden

The reporting burden for the Form MMS–3160 is currently estimated at 7 minutes per report when electronically completed and 15 minutes when manually completed. The estimate for the GAR is currently 15 minutes per report. If the Form MMS–3160 and GAR are eliminated and all onshore properties are reported on the proposed OGOR A & B, we anticipate that the reporting burden will be approximately the same as for the Form MMS–3160. As explained in this Notice, many of the data elements on the proposed OGOR are optional for onshore reporters. Additionally, static information, such as well location and reporter address which is required on the Form MMS–3160, is not required on the proposed OGOR.

The reporting burden for the current OGOR is 15 minutes when electronically completed and 30 minutes when manually completed. We believe this burden will remain unchanged if the proposed OGOR is implemented. However, allowing reporters the option to ''modify'' or ''amend'' their reports may help ease the reporting burden for some parties.

The current reporting burden for the GPOR is estimated at 30 minutes per report. We estimate that the proposed GPOR will require 3 minutes per report when electronically completed and 5 minutes when manually completed.

The current reporting burden estimate for the PASR is 15 minutes per report. We estimate that the proposed PASR will require 7 minutes per report when electronically completed and 15 minutes per report when manually completed.

Dated: February 12, 1999.

Lucy Querques Denett,

Associate Director for Royalty Management.

BILLING CODE 4310–MR–P

DRAFT

OMB 1010-0040
(Expires)
The Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires us to inform you that this information is being collected to determine expected residue and natural gas liquid production from Federal and Indian leases. MMS will use this information to determine specific production on which royalty is due.

U.S. DEPARTMENT OF THE INTERIOR
Minerals Management Service
Royalty Management Program

MMS USE

REPORTER USE

GAS PLANT OPERATIONS REPORT (GPOR)

MMS OPERATOR NUMBER: (5)	OPERATOR NAME: (30)	PRODUCTION MONTH: (4) MMYY
OPERATOR FACILITY NUMBER: (20)	MMS GAS PLANT NUMBER: (11) 0 2	GAS PLANT NAME: (30)

PLANT VOLUMES (MCF @ 14.73 psia)				
	FIELD: (9)	FIELD BTU: (4) 9999	FIELD GPM: (5) 99.999 .	FIELD METHANE MOL%: (5) 99.99 .
	BY-PASS: (9)	RESIDUE: (9)	RESIDUE BTU: (4) 9999	FUEL: (9)
	FLARE/VENT: (9)	SHRINKAGE: (9)		

SCRUBBER CONDENSATE	VOLUME: (9) (GAL)	API GRAVITY: (3) 99.9 .
NATURAL GAS LIQUIDS	VOLUME: (9) (GAL)	
CARBON DIOXIDE	VOLUME: (9) (MCF)	
HELIUM	VOLUME: (9) (MCF)	
NITROGEN	VOLUME: (9) (MCF)	
SULFUR	VOLUME: (9) (LONG TONS)	

CONTACT NAME: *(First, M.I. , Last)* (30)		PHONE NUMBER: (10) ( ) (-)	EXTENSION NUMBER: (4) ( )
AUTHORIZING SIGNATURE:	DATE: (6) MMDDYY	COMMENTS: (60)	

FORM MMS-4056 (11/98)

OMB 1010-0040
(Expires)
The Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires that we inform you that this information is being collected to determine thE percentage of product to be allocated back to each lease after being commingled. MMS will use this information to compute the amount of royalty due for each lease.

DRAFT

U.S. DEPARTMENT OF THE INTERIOR
Minerals Management Service
Royalty Management Program

MMS USE

REPORTER USE

PRODUCTION ALLOCATION SCHEDULE REPORT (PASR)

REPORT TYPE: ☐ ORIGINAL ☐ MODIFIED	PRODUCTION MONTH: (4) MMYY	MMS OPERATOR NUMBER: (5)	API GRAVITY: (3) 99.9	BTU: (5) 99.999
			.	.

OPERATOR NAME: (30)	OPERATOR FACILITY NAME/LOCATION: (30)

FACILITY/MEASUREMENT POINT NUMBER: (11)	OUTPUT FACILITY/MEASUREMENT POINT: (11)	SALES FACILITY/MEASUREMENT POINT: (11)

LINE NUMBER	ACTION CODE (1)	OPERATOR/AREA/BLOCK (30)	INJECTOR (O/G/B)	METERING POINT (11)	MMS LEASE, UNIT, OR COMMUNITIZATION NUMBER (11)	VOLUMES SALES/TRANSFERS (9)
01						
02						
03						
04						
05						
06						
07						
08						
09						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24				OTHER SOURCES		
25				OTHER SOURCES		
					TOTAL: (10)	

☐ CHECK IF CONTINUED

CONTACT NAME: *(First, M.I., Last)* (30)	PHONE NUMBER: (10) ( ) (-)	EXTENSION NUMBER: (4) ( )
AUTHORIZING SIGNATURE: DATE: (6) MMDDYY	COMMENTS: (60)	

FORM MMS-4058 (11/98)

PAGE _____ OF _____

(OMB 1010-0040)
(Expires)
The Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires us to inform you that this information is being collected to determine where production is measured and/or transferred for royalty determination purposes. MMS will use this information to assure that all production is accounted for properly.

REPORTER USE

U.S. DEPARTMENT OF THE INTERIOR
Minerals Management Service
Royalty Management Program

DRAFT

OIL AND GAS OPERATIONS REPORT
PART A - WELL PRODUCTION
(OGOR-A)

INDIAN ☐

MMS USE

REPORT TYPE: ☐ ORIGINAL ☐ MODIFIED ☐ AMENDMENT	PRODUCTION MONTH: MMYY (4)	MMS OPERATOR NUMBER: (5)
OPERATOR NAME: (30)		OPERATOR LEASE, UNIT, OR COMMUNITIZATION NUMBER: (20)
OPERATOR LEASE, UNIT, OR COMMUNITIZATION NAME: (30)		MMS LEASE, UNIT, OR COMMUNITIZATION NUMBER: (11) / AGENCY LEASE/AGREEMENT NUMBER: (25)

LINE NUMBER	ACTION CODE (1)	API WELL NUMBER (12) STATE (2)	COUNTY (3)	SEQUENCE (5)	SIDE-TRACK (2)	PRODUCING INTERVAL (3)	OPERATOR WELL NUMBER (11)	WELL STATUS CODE (4)	DAYS PRODUCED (2)	PRODUCTION VOLUMES OIL/CONDENSATE (BBL) (9)	GAS (MCF) (9)	WATER (BBL) (9)	INJECTION VOLUME (BBL/MCF) (9)
1													
2													
3													
4													
5													
6													
7													
8													
9													
10													
								TOTAL PRODUCTION (10)					
								TOTAL INJECTION (10)					

☐ CHECK IF PART A IS CONTINUED

CONTACT NAME: *(First, M.I., Last)* (30)		TELEPHONE NUMBER: (10) ( ) (-) / EXTENSION NUMBER: (4) ( )
AUTHORIZING SIGNATURE:	DATE: (6) MMDDYY	COMMENTS: (60)

FORM MMS-4054-A (11/98)

PAGE___ OF ___

DRAFT

(OMB 1010-0040)
(Expires)
The Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires us to inform you that this information is being collected to determine where production is measured and/or transferred for royalty determination purposes. MMS will use this information to assure that all production is accounted for properly.

REPORTER USE

U.S. DEPARTMENT OF THE INTERIOR
Minerals Management Service
Royalty Management Program

OIL AND GAS OPERATIONS REPORT
PART B - PRODUCT DISPOSITION and INVENTORY
(OGOR-B)

INDIAN ☐

MMS USE

REPORT TYPE: ☐ ORIGINAL ☐ MODIFIED ☐ AMENDMENT	PRODUCTION MONTH: (4) MMYY	MMS OPERATOR NUMBER: (5)
OPERATOR NAME: (30)		OPERATOR LEASE, UNIT, OR COMMUNITIZATION NUMBER: (20)
OPERATOR LEASE, UNIT, OR COMMUNITIZATION NAME: (30)		MMS LEASE, UNIT, OR COMMUNITIZATION NUMBER: (11) / AGENCY LEASE/AGREEMENT NUMBER: (25)

Disposition

LINE NUMBER	ACTION CODE (1)	PRODUCT CODE (2)	DISPOSITION CODE (2)	METERING POINT (11)	GAS PLANT (11)	API GRAVITY 99.9 (3)	BTU 9999 (4)	GPM 99.999 (5)	METHANE MOL% 99.999 (5)	VOLUME (BBL/MCF) (9)
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
					TOTAL DISPOSITIONS (10)				OIL	
									GAS	
									WATER	

☐ CHECK IF PART B IS CONTINUED

Inventory

FACILITY NUMBER (11)	BEGINNING INVENTORY (9)	PRODUCTION (9)	ADJUSTMENTS CODE (2)	ADJUSTMENTS VOLUME (9)	ENDING INVENTORY (9)
TOTALS (10) OIL					

CONTACT NAME: *(First, M.I., Last)* (30)		TELEPHONE NUMBER: (10) ( ) (-) / EXTENSION NUMBER: (4) ( )
AUTHORIZING SIGNATURE	DATE: (6) MMDDYY	COMMENTS: (60)

FC RM MMS-4054-B (11/98)

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(OMB 1010-0040)
(Expires)
The Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires us to inform you that this information is being collected to determine where production is measured and/or transferred for royalty determination purposes. MMS will use this information to assure that all production is accounted for properly.

REPORTER USE

U.S. DEPARTMENT OF THE INTERIOR
Minerals Management Service
Royalty Management Program

DRAFT

OIL AND GAS OPERATIONS REPORT
PART A - WELL PRODUCTION
(OGOR-A)

INDIAN ☐

MMS USE

REPORT TYPE: ☐ ORIGINAL ☐ MODIFIED ☐ AMENDMENT

PRODUCTION MONTH: MMYY (4)

MMS OPERATOR NUMBER: (5)

OPERATOR NAME: (30)

OPERATOR LEASE, UNIT, OR COMMUNITIZATION NUMBER: (20)

OPERATOR LEASE, UNIT, OR COMMUNITIZATION NAME: (30)

MMS LEASE, UNIT, OR COMMUNITIZATION NUMBER: (11)

AGENCY LEASE/AGREEMENT NUMBER: (25)

LINE NUMBER / ACTION CODE (1)	API WELL NUMBER (12) STATE (2)	COUNTY (3)	SEQUENCE (5)	SIDE-TRACK (2)	PRODUCING INTERVAL (3)	OPERATOR WELL NUMBER (11)	WELL STATUS CODE (4)	DAYS PRODUCED (2)	PRODUCTION VOLUMES OIL/CONDENSATE (BBL) (9)	GAS (MCF) (9)	WATER (BBL) (9)	INJECTION VOLUME (BBL/MCF) (9)
1												
2												
3												
4												
5												
6												
7												
8												
9												
10												
							TOTAL PRODUCTION (10)					
							TOTAL INJECTION (10)					

☐ CHECK IF PART A IS CONTINUED

CONTACT NAME: *(First, M.I., Last)* (30)

TELEPHONE NUMBER: (10) ( ) (-)

EXTENSION NUMBER: (4) ( )

AUTHORIZING SIGNATURE:

DATE: (6) MMDDYY

COMMENTS: (60)

FORM MMS-4054-A (11/98)

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DRAFT

(OMB 1010-0040)
(Expires)
The Paperwork Reduction Act of 1980 (44 U.S.C 3501 et seq.) requires us to inform you that this information is being collected to determine where production is measured and/or transferred for royalty determination purposes. MMS will use this information to assure that all production is accounted for properly.

REPORTER USE

U.S. DEPARTMENT OF THE INTERIOR
Minerals Management Service
Royalty Management Program

OIL AND GAS OPERATIONS REPORT
PART B - PRODUCT DISPOSITION and INVENTORY
(OGOR-B)

INDIAN ☐

MMS USE

REPORT TYPE: ☐ ORIGINAL ☐ MODIFIED ☐ AMENDMENT	PRODUCTION MONTH: (4) MMYY	MMS OPERATOR NUMBER: (5)
OPERATOR NAME: (30)		OPERATOR LEASE, UNIT, OR COMMUNITIZATION NUMBER: (20)
OPERATOR LEASE, UNIT, OR COMMUNITIZATION NAME: (30)		MMS LEASE, UNIT, OR COMMUNITIZATION NUMBER: (11) / AGENCY LEASE/AGREEMENT NUMBER: (25)

Disposition

LINE NUMBER	ACTION CODE (1)	PRODUCT CODE (2)	DISPOSITION CODE (2)	METERING POINT (11)	GAS PLANT (11)	API GRAVITY 99.9 (3)	BTU 9999 (4)	GPM 99.999 (5)	METHANE MOL% 99.999 (5)	VOLUME (BBL/MCF) (9)
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
				TOTAL DISPOSITIONS (10)					OIL	
									GAS	
									WATER	

☐ CHECK IF PART B IS CONTINUED

Inventory

FACILITY NUMBER (11)	BEGINNING INVENTORY (9)	PRODUCTION (9)	ADJUSTMENTS CODE (2)	ADJUSTMENTS VOLUME (9)	ENDING INVENTORY (9)
TOTALS (10) OIL					

CONTACT NAME: *(First, M.I., Last)* (30)		TELEPHONE NUMBER: (10) ( ) ( ) / EXTENSION NUMBER: (4) ( )
AUTHORIZING SIGNATURE:	DATE: (6) MMDDYY	COMMENTS: (60)

FORM MMS-4054-B (11/98)

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[FR Doc. 99–4372 Filed 2–22–99; 8:45 am]

BILLING CODE 4310–MR–C

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains from Hawaii in the Control of the Department of the Navy and in the Possession of the Bernice Pauahi Bishop Museum, Honolulu, HI

AGENCY: National Park Service, DOI.

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 control of the Department of the Navy and in the possession of the Bernice Pauahi Bishop Museum, Honolulu, HI.

A detailed assessment of the human remains was made by Department of the Navy and Bishop Museum professional staff in consultation with representatives of the Office of Hawaiian Affairs, the O'ahu Island Burial Council, Hui Malama I Na Kupuna O Hawai'i Nei, and the Native Hawaiian Historic Preservation Council.

Between 1962 and prior to November 16, 1990, human remains representing a minimum of five individuals were recovered from a coral sinkhole and sand dune deposits at Naval Air Station, Barbers Point, Land of Honouliuli, District of Ewa, Island of O'ahu, HI. No known individuals were identified. The approximately 356 associated funerary objects include miscellaneous non-human bones from a large unidentified mammal, and assorted non-artifact lithics.

Between 1963 and 1988, human remains representing a minimum of three individuals were recovered from sand dune deposits along Edgewater Beach on Iroquois Point, Navy Public Works Center, Pearl Harbor, Land of Honouliuli, District of Ewa, Island of O'ahu, HI. No known individuals were identified. No associated funerary objects are present.

During 1966-1970, human remains representing a minimum of four individuals were recovered from Barking Sands sand dunes [[Site 50-30-05-1834 (previously Site Ka-C5-5)], Pacific Missile Range Facility, Land of Waimea, District of Mana, Island of Kaua'i, HI. No known individuals were identified. The one associated funerary object is a complete non-human long bone.

Based on cranial and skeletal morphology, manner of interments, types of associated funerary objects, and recovery locations all consistent with Native Hawaiian tradition, these individuals have been determined to be Native Hawaiian.

Based on the above mentioned information, officials of the Department of the Navy have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of a minimum of 13 individuals of Native American ancestry. Officials of the Department of the Navy have also determined that, pursuant to 43 CFR 10.2 (d)(2), the approximately 356 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 Department of the Navy 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 Hui Malama I Na Kupuna O Hawai'i Nei and Koa Mana.

This notice has been sent to officials of the Office of Hawaiian Affairs, the O'ahu Island Burial Council, Hui Malama I Na Kupuna O Hawai'i Nei, Alu Like, Huna Research Institute, Kamoalii Hawaiian Civic Club, the Kaua'i Ni'ihau Island Burial Council, Koa Mana, Na Ohana Papa O Mana, the Royal Order of Kamehameha, and the Waianae Hawaiian Civic Club. Representatives of any other Native Hawaiian organization that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Ms. Elizabeth Gordon, Archaeologist (Code 233EG), Pacific Division, Naval Facilities Engineering Command, 258 Makalapa Drive, Suite 100, Pearl Harbor, HI 96860-3134; telephone: (808) 471-9338, before March 25, 1999. Repatriation of the human remains and associated funerary objects to Hui Malama I Na Kupuna O Hawai'i Nei and Koa Mana may begin after that date if no additional claimants come forward.

Dated: January 27, 1999.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

[FR Doc. 99–4469 Filed 2–22–99 ; 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 Cass, Gage and Saunders Counties in the Possession of the Nebraska State Historical Society, Lincoln, NE

AGENCY: National Park Service

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 from Nebraska in the possession of the Nebraska State Historical Society, Lincoln, NE.

A detailed assessment of the human remains was made by Nebraska State Historical Society professional staff in consultation with representatives of the Otoe-Missouria Tribe of Indians, Oklahoma; the Iowa Tribe of Kansas and Nebraska; the Kaw Nation, Oklahoma; and the Iowa Tribe of Oklahoma.

In 1937, human remains representing one individual were excavated at site 25GA2, Gage County, NE by Nebraska State Historical Society archaeologist A.T. Hill. No known individual was identified. The approximately 400 associated funerary objects include clay pipe fragments, thimbles, dangles, earrings, cartridge cases, bullets, iron hardware, nails, pencil leads, glass beads, ceramic buttons, crockery, a seed, and a ground stone tool.

Site 25GA2 is located in the immediate vicinity of a major Otoe-Missouri village occupied from 1854 to 1881. The recovered funerary objects are consistent with this time frame. The remains are most likely to be that of an Otoe-Missouri person. Based on material culture, ethnohistoric and cartographic evidence site 25GA2 is associated with the Otoe-Missouria Tribe of Indians, Oklahoma.

In 1958, fragmentary human remains representing a minimum of fifteen individuals were excavated at site 25CC60, Cass County, NE by Nebraska State Historical Society archeologists. No known individuals were identified. The 64 associated funerary objects include glass beads, wampum beads, ceramic sherds, wood fragments, and copper and other metal items.

Site 25CC60 is located very near to a series of Otoe-Missouri villages established in the 18th and 19th centuries. This time period is consistent with the time range of the associated funerary objects. These two tribes were

closely aligned and in regular contact during the 18th and 19th centuries in the lower Platte valley of eastern Nebraska. Based on material culture, ethnohistoric and cartographic evidence, site 25CC60 is associated with the Otoe-Missouria Tribe of Indians, Oklahoma.

In 1969 and 1970, human remains representing a minimum of two individuals were excavated at site 25SD31, Saunders County, NE, discovered during construction on a very prominent bluff overlooking the Platte River valley by Nebraska State Historical Society archaeologists. No known individuals were identified. The approximately 2,400 associated funerary objects include approximately 2,000 glass beads, modified and unmodified animal bone, shell, gun parts, metal rings, metal bracelets, metal ear ornaments, a kettle, wood/metal knives, ocher, blanket fragments, modified shell, metal pins, chipped stone debris, a stone human effigy pipebowl, catlinite and ceramic pipe fragments, wooden bowl fragments, furniture drawer pull and charcoal.

Site 25SD31 is located very near to an Otoe-Missouri village established in the 18th century. Funerary objects suggest a mid 18th century affiliation for 25SD31. Based on material culture ethnohistoric and cartographic evidence, site 25SD31 is associated with the Otoe-Missouria Tribe of Indians, Oklahoma.

In 1970, human remains representing a 20-27 year old female were excavated at site 25CC131 (King Hill site) Cass County, NE by Nebraska State Historical Society archeologists. No known individual was identified. The 35 associated funerary objects include iron tools, animal bone, glass and shell beads, brass rings, sheet metal, and chipped stone flaking debris.

Site 25CC131 is located very near to a series of Otoe-Missouri villages established in the 18th and 19th centuries. This time period is consistent with the time range of the associated funerary objects. These two tribes were closely aligned and in regular contact during the 18th and 19th centuries in the lower Platte valley of eastern Nebraska. Based on material culture, ethnohistoric and cartographic evidence, site 25CC131 is associated with the Otoe-Missouria tribe.

In 1992, human remains representing a minimum of one individual were collected during construction at site 25SD82, Saunders county, NE, by a Nebraska State Historical Society archeologist and the Saunders County Sheriff. The site is not located on Federal Land. In accordance with Nebraska State law, further disturbance of burials at the site was avoided. The site is on a prominent bluff overlooking the Platte River valley near, and perhaps is an extension of, site 25SD31. No known individuals were identified. The ten associated funerary objects include a stone pipe, modified animal bone, glass beads, ground stone abraders, and a ceramic sherd.

Site 25SD82 is located very near to an Otoe-Missouri village established in the 18th century. Funerary objects suggest a mid 18th century affiliation for 25SD82. Based on material culture, ethnohistoric and cartographic evidence, site 25SD82 is associated with the Otoe-Missouria Tribe of Indians, Oklahoma.

Based on the above mentioned information, officials of the Nebraska State Historical Society have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of nineteen individuals of Native American ancestry. Officials of the Nebraska State Historical Society have also determined that, pursuant to 43 CFR 10.2 (d)(2), the approximately 3,000 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. Officials of the Nebraska State Historical Society 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 associated funerary objects and the Otoe-Missouria Tribe of Indians, Oklahoma.

This notice has been sent to officials of the the Otoe-Missouria Tribe of Indians, Oklahoma; the Iowa Tribe of Kansas and Nebraska; the Kaw Nation, Oklahoma; and the Iowa Tribe of Oklahoma. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Rob Bozell, Associate Director, Nebraska State Historical Society, 1500 R Street, P.O. Box 82554, Lincoln, NE 68501-2554; telephone: (402) 471-4789, before March 25, 1999. Repatriation of the human remains and associated funerary objects to the Otoe-Missouria Tribe of Indians, Oklahoma may begin after that date if no additional claimants come forward.

Dated: February 11, 1999.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

[FR Doc. 99–4471 Filed 2–22–99 ; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Correction—Notice of Inventory Completion for Native American Human Remains from Yavapai County, AZ in the Control of the Prescott National Forest, USDA Forest Service, Prescott, AZ

AGENCY: National Park Service, DOI.

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 from Yavapai County, AZ in the control of the Prescott National Forest, USDA Forest Service, Prescott, AZ.

A detailed assessment of the human remains was made by Arizona State University, Museum of Northern Arizona and USDA Forest Service professional staff in consultation with representatives of the Camp Verde Yavapai-Apache Indian Community, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Navajo Nation, the Pueblo of Zuni, and the Yavapai-Prescott Indian Tribe.

This notice corrects the original notice's cultural affiliation of Native American human remains and associated funerary objects published Thursday, December 17, 1998.

Based on the above mentioned information, officials of the USDA Forest Service have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of 22 individuals of Native American ancestry. Officials of the USDA Forest Service have also determined that, pursuant to 43 CFR 10.2 (d)(2), the 23 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 USDA Forest Service 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 associated funerary objects **and the Hopi Tribe.**

This notice has been sent to officials of the Camp Verde Yavapai-Apache Indian Community, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Navajo Nation, the Pueblo of Zuni, and the Yavapai-Prescott Indian Tribe. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human

remains should contact Dr. Frank E. Wozniak, NAGPRA Coordinator, Southwestern Region, USDA Forest Service, 517 Gold Ave. SW, Albuquerque, NM 87102; telephone: (505) 842-3238, fax: (505) 842-3800, before March 25, 1999. Repatriation of the human remains to the Hopi Tribe and the Yavapai-Prescott Indian Tribe may begin after that date if no additional claimants come forward.

Dated: January 25, 1999.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

[FR Doc. 99–4470 Filed 2–22–99 ; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 96–32]

Pettigrew Rexall Drugs; Revocation of Registration

On April 8, 1996, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Pettigrew Rexall Drugs (Respondent) of Adamsville, Tennessee, notifying the pharmacy of an opportunity to show cause as to why DEA should not revoke its DEA Certificate of Registration, AP0406911, pursuant to 21 U.S.C. 824(a)(4), and deny any pending applications for registration pursuant to 21 U.S.C. 823(f), for reason that its continued registration would be inconsistent with the public interest.

By letter dated May 1, 1996, Respondent, through counsel, filed a request for a hearing and the matter was docketed by Administrative Law Judge Mary Ellen Bittner. In the midst of prehearing proceedings, Respondent filed a Motion to Dismiss arguing that this action is barred by the statute of limitations, estoppel, laches and the Double Jeopardy Clause of the Fifth Amendment. In addition, Respondent filed a Motion in Limine to Exclude Evidence based upon the hearsay nature of some of the evidence and that the evidence is barred by the statute of limitations. Judge Bittner denied both of these motions and a hearing was held in Memphis, Tennessee on March 4 and 5, 1997. At the hearing, both parties called witnesses to testify and introduced documentary evidence. After the hearing, both parties submitted proposed findings of fact, conclusions of law and argument. On July 9, 1998, Judge Bittner issued her Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision, recommending that Respondent's DEA Certificate of Registration be revoked. On July 28, 1998, Respondent filed its Exceptions to the Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision of the Administrative Law Judge. Thereafter, Judge Bittner transmitted the record of these proceedings to the then-Acting Deputy Administrator on August 13, 1998.

The Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Deputy Administrator adopts the findings of fact and conclusions of law of the Administrative Law Judge and in part adopts the recommended decision. The Deputy Administrator's adoption is in no manner diminished by any recitation of facts, issues and conclusions herein, or of any failure to mention a matter of fact or law.

The Deputy Administrator finds that Respondent is a pharmacy located in Adamsville, Tennessee and is owned and operated by Jimmy Max Pettigrew, R.Ph. Respondent has been in operation since 1963.

During an unrelated investigation in 1993, state investigators examined Respondent's computerized records and noticed that some individuals appeared to be filling controlled substance prescriptions over extended periods of time. The investigators compared the computerized records with Respondent's prescription records and discovered that essentially all of the suspect prescriptions were oral rather than written. The investigators then took patient profiles from Respondent's computerized records to the doctors listed as the prescribing physicians and asked them to verify that they had authorized the oral prescriptions. The doctors compared the patient profiles from Respondent with their patient records and where there were discrepancies, the investigators obtained affidavits from the doctors indicating what prescriptions they had a record or recollection of authorizing.

As a result of the investigation, a Grand Jury for the United States District Court for the Western District of Tennessee, Eastern Division returned a 294-count indictment against Mr. Pettigrew on May 16, 1994, and the case was heard before a jury in March 1995. A number of the counts were dismissed following a defense motion at trial and the jury acquitted Mr. Pettigrew of the remaining counts.

Based upon a review of Respondent's patient profiles, the prescriptions found at Respondent, the doctors' affidavits, testimony of several of the doctors at the criminal proceeding, and Mr. Pettigrew's testimony at the hearing in this matter, the Deputy Administrator makes the following findings regarding the 14 customers whose prescriptions are at issue in this proceeding.

According to Respondent's records, between January 1, 1987 and September 11, 1991, it dispensed 2,150 dosage units of Tylenol No. 3 to Patient 1 that were orally prescribed by John N. Jenkins, M.D. In his affidavit, Dr. Jenkins stated that his patient file indicated prescriptions issued to Patient 1 during this time period for a total of 550 dosage units of Tylenol No. 3, which included refills. Thus, Respondent dispensed approximately 1,600 dosage units of Tylenol No. 3 to Patient 1 pursuant to purported oral prescriptions that were not documented in her physician's records.

Dr. Jenkins testified in the criminal trial while Respondent's patient profile indicates that he had authorized 43 dispensings of Tylenol No. 3 for Patient 1, the patient record only indicates that he authorized 14 of them. He acknowledge that it was possible that oral prescriptions were occasionally not recorded in his patient files, but that it was unlikely that there would be 29 prescriptions for one patient that he had authorized but not charted. But according to Mr. Pettigrew, he called Dr. Jenkins on three or four occasions and Dr. Jenkins gave Mr. Pettigrew permission to dispense Tylenol No. 3 to Patient 1 without calling for authorization each time, ''as long as she's taking it within reason.'' Nonetheless, Mr. Pettigrew indicated that he called Dr. Jenkins' office each and every time for authorization to dispense to this patient.

Respondent's records indicate that between November 17, 1986 and September 5, 1991, it dispensed 2,520 dosage units Ativan 1 mg. to Patient 2 pursuant to oral prescriptions authorizes by John W. Prather, M.D. In his affidavit, Dr. Pratcher stated, ''It has been my practice not to telephone prescriptions for Ativan for my patients. Any prescriptions for Ativan would have to be written by me.'' In addition, Dr. Prather stated that he had not seen Patient 2 since April 6, 1988. Patient 2's profile also indicates that on a number of occasions, Respondent dispensed more than five refills of a prescription and without one prescription, refilled it

five times for more than the amount authorized by the original prescription.

As to Patient 3, Respondent's records indicate that between January 1, 1987 and September 18, 1991, Respondent dispensed 3,830 dosage units of Tylenol No. 3 pursuant to prescriptions by Dr. Prather. In his affidavit Dr. Prather stated, ''It has been my practice not to telephone prescriptions for Tylenol #3 tablets. Prescriptions for Tylenol #3 are generally written by me.'' Three written prescriptions by Dr. Prather for Tylenol No. 3 for Patient 3 were found in Respondent's records accounting for 170 dosage units and leaving a 3,660 dosage unit discrepancy between Respondent's records and Dr. Prather's affidavit. In addition, there were three prescriptions for this patient found in Respondent's records which did not indicate any refills were authorized, but refills were dispensed.

At the criminal trial, Dr. Prather testified that Patient 3 has been his patient for approximately 8 to 10 years and was also his neighbor. Dr. Prather testified that if he did telephone in a prescription for Tylenol No. 3 for Patient 3, ''it would be no refills.'' However, Dr. Prather also identified a prescription he had written for Patient 3 for Tylenol No. 3 that his own office records did not reflect, and conceded that because Patient 3 is a friend and neighbor, not all of his dealings with her were recorded in his office records.

Regarding Patient 4, Respondent's records indicate that between January 1, 1990 and August 29, 1991, Respondent dispensed 1,480 dosage units of propoxyphene hydrochloride 65 mg. pursuant to oral prescriptions authorized by James King, M.D. However, Dr. King indicated in his affidavit that he had not seen Patient 4 since 1989 and that he did not authorize Respondent to fill or refill prescriptions for propoxyphene hydrochloride during the time period at issue.

Respondent's records indicate that between January 1, 1984 and August 22, 1991, Respondent dispensed 1,680 dosage units of Talwin Nx 50 mg. to Patient 5 pursuant to oral prescriptions authorized by Dr. King. But Dr. King stated in his affidavit that although Patient 5 was his patient, he has never prescribed any pain medication for her and specifically did not authorize Respondent to fill or refill any prescription for Talwin for Patient 5.

As to Patient 6, Respondent's records indicate that between January 1, 1987 and August 28, 1991, Respondent dispensed 4,365 dosage units of Fiorinal No. 3 pursuant to oral prescriptions authorized by Michael Brueggeman, M.D. Dr. Brueggeman stated in his affidavit that he has not seen Patient 6 since November 16, 1984, that he did not authorize Respondent to dispense her Fiorinal No. 3, and that he had no record of ever prescribing that medication to her.

At the criminal trial, Dr. Brueggeman testified that he had no recollection of Patient 6, but that his records showed that he prescribed her Tylenol No. 3 in 1984 for arm pain. He further testified that he had no record or recollection of ever authorizing any prescriptions for Fiorinal No. 3 for Patient 6 between May 16, 1989 and August 20, 1991. Dr. Brueggeman also testified that generally, when a patient calls his office for a prescription, his nurse collects the necessary information, obtains authorization from him, telephones the pharmacy to order the drug, and then notes the prescription on the patient chart. He stated however that it is not his policy to renew medications if he has not seen a patient within one year. Dr. Brueggeman acknowledged that on occasion, he may be asked to authorize a prescription over the telephone, and also that there was a slight possibility that his nurse could have failed to chart a particular prescription. But Dr. Brueggeman stated that it would be ''very unlikely'' that the nurse failed to chart all of the prescriptions attributed to him on Respondent's patient profile for Patient 6. However during cross-examination, Dr. Brueggeman was shown a written prescription for Fiorinal No. 3 that he issued to Patient 6 in 1984 that was not reflected in her patient chart.

Regarding Patient 7, Respondent's records indicate that between January 1, 1987 and September 18, 1991, Respondent dispensed 575 dosage units of Tylenol No. 3 pursuant to oral prescriptions authorized by Thomas West, M.D. In his affidavit, Dr. West indicated that although Patient 7 had been a patient since at least 1979, he had no record of prescribing Tylenol No. 3 to Patient 7. Dr. West further stated that although it was possible that he orally prescribed Tylenol No. 3 for Patient 7, it was his practice to prescribe about 12 dosage units at a time and he would rarely authorize refills of such a prescription.

At the criminal trial, Dr. West essentially reiterated the statements in his affidavit. He further testified that Patient 7 was also a personal friend of his. Dr. West would not go as far as to say that he did not prescribe the medication in question because he did not ''have a particular recollection of any one event'' and he did not record every controlled substance he prescribed, but he was adamant that he would not prescribe refills for Tylenol No. 3 or any other narcotic.

As to Patient 8, Respondent's patient profile indicates that between October 1, 1986 and September 12, 1991, Respondent dispensed 280 dosage units of Vicodin pursuant to prescriptions authorized by Yolanda Tai, M.D. Respondent's records contain one written prescription that Dr. Tai issued for 40 dosage units of Vicodin with no refills, dated March 26 but not indicating the year, and four oral prescriptions purportedly authorized by Dr. Tai. In her affidavit, Dr. Tai stated that the only time she authorized Respondent to dispense Vicodin to Patient 8 was by written prescription on March 26, 1991, and that she was not in town on the dates that Respondent's records indicate that she authorized the other prescriptions for Patient 8. Thus there is a 240 dosage unit discrepancy between Respondent's records and Dr. Tai's affidavit.

Dr. Becker testified at the criminal trial that she participated in Patient 8's care as an intern, and that she wrote him a prescription for 40 Vicodin with no refills upon his release from the hospital following surgery. She testified that she did not authorize any of the prescriptions listed on Respondent's patient profile for Patient 8 and that she never authorizes prescriptions over the telephone because she feels that a patient in pain needs to be seen by the doctor. Dr. Becker did acknowledge that the notes of Patient 8's surgeon in charge indicated that as of June 3, 1991, Patient 8 was still taking Vicodin twice a day for pain.

Respondent's records also indicate that between October 1, 1986 and September 12, 1991, Respondent dispensed 3,300 dosage units of chlordiazepoxide 25 mg. to Patient 8 pursuant to oral prescriptions authorized by Joseph Rowland, M.D. However, in his affidavit Dr. Rowland stated that he last saw Patient 8 in 1974 and that he did not authorize any of the prescriptions listed in Respondent's records for Patient 8. At the criminal trial, Dr. Rowland testified consistent with his affidavit and also stated that he would not prescribe any kind of medication to a patient that he had not seen in 15 years. He admitted that he had no independent recollection of a particular prescription for Patient 8, however he would likely remember a patient if he was prescribing the amount of medication shown on Respondent's patient profile for Patient 8.

Respondent's records indicate that between January 1, 1987 and August 28, 1991, Respondent dispensed 1,170 dosage units of Valium 5 mg. to Patient

9 pursuant to oral prescriptions authorized by Robert Mandle, M.D. But in his affidavit, Dr. Mandle stated that although Patient 9 had been his patient since 1976, he had never prescribed her Valium 5 mg. and did not authorize Respondent to dispense any Valium to her. At the criminal trial, Dr. Mandle testified that he had no records of prescribing Valium to Patient 9 since 1976. During cross-examination, Dr. Mandle was shown a patient history for Patient 9 written by his partner Dr. Jenkins in 1986, which indicated that Patient 9 was a ''regular patient of Dr. Mandle'' and that she ''takes thyroid and Valium.'' In addition, Dr. Mandle was shown a 1986 psychiatric consultation written by another physician which stated, ''[Patient 9] is taking Valium, 5 milligrams, as needed but never frequently. This [is] prescribed by Dr. Mandle.'' However, Dr. Mandle explained at the trial that when a doctor takes a patient history, he generally obtains such information from the patient and does not verify its accuracy.

As to Patient 10, Respondent's records indicate that between January 1, 1987 and October 2, 1991, Respondent dispensed 7,715 dosage units of Darvocet-N pursuant to oral prescriptions authorized by Harry Peeler, M.D. Dr. Peeler stated in his affidavit that he last prescribed Darvocet for Patient 10 on September 24, 1985, and that he did not authorize any of the Darvocet precriptions listed in Respondent's records during the time period at issue.

Regarding Patient 11, Respondent's records indicate that between January 1, 1986 and September 5, 1991, Respondent dispensed 1,020 dosage units of generic phentermine 30 mg. or Fastin pursuant to oral prescriptions authorized by Dr. Peeler. However, Dr. Peeler stated in his affidavit that he neither recalled nor had any record of ever having seen Patient 11 and that he did not authorize Respondent to fill any prescriptions for Fastin or phentermine 30 mg. for her.

Respondent's records indicate that between January 1, 1987 and February 5, 1991, it dispensed 570 dosage units of phentermine 30 mg. to Patient 12 pursuant to oral prescriptions authorized by Dr. Peeler. Dr. Peeler stated in his affidavit that he had not seen this patient since April 2, 1985, that he did not authorize Respondent to fill any prescriptions for phentermine for her, and that it was his practice to not authorize refills on weight control medications.

Regarding Patient 13, Respondent's records indicate that between December 19, 1987 and April 12, 1991, Respondent dispensed 1,095 dosage units of Tylenol No. 3 pursuant to oral prescriptions authorized by J.L. Freeman, M.D. In his affidavit, Dr. Freeman stated that he did not authorize any Tylenol No. 3 for his patient during the relevant time period and that he moved his practice to another city in Tennessee in January 1990.

Finally, as to Patient 14, Respondent's records indicate that between January 1, 1987 and September 18, 1991, it dispensed 930 dosage units of Fastin pursuant to oral prescriptions authorized by James Thomas, M.D. However, Dr. Thomas stated in his affidavit that he had no record of having seen this patient in the previous five years, that it was his practice not to prescribe more than a one month supply of diet pills without seeing the patient, and that he did not authorize Respondent to fill any prescriptions for Fastin for this patient during the time period at issue.

In addition during the course of reviewing Respondent's records, the investigators noted that a number of the oral prescriptions did not contain all of the required information including the date, the physician's DEA registration number and address, and/or the patient's address. Also, Respondent's records indicated that on occasion it refilled prescriptions more than five times, it dispensed refills of controlled substances in an amount exceeding that of the original prescription, and it dispensed refills even though the original prescription did not authorize them. Further on a number of prescriptions, there were no initials of the pharmacist who received the oral prescription on the written memorialization as required by the State of Tennessee.

A number of the doctors who testified at the criminal trial, as well as the state investigator, noted that physicians are not required to keep a record of their prescribing of controlled substances. An expert physician who testified on behalf of Respondent at the hearing in this matter stated that the general practice in Western Tennessee regarding noting prescriptions in patient records has not been very good until recently. The expert testified that ''[t]he problem is that if you're at the hospital and someone calls and needs medication, you may call the druggist and say, hey, refill the medication. And that never gets—that rarely gets into the chart. Or you can be in your car calling it in. Or you can tell your staff to call it in, and they may not put it down.'' The state investigator testified at the hearing that a doctor may be out of the office when authorizing an agent or employee to telephone a prescription for a patient to a pharmacy, and those prescriptions may not necessarily be recorded in the patient's chart. But the investigator noted that it is not common for doctors to not record prescribed medications since ''it's a good medical practice,'' to keep accurate patient records.

Respondent's expert also testified that he reviewed Respondent's patient profiles and the patient records of 16 patients at issue in the criminal proceeding and that in his opinion, the patients had legitimate medical needs for the controlled substances dispensed by Respondent, and there was nothing in these records that would cause him to become concerned about either the dosage or the frequency of these patients' prescriptions for controlled substances. Respondent also introduced into evidence the extensive medical records for some of these patients.

A relief pharmacist from Respondent testified that she never dispensed medications at Respondent without proper authorization, nor did Mr. Pettigrew ever instruct her to do so. She further testified that she had no knowledge of Mr. Pettigrew ever dispensing controlled substances without a physician's authorization. This pharmacist suggested that the reason that the physicians denied authorizing certain prescriptions could be that a nurse in the doctor's office actually took the call. The pharmacist estimated that 80% of the calls authorizing oral prescriptions were made by personnel other than the authorizing physician. In addition, the pharmacist suggested that the doctor who actually authorized a particular prescription may not have been accurately listed on Respondent's patient profiles because the computer system in use at that time would automatically bring up the name of the last physician who prescribed for that patient. If the doctor's name was not manually changed, which was cumbersome when the pharmacy was busy, the previous doctor's name would remain as the prescribing physician.

In 1996, an individual who is an attorney and a pharmacist was hired by Respondent to conduct an inspection of the pharmacy. The individual testified at the hearing in this matter that Respondent appeared to be in compliance with all relevant state and Federal requirements. Specifically, the individual testified that Respondent's prescription drug stock appeared to be up to date and the quantities of drugs on hand were normal. He looked at random samples of patient profiles and prescriptions and found that all of the

prescriptions contained the required information. Additionally, he randomly selected various prescriptions and verified with the prescribing physicians that the prescriptions were authorized as indicated.

The individual further testified that he saw no correlation between unauthorized refills that occurred five to ten years ago, and the public interest as of the date of the hearing. According to the individual, Respondent is located in a very small town which is a medically underserved area, and because there are only two pharmacies in the area, it is his opinion that it is in the public's interest for Respondent to remain in business.

The part owner of the other pharmacy in town, who is also a physician, testified at the hearing. In his opinion, even if it is true that Respondent dispensed controlled substances without a physician's authorization, it would not be in the public interest to close Respondent because two pharmacies are necessary to serve this medically underserved area. According to this physician, as well as Mr. Pettigrew, it would be very difficult for Mr. Pettigrew to sell Respondent because a large number of its customers participate in the state medical assistance program which does not pay very much to pharmacies for prescriptions.

This individual also testified that on approximately 10 or 12 occasions, Respondent failed to obtain his authorization before refilling some of his patients' prescriptions. But, he also testified that he still believed it would be in the public interest for Respondent to retain its DEA registration since he would have authorized these prescriptions had he been consulted. However, he did express concern about the possible side effects his patients might suffer and about the risk that they might become addicted to the controlled substances that Respondent dispensed to them without authorization.

At the hearing in this matter, Mr. Pettigrew indicated that he knows the physicians at issue personally. He denied dispensing any controlled substances without a physician's authorization, but testified that he has nonetheless instituted new procedures at Respondent. He testified that now when a doctor's office telephones in a prescription, the pharmacist immediately writes down all of the required information on a prescription pad. If a patient brings in an expired prescription, the pharmacist telephones the doctor and requests authorization, which is then logged into Respondent's records as a new prescription. In addition, oral prescriptions are now initialed twice, once by the pharmacist who receives the authorization and again by the dispensing pharmacist. Further, Respondent has a new computer system which provides more details about a prescription than the system used in 1987–1991.

Mr. Pettigrew noted at the hearing that there have been no allegations of any wrongdoing at Respondent since 1991. According to Mr. Pettigrew the state investigators conduct a random inspection about once a year. Mr. Pettigrew further testified that he has instituted any changes suggested by the state investigators and that he is willing to do whatever is necessary to continue in compliance.

Pursuant to 21 U.S.C. 823(f) and 824(a)(4), the Deputy Administrator may revoke a DEA Certificate of Registration and deny any application for such registration, if he determines that the continued registration would be inconsistent with the public interest. Section 823(f) requires that the following factors be considered:

(1) The recommendation of the appropriate state licensing board or professional disciplinary authority.

(2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.

(3) The applicant's conviction record under Federal or state laws relating to the manufacture, distribution, or dispensing of controlled substances.

(4) Compliance with applicable state, federal, or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health or safety.

These factors are to be considered in the disjunctive; the Deputy Administrator may rely on any one or a combination of factors and may give each factor the weight he deems appropriate in determining whether a registration should be revoked or an application for registration be denied. See Henry J. Schwarz, Jr., M.D., 54 FR 16,422 (1989).

Regarding factor one, there is no evidence that the Tennessee Board of Pharmacy has taken any action against Respondent or Mr. Pettigrew. However, as Judge Bittner stated, ''inasmuch as state licensure is a necessary but not sufficient condition for DEA registration, * * * this factor is not dispositive.''

As to factors two and four, Respondent's experience in handling controlled substances and its compliance with applicable laws relating to controlled substances, there is considerable evidence in the record. The Government alleged that between 1987 and 1991 Respondent dispensed approximately 35,000 dosage units of controlled substances without a physician's authorization. Some of the physicians merely stated in their affidavits that their records did not reflect authorization for the oral prescriptions at issue. However, many of the physicians stated unequivocally that not only did their records not reflect authorization for oral prescriptions, but also that they did not orally prescribe the medication at issue; that they did not prescribe that specific medication for that patient; that the patients were not under their care during the relevant time period, and in fact had not been seen by the physician in years; or that they were not even their patients. The Deputy Administrator recognizes that neither Federal or state law requires physicians to keep records of their controlled substance prescriptions. Nevertheless the Deputy Administrator agrees with Judge Bittner that ''[t]he sheer quantity of 'prescriptions' Respondent filled and the number of physicians who stated that they had not authorized them suggests that practitioners' failure to maintain accurate records does not account for all of the dispensings at issue.''

Mr. Pettigrew contended that he contacted the physicians' offices to receive authorization for every controlled substance prescription. But, Judge Bittner did not find Mr. Pettigrew's contention credible, stating that ''Mr. Pettigrew did not favorably impress me as a witness; he did not appear candid or forthright and his testimony appeared to be tailored to Respondent's defense in this proceeding.''

The Deputy Administrator finds it hard to believe that all of the oral prescriptions at issue were authorized but not noted in the physicians' patient charts when other instances of prescribing were specifically noted in the charts. In addition, according to Respondent the physicians' patient charts did not reflect the prescriptions at issue, yet during the independent inspection of Respondent conducted in 1996, the physicians were able to verify that they authorized oral prescriptions found in Respondent's records. Consequently, the Deputy Administrator agrees with Judge Bittner that while some prescriptions may have been orally authorized by a practitioner or his agent, most were not. Respondent therefore dispensed controlled substances on numerous occasions without a physician's authorization in violation of 21 U.S.C. 829 and 21 C.F.R. 1306.21.

Respondent also presented evidence that the patients had medical needs for

the controlled substances dispensed to them. While this appears to be true, the Deputy Administrator concludes that this does not justify Respondent's dispensing of controlled substances to them without a physician's authorization. The law specifically states that ''no controlled substance in Schedule III or IV, . . . may be dispensed without a written or oral prescription. . . .'' See 21 U.S.C. 829(b). Controlled substances in Schedules III and IV may not be dispensed without a physician's authorization regardless of whether a pharmacist believes that there is a legitimate medical need for the drug.

Additionally, Respondent failed to properly reduce to writing oral prescriptions for Schedule III and IV controlled substances as required by 21 CFR 1306.05. A number of the prescriptions in evidence failed to include a date, the physician's DEA registration number, the patient's address, and/or the physician's address. Also, prescriptions were refilled more times than authorized, in amounts exceeding what was originally prescribed, and/or after the original prescription expired in violation of 21 U.S.C. 829 and 21 CFR 1306.22. Further, Respondent violated the state requirement that the pharmacist who receives an oral prescription must initial the documentation of it.

However, the Deputy Administrator notes that the most recent of these violations occurred in 1991. Evidence in the record suggests that Respondent has properly dispensed controlled substances and been in compliance with controlled substance laws since that time. An independent inspection conducted in 1996 found Respondent to be in compliance and apparently, yearly state inspections have not revealed any wrongdoing. Respondent has also installed a new computer system and instituted changes regarding its handling of oral prescriptions.

As to factor three, Mr. Pettigrew was acquitted of all criminal charges arising out of this investigation. It is undisputed that neither Respondent, Mr. Pettigrew or any other officer or agent of Respondent has been convicted of any controlled substance related offense.

The Deputy Administrator agrees with Judge Bittner that as to factor five, the record contains no evidence of other conduct that may threaten the public health or safety.

Judge Bittner concluded that Respondent's continued registration would not be in the public interest based upon its dispensing of ''enormous quantities'' of controlled substances without a physician's authorization; its violations of Federal and state laws relating to controlled substances; Mr. Pettigrew's failure to indicate any remorse for his actions; and that the changes to its operation do not address the particular problem. Judge Bittner concluded that in light of Mr. Pettigrew's denial of any wrongdoing, ''Respondent has not shown that the misconduct is not likely to recur and that Mr. Pettigrew is either unwilling or unable to carry out the responsibilities inherent in a DEA registration.'' Therefore, Judge Bittner recommended that Respondent's DEA registration be revoked.

Respondent filed exceptions to Judge Bittner's recommended decision and attached its earlier motions to dismiss and to exclude certain evidence. Respondent argued that all of the alleged misconduct occurred before September 1991, and thus this action and reliance on certain evidence is barred by 28 U.S.C. 2462 which establishes a five year statute of limitations for ''. . . an action, suit or proceeding for the enforcement of any civil fine, penalty, or forfeiture, pecuniary or otherwise. . . .'' The Deputy Administrator agrees with Judge Bittner that 28 U.S.C. 2462 is inapplicable in these proceedings. These proceedings are not punitive in nature, but instead are administrative and remedial. In looking to protect the public health and safety, it is clearly relevant to consider a registrant's past history in handling controlled substances to determine if it can be trusted to responsibly handle controlled substances in the future. Further, 21 U.S.C. 824(c) specifically states that proceedings such as these ''shall be independent of, and not in lieu of, criminal prosecutions or other proceedings under this subchapter or any other law of the United States.'' Therefore, these proceedings are clearly distinguished from civil proceedings.

Respondent also argues that the Government is estopped from bringing this action because it renewed Respondent's DEA registration after it had knowledge of the alleged misconduct and Respondent made changes to its procedures and purchased a new computer system based upon the suggestions of a state investigator. The Deputy Administrator agrees with Judge Bittner that estoppel is not available as a defense against the Government. Respondent further contends that this action is barred by the doctrine of laches. As Judge Bittner noted, as a general rule laches does not apply against the Government. DEA has consistently held that passage of time since the wrongdoing is not dispositive, however it is a factor to be considered. *See Hagura Pharmacy,* 62 FR 16,191 (1997); *John Porter Richards, D.O.,* 61 FR 13,878 (1996) and cases cited therein. In addition, Respondent argues that its due process rights were violated by the unreasonable delay in bringing this action. In support of its argument, Respondent cites several cases dealing with the violation of a party's due process rights based upon the delay in bringing a civil forfeiture action. This proceeding is clearly not analogous to a civil forfeiture action and therefore the Deputy Administrator does not find Respondent's argument persuasive. Respondent contends that Judge Bittner erred by failing to properly consider that the patients at issue had demonstrated medical needs for the medications dispensed by Respondent ''thereby making it likely that the drugs were, in fact prescribed by the physicians * * * and, therefore, did not and could not pose a threat to the public health and safety.'' In addition, Respondent argues that Judge Bittner erred by determining that most of the prescriptions were not authorized by a physician or his agent. The Deputy Administrator does not agree with Respondent's argument that since the individuals had medical needs for the drugs it is more likely that they were authorized by a physician. As discussed previously, the Deputy Administrator agrees with Judge Bittner's conclusion that most of the prescriptions at issue were not authorized by a physician or his agent. Of particular significance is that a number of the physicians had no record of even treating these patients for years prior to the relevant time period let along prescribing them controlled substances. Also, the one physician who did testify stated that there were 10 to 12 prescriptions found at Respondent that were attributed to him that he had not authorized.

Respondent further contends in its exceptions that in rendering her recommended decision in this matter, Judge Bittner erred in failing to consider that Respondent has been in compliance with Federal and state requirements since the alleged misconduct occurred; that it has taken corrective action regarding its operation; and that the loss of its DEA Certificate of Registration will result in Respondent's closure which would have a severe adverse impact on the community by eliminating one of two pharmacies serving a poor, medically underserved population. As discussed herein, the Deputy Administrator has considered

these facts in rendering his decision in this matter.

The Deputy Administrator concludes that the Government has made a prima facie case for revocation of Respondent's DEA registration. The Deputy Administrator is quite concerned about the nature and extent of the violations that occurred between 1987 and 1991. But of even greater concern is Respondent's failure to acknowledge or accept responsibility for any wrongdoing. That Respondent continues to argue that there is no danger to the public health and safety because the controlled substances were medically necessary indicates that Mr. Pettigrew still does not appreciate Respondent's role in the dispensing of controlled substances. Also of concern to the Deputy Administrator is Mr. Pettigrew's claims of ignorance of the requirements at the time of the events in question.

Therefore, the Deputy Administrator finds that revocation of Respondent's DEA registration is justified as inconsistent with the public interest. However, the Deputy Administrator also recognizes that Respondent is one of two pharmacies in a relatively poor, medically underserved community and it would most likely close if its DEA registration is revoked; that it has changed its procedures regarding oral prescriptions and its computer system; and that there is no evidence of any wrongdoing since the events at issue in this proceeding. As a result, the Deputy Administrator concludes that the public interest would be served by requiring Mr. Pettigrew to undergo training in order to fully appreciate the pharmacy's responsibilities as a DEA registrant and by subjecting Respondent to random unannounced inspections, while still being permitted to handle controlled substances.

Therefore the Deputy Administrator will stay the revocation of Respondent's DEA registration for six months during which time Respondent must present evidence to the Deputy Administrator of Mr. Pettigrew's completion of a training course regarding the proper handling of controlled substances and must submit to random unannounced inspections by DEA personnel without requiring an administrative inspection warrant. If alleged violations are discovered during these inspections, the Deputy Administrator will extend the stay pending proceedings to determine whether violations in fact occurred. If Respondent does not comply with these terms, or if it is determined that subsequent violations have occurred, an order will be issued lifting the stay and Respondent's DEA Certificate of Registration will be revoked. If Respondent does comply, the Deputy Administrator will issue a subsequent order indicating that the conditions have been met and that the DEA Certificate of Registration is reinstated and renewed without limitations.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration AP0406911, issued to Pettigrew Rexall Drugs, be, and it hereby is, revoked, and any pending applications for renewal of such registration, be, and they hereby are, denied. It is further ordered that this order will be stayed for a period of six months from its effective date. If during the six month period, Respondent fails to comply with the above described conditions, the stay will be removed and Respondent's DEA Certificate of Registration will be revoked and any pending applications for renewal will be denied. This order is effective March 25, 1999.

Dated: February 16, 1999.

Donnie R. Marshall,

Deputy Administrator.

[FR Doc. 99–4329 Filed 2–22–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Comment Request

ACTION: Notice of information collection under review; Guarantee of payment.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until April 26, 1999.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Reinstatement without change of previously approved collection

(2) *Title of the Form/Collection:* Guarantee of Payment.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–510. Office of Detention and Deportation, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other-for-profit. Section 253 of the Immigration and Nationality Act (Act) provides that the master or agent of a vessel or aircraft shall guarantee payment for expenses incurred for an alien crewman who arrived in the United Stats afflicted with any disease or illness mentioned in Section 255 of the Act.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 100 responses at 5 minutes (.083) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 8 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management

Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: February 16, 1999.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 99–4382 Filed 2–22–99; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Comment Request

ACTION: Notice of information collection under review; Application for nonresident alien's Mexican border crossing card.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until April 26, 1999.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Reinstatement without change of previously approved collection.

(2) *Title of the Form/Collection:* Application for Nonresident Alien's Mexican Border Crossing Card.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–190. Inspections Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. This form will be used to obtain data from an applicant for replacement lost, stolen, or mutilated Mexican Border Crossing Card.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 270,410 responses at 5 minutes (.083) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 22,444 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(2) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: February 16, 1999.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 99–4383 Filed 2–22–99; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

National Institute of Justice

[OJP (NIJ)–1210]

RIN 1121–ZB47

Announcement of the Third Meeting of the Methamphetamine Interagency Task Force

AGENCY: Office of Justice Programs, National Institute of Justice, Justice.

ACTION: Notice of meeting.

SUMMARY: Announcement of the third meeting of the Methamphetamine Interagency Task Force.

DATES: May 4, 1999, from 8:00 a.m. to 6:00 p.m., PST, and May 5, 1999, from 8:00 a.m. to 6:00 p.m., PST.

ADDRESSES: Westin Harbor Island, 1380 Harbor Island Drive, San Diego, CA 92101–1092.

FOR FURTHER INFORMATION CONTACT: If you want further information about how to attend this meeting: Dr. Andrea Lange, National Institute of Justice, 810 7th Street, NW, Washington, DC 20531. Telephone: (301) 519–5205. Facsimile: (301) 519–5212. E-mail: alange@ncjrs.org.

If you want to submit written questions: Thomas Feucht, National Institute of Justice, 810 7th Street, NW, Washington, DC 20531. Telephone: (202) 307–2949. Facsimile: (202) 307–6394. E-mail: feucht@ojp.usdoj.gov.

The Methamphetamine Interagency Task Force, established pursuant to Section 3(2)A of the Federal Advisory Committee Act, 5 U.S.C. App. 2, will meet to carry out its advisory functions under Sections 201–202 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended. This meeting will be open to the public.

SUPPLEMENTARY INFORMATION: The Methamphetamine Interagency Task Force will hold its third meeting. The agenda will include review of the draft interim report of the task force; briefings by local community members; discussion and planning for future workgroups and conferences; review of reporting milestones; and open discussion of issues of concern to Task Force Members.

The meeting will be open to the public on a space-available basis, but you must make reservations if you want to attend. When you arrive, you must bring a photo ID in order to gain admittance. See the contact point listed above to reserve a space and to advise us of any special needs. You should make a space reservation no later than Monday, April 19, 1999, so that we can make proper seating arrangements. If you wish to submit written questions to this session, you should notify the contact point listed above by Monday, April 19, 1999. With your questions, you must submit your name, affiliation, and means of contact (address or telephone number). If you are interested in this meeting, we encourage you to attend.

Edwin W. Zedlewski,

Acting Director, National Institute of Justice.

[FR Doc. 99–4312 Filed 2–22–99; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employment Standards Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning the proposed extension of three information collections. Two information collections are conducted by the Office of Workers' Compensation Programs, and one is conducted by the Wage and Hour Division. The collections are: (1) Report of Changes That May Affect Your Black Lung Benefits, CM–929; (2) Rehabilitation Plan and Award, OWCP–16; and (3) Application for Authority to Employ Full-Time Students at Subminimum Wages in Retail or Service Establishments or Agriculture, WH–200 MIS. A copy of the proposed information collection requests can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before April 26, 1999. The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSEES: Contact Ms. Patricia Forkel at the U. S. Department of Labor, 200 Constitution Avenue, NW., Room S–3201, Washington, DC. 20210, telephone (202) 693–0339. The Fax number is (202) 693–1451. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Report of Changes That May Affect Your Black Lung Benefits, CM-929

I. Background

When a miner or beneficiary is found eligible for benefits by the Office of Workers' Compensation Programs, Division of Coal Mine Workers' Compensation, the beneficiary is requested to report certain changes that may affect benefits. The CM–929 is sent to all Black Lung Trust Fund beneficiaries and contains information specific to each beneficiary. The beneficiary reviews the information, and either certifies that it is correct, or provides updated information.

II. Current Actions

The Department of Labor (DOL) seeks approval of the extension of this information collection in order to ascertain that information affecting black lung benefits is accurate and up to date, thus reducing the potential for overpayments and underpayments to beneficiaries.

Type of Review: Extension.
Agency: Employment Standards Administration.
Title(s): Report of Changes That May Affect Your Black Lung Benefits.
OMB Number: 1215–0084.
Agency Number(s): CM–929.
Affected Public: Individuals or households.
Total Respondents: 30,000.
Frequency: Annually.
Total Responses: 30,000.
Average Time per Response: 5 to 8 minutes.
Total Burden Hours: 2,650.
Total Burden Cost (capital/startup): $0.
Total Burden Cost (operating and maintenance): $0.

Rehabilitation Plan and Award

I. Background

The Office of Workers' Compensation Programs (OWCP) administers the Longshore and Harbor Workers' Compensation Act (LSHWCA) and the Federal Employees' Compensation Act (FECA). Both of these Acts provide for rehabilitation services to eligible injured workers. This form (OWCP–16) is used to document the plan for rehabilitation services submitted to OWCP by the injured worker and the rehabilitation counselor, and is used by OWCP to award payment from funds provided for rehabilitation. The form summarizes the nature and costs of the rehabilitation program for a prompt decision on funding by OWCP. The signature of both parties on the form document their collective approval of the plan.

II. Current Actions

The Department of Labor seeks the extension of approval to collect this information in order to carry out its responsibility to provide and fund rehabilitation for injured workers.

Type of Review: Extension.
Agency: Employment Standards Administration.
Title(s): Rehabilitation Plan and Award.
OMB Number: 1215–0067.
Agency Number(s): OWCP–16.
Affected Public: Individuals or households, Business or other for-profit.
Total Respondents: 7,000.
Frequency: On occasion.
Total Responses: 7,000.
Average time per Response: 30 minutes.
Estimated Total Burden Hours: 3,500.
Total Burden Cost (capital/startup): $0.
Total Burden Cost (operating and maintenance): $0.

Application for Authority To Employ Full-Time Students at Subminimum Wages in Retail or Service Establishments or Agriculture, WH–200–MIS

I. Background

Sections 14(b)(1) and 14(b)(2) of the Fair Labor Standards Act require the Secretary of Labor to provide certificates authorizing the employment of full-time students at 85 percent of the applicable minimum wage in retail or service establishments or in agriculture, to prevent curtailment of opportunities for employment. The implementing regulations set forth the terms and conditions for employment for such students. These provisions set limits on such employment and prescribe safeguards to protect full-time students so employed and full-time employment opportunities of other employees. The WH–200–MIS is a voluntary use application form prepared and signed

by an authorized representative of an employer applying for authorization to employ full-time students at subminimum wages. The application process allows the Wage and Hour Division to determine whether to grant or deny subminimum wage authority to the applicant.

II. Current Actions

The Department of Labor is seeking an extension of this information collection in order to carry out its responsibility to assess an applicant establishment's general compliance with FLSA and to insure that employers do not exceed their allowances for employing full-time students at subminimum wages.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title(s): Application for Authority to Employ Full-Time Students at Subminimum Wages in Retail or Service Establishments or Agriculture.

OMB Number: 1215–0032.

Agency Numbers: WH–200 MIS.

Affected Public: Business or other for-profit; Individuals or households, Not-for-profit institutions; Farms.

Total Respondents: 2,000.

Frequency: Annually.

Total Responses: 2,000.

Average Time per Response: 10 to 30 minutes.

Estimated Total Burden Hours: 400.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating and maintenance): $700.00.

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

Dated: February 17, 1999.

Margaret J. Sherrill,

Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.

[FR Doc. 99–4468 Filed 2–22–99; 8:45 am]

BILLING CODE 4510–27–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is giving public notice that the agency has submitted to OMB for approval the information collections described in this notice, which are used in the National Historical Publications and Records Commission grant program. The public is invited to comment on the proposed information collections pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted to OMB at the address below on or before March 25, 1999 to be assured of consideration.

ADDRESSES: Comments should be sent to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: Ms. Maya Bernstein, Desk Officer for NARA, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collections and supporting statements should be directed to Tamee Fechhelm at telephone number 301–713–6730, or fax number 301–713–6913.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), NARA invites the general public and other Federal agencies to comment on proposed information collections. NARA published a notice of proposed collection for these information collections on December 18, 1998 (63 FR 70164 and 70165). No comments were received. NARA has submitted the described information collections to OMB for approval.

In response to this notice, comments and suggestions should address one or more of the following points: (a) Whether the proposed collection information is necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collections; (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 the use of information technology. In this notice, NARA is soliciting comments concerning the following information collections:

Title: NHPRC Budget Form and Instructions.

OMB number: 3095–0004.

Agency form number: NA Form 17001.

Type of review: Regular.

Affected public: Nonprofit organizations and institutions, state and local government agencies, Federally acknowledged or state-recognized Native American tribes or groups, and individuals who apply for NHPRC grants for support of historical documentary editions, archival preservation and planning projects, and other records projects.

Estimated number of respondents: 174.

Estimated time per response: 3 hours.

Frequency of response: On occasion (when respondent wishes to apply for NHPRC grant). Respondents generally submit no more than 1 applications per year.

Estimated total annual burden hours: 552.

Abstract: The information collection is prescribed by 36 CFR 1206.58. The collection is prepared by prospective grantees. The budget form is used by the NHPRC staff, reviewers, the Commission to determine whether proposed project is methodologically sound and suitable for support and as a basis for determining the amount of support to be provided.

Dated: February 17, 1999.

L. Reynolds Cahoon,

Assistant Archivist for Human Resources and Information Services.

[FR Doc. 99–4411 Filed 2–22–99; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Alan T. Waterman Award Committee; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Alan T. Waterman Award Committee (1172).

Date and Time: Monday, March 8, 1999; 8:00 a.m.–3:00 p.m.

Place: Room 370, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Mrs. Susan E. Fannoney, Executive Secretary, Room 1220, National Science Foundation, 4201 Wilson Blvd, Arlington, VA 22230. Telephone: 703/306–1096.

Purpose of Meeting: To provide advice and recommendations in the selection of the Alan T. Waterman Award recipient.

Agenda: To review and evaluate nominations as part of the selection process for awards.

Reason for Closing: The nominations being reviewed include information of a personal nature where disclosure would constitute unwarranted invasions of personal privacy. These matters are exempt under 5 U.S.C. 552b(d)(6) of the Government in the Sunshine Act.

Dated: February 17, 1999.

Linda Allen-Benton,

Acting Director, Division of Human Resource Management.

[FR Doc. 99–4356 Filed 2–22–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Chemistry; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Chemistry (1191).

Date and Time: March 15–16, 1999.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia, from 8:00 AM to 5:00 PM each day.

Contact Person: Richard Hilderbrandt, Program Officer, National Science Foundation, Room 1055, 4201 Wilson Boulevard, Arlington, VA 22230 (703) 306–1844.

Type of Meeting: Closed.

Reason for Closing: The preproposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: February 17, 1999.

Linda Allen-Benton,

Acting Director, Division of Human Resource Management.

[FR Doc 99–4358 Filed 2–22–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Computer and Computation Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Computer-Communications Research (1192).

Date: March 8, 9, 11, 12, 1999.

Time: 8 a.m.–5 p.m.

Place: Room 330, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person(s): Dr. Mukesh Singhal, Program Director, Operating Systems and Compilers, CISE/C–CR, Room 1145, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Telephone: (703) 306–1918.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the National Science Foundation for financial support.

Agenda: To review and evaluate Operating Systems and Compilers as part of the selection process of awards.

Reason for Closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information; financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b©, (4) and (6) of the Government Sunshine Act.

Dated: February 17, 1999.

Linda Allen-Benton,

Acting Director, Division of Human Resources Management.

[FR Doc. 99–4360 Filed 2–22–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Computer-Communications Research; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Computer-Communications Research (1192).

Date: March 11 and 12, 1999.

Time: 8:00 a.m.–5:00 p.m.

Place: Room 1150, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of meeting: Closed.

Contact person(s): Dr. John Cozzens, Program Director, Signal Processing Systems: CISE/C–CR, Room 1145, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Telephone: (703) 306–1914.

Purpose of meeting: To provide advice and recommendations concerning proposals submitted to the National Science Foundation for financial support.

Agenda: To review and evaluate Signal Processing Systems as part of the selection process of awards.

Reasons for closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information; financial data such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b©, (4) and (6) of the Government Sunshine Act.

Dated: February 17, 1999.

Linda Allen-Benton,

Acting Director, Division of Human Resource Management.

[FR Doc. 99–4364 Filed 2–22–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Computer-Communications Research; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Computer-Communications Research (1192).

Date: March 4 and 5, 1999.

Time: 8:00 a.m.–5:00 p.m.

Place: Room 1150, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person(s): Dr. John Cozzens, Program Director, Signal Processing Systems; CISE/C–CR, Room 1145, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Telephone: (703) 306–1914.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the National Science Foundation for financial support.

Agenda: To review and evaluate Signal Processing Systems as part of the selection process of awards.

Reason for Closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information; financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government Sunshine Act.

Dated: February 17, 1999.

Linda Allen-Benton,

Acting Director, Division of Human Resource Management.

[FR Doc. 99–4366 Filed 2–22–99; 8:45 am]

BILLING CODE 7555–01–N

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Design, Manufacturing, and Industrial Innovation, Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, amended), the National Science Foundation announces the following meeting:

Name: Design, Manufacturing, and Industrial Innovation (1194).

Date and Time: Mrch 11, 1999.

Place: Room 340, National Science Foundation, 4201 Wilson Blvd, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Darryl Gorman, Program Manager, Small Business Technology Transfer Program, Room 550, Division of Design, Manufacturing, and Industrial Innovation, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone (703) 306–1395x5249.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted to the Small Business Technology Transfer (STTR) Program as part of the selection process for awards.

Reasons for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning indivduals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: February 17, 1999.

Linda Allen-Benton,

Acting Director, Division of Human Resource Management.

[FR Doc. 99–4359 Filed 2–22–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Design, Manufacture, and Industrial Innovation; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Design, Manufacture, and Industrial Innovation—(1194).

Date and Time: March 11, 1999, 8:00 a.m.–5:30 p.m.

Place: Room 310, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Delcie Durham, Program Director, Material Processes and Manufacturing, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone (703) 306–1330.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the NSF for financial support.

Agenda: To review and evaluate Professional Opportunities for Women in Research and Education (POWRE) proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters that are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: February 17, 1999.

Linda Allen-Benton,

Acting Director, Division of Human Resource Management.

[FR Doc. 99–4362 Filed 2–22–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Engineering Education and Centers; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Engineering Education and Centers (173).

Date/Time: March 4–5, 1999, 8:30 a.m. to 5:00 p.m.

Place: National Science Foundation, Room 370, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Deborah Crawford, Program Director, Engineering Education and Centers Division, National Science Foundation, Room 585, 4201 Wilson Boulevard, Arlington, VA 22230.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Engineering Research Centers proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b.(c) (4) and (6) of the Government in the Sunshine Act.

Dated: February 17, 1999.

Linda Allen-Benton,

Acting Director, Division of Human Resource Management.

[FR Doc. 99–4352 Filed 2–22–99; 8:45 am]

BILLING CODE 2555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Engineering Education and Centers; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Engineering Education and Centers (173).

Date/Time: March 11–12, 1999, 8:30 a.m. to 5:00 p.m.

Place: National Science Foundation, Room 390, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Cheryl Cathey, Program Director, Engineering Education and Centers Division, National Science Foundation, Room 585, 4201 Wilson Boulevard, Arlington, VA 22230.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Engineering Research Centers Proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b.(c) (4) and (6) of the Government in the Sunshine Act.

Dated: February 17, 1999.

Linda Allen-Benton,

Acting Director, Division of Human Resource Management.

[FR Doc. 99–4354 Filed 2–22–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Engineering Education and Centers; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Engineering Education and Centers (173).

Date/Time: March 16–17, 1999 8:30 a.m. to 5:00 p.m.

Place: National Science Foundation, Room 330, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: John Hurt, Program Director, Engineering Education and Centers Division, National Science Foundation Room 585, 4201 Wilson Boulevard, Arlington, VA 22230.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Engineering Research Centers Proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b. (c) (4) and (6) of the Government in the Sunshine Act.

Dated: February 17, 1999.

Linda Allen-Benton,

Acting Director, Division of Human Resource Management.

[FR Doc. 99–4355 Filed 2–22–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Experimental and Integrative Activities; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Experimental and Integrative Activities (1373).

Date and Time: March 15, 1999; 8:30 a.m. to 5:00 p.m.

Place: Rooms 370 and 390, National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Closed.

Contact Person(s): Dr. Caroline Wardle, Program Director, Division of Experimental and Integrative Activities, National Science Foundation, Room 1160, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1980.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the National Science Foundation for financial support.

Agenda: To review and evaluate CISE Advanced Distributed Resources for Experiments proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 17, 1999.

Linda Allen-Benton,

Acting Director, Division of Human Resource Management.

[FR Doc. 99–4363 Filed 2–22–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Mathematical and Physical Sciences Committee of Visitors Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Mathematical and Physical Sciences (66).

Date and Time: March 16, 17, and 18, 1999—8:30 a.m.-5:00 p.m. each day.

Place: Rooms 365, 370, 380, and 390, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Part-Open—(see agenda below).

Contact Person: Dr. Morris L. Aizenman, Executive Officer, Division of Astronomical Sciences, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230 Telephone (703) 306–1820.

Purpose of Meeting: To carry out Committee of Visitors (COV) review, including program evaluation, GPRA assessments, and access to privileged materials.

Agenda:

Closed: March 16, 17, and 18 from 8:30 a.m.-5:00 p.m. each day—To review processes covering funding decisions made during the immediately preceding three fiscal years of the Astronomical Sciences programs.

Open: March 17 from 4:00-5:30—To assess the results of NSF program investments in the Division of Astronomical Sciences. This shall involve a discussion and review of results focused on NSF and grantee outputs and related outcomes achieved during the preceding three fiscal years. These results may be based on NSF grants or other investments made in earlier years.

Reason for Closing: During the closed session, the Committee will be reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they are disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act would be improperly disclosed.

Dated: February 17, 1999.

Linda Allen-Benton,

Acting Director, Division of Human Resource Management.

[FR Doc. 99–4357 Filed 2–22–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

National Science Board; NSB Public Service Award Committee Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: NSB Public Service Award Committee (5195).

Date and Time: Wednesday, March 17, 9:00 a.m.–1:00 p.m.

Place: National Science Foundation, Arlington, Virginia.

Type of Meeting: Closed.

Contact Person: Mrs. Susan E. Fannoney, Executive Secretary, Room 1220, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: 703/306–1096.

Purpose of Meeting: To provide advice and recommendations in the selection of the NSB Public Service Award recipient.

Agenda: To review and evaluate nominations as part of the selection process for awards.

Reason for Closing: The nominations being reviewed include information of a personal nature where disclosure would constitute unwarranted invasions of personal privacy. These matters are exempt under 5 U.S.C. 552b(c)(6) of the Government in the Sunshine Act.

Dated: February 17, 1999.

Linda Allen-Benton,

Acting Director, Division of Human Resource Management.

[FR Doc. 99–4353 Filed 2–22–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Social Behavioral and Economic Sciences Notice of Meeting

In accordance with the Federal Advisory Committee Act (Public Law 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Social Behavioral and Economic Sciences (1171).

Date and Time: 9:00 March 18, 1999 a.m. to 5:00 p.m. and March 19, 1999; 9:00 a.m. to 2:00 p.m.

Place: Room 340, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Open.

Contact Person: John Jankowski, Program Director, Division of Science Resources Studies; Research and Development Statistics Program; 4201 Wilson Blvd., Suite 965; Arlington, VA 22230; Telephone (703) 306–1772, ext. 6937; Minutes may be obtained from the contact person at the above address.

Purpose of Meeting: To review the current survey questionnaire and make modifications for the year 2000 and comment on issues affecting the Survey of Scientific and Engineering Research Facilities at Colleges and Universities in general.

Agenda: The morning of the first day will be used by the special emphasis advisory panel to review the 1998 Science and Engineering Facilities Survey instrument. The afternoon of the first day will be used to focus on the redesign of survey questions to answer specific data reporting needs of NIH. The morning of the second day will be used to discuss other issues involving the 2000 survey and general redesign.

Dated: February 17, 1999.

Linda Allen-Benton,

Acting Director, Division of Human Resource Management.

[FR Doc. 99–4361 Filed 2–22–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Social, Behavioral and Economic Sciences; Committee of Visitors; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science

Foundation announces the following meeting.

Name: Advisory Panel for Social, Behavioral and Economic Sciences (1171).

Date and time: March 11 and 12, 1999—8:30 a.m.–5:00 p.m. each day.

Place: Rm. 970, NSF, 4201 Wilson Boulevard, Arlington, VA.

Type of meeting: Closed.

Contact person: Dr. Stuart Plattner, Cluster Coordinator for Anthropological and Geographic Sciences Cluster, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1758.

Purpose of meeting: To carry out Committee of Visitors (COV) review, including program evaluation, GPRA assessments, and access to privileged materials.

Agenda

Closed: March 11 and 12 from 8:00–5:00 each day—To review the merit review processes covering funding decisions made during the immediately preceding three fiscal years for the Anthropological and Geographic Sciences Cluster.

Reason for closing: During the closed session, the Committee will be reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they are disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act would be improperly disclosed.

Dated: February 17, 1999.

Linda Allen-Benton,

Acting Director, Division of Human Resource Management.

[FR Doc. 99–4365 Filed 2–22–99; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget (OMB) Review

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

1. Type of submission, new, revision, or extension: Revision (OMB Clearance No. 3150–0101).

2. The title of the information collection: Amended Final Rule—Requirements for Initial Operator Licensing Examinations.

3. The form number if applicable: Not applicable.

4. How often the collection is required: No additional information submittals are required. Each facility that elects to prepare its own licensing examinations will be required to establish (a one-time activity) and periodically maintain (approximately biennially) procedures to control examination security.

5. Who will be required or asked to report: Power reactor facility licensees.

6. An estimate of the number of responses: 66.

7. The estimated number of annual respondents: 33.

8. An estimate of the total number of hours needed annually to complete the requirement or request: 5,800 during the first year and 660 hours per year thereafter (2,373 hours annualized over 3 years).

9. An indication of whether Section 3507(d), Pub. L. 104–13 applies: Not applicable.

10. Abstract: NRC is amending its previously published (62 FR 42426) proposed rule, 10 CFR 55, ''Initial Licensed Operator Examination Requirements,'' to add additional information collection requirements and is publishing the revised document as a final rule. The new information collection requirements will require power reactor facility licensees to establish, implement, and maintain procedures to control examination security and integrity if they elect to prepare their own licensing examinations.

Submit, by (insert date 30 days after publication in the **Federal Register**), comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW (lower level), Washington, DC. OMB clearance packages are available at the NRC worldwide web site (http://www.nrc.gov/NRC/PUBLIC/OMB/index.html). The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer by March 25, 1999.

Erik Godwin,

Office of Information and Regulatory Affairs (3150–0101), NEOB–10202, Office of Management and Budget, Washington DC 20503.

Comments can also be submitted by telephone at (202) 395–3084.

The NRC Clearance Officer is Brenda Jo. Shelton, 301–415–7233.

Dated at Rockville, Maryland, this 17th day of February 1999.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99–4392 Filed 2–22–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting Notice

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on March 10–13, 1999, in Conference Room T–2B3, 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the **Federal Register** on Wednesday, November 18, 1998 (63 FR 64105).

Wednesday, March 10, 1999

8:30 A.M.–8:45 A.M.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:45 A.M.–10:15 A.M.: Commission Paper on 10 CFR 50.59 (Changes, Tests and Experiments) (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the Commission Paper on the summary of public comments and staff recommendations for revising 10 CFR 50.59.

10:30 A.M.–12:00 Noon: Westinghouse Best-Estimate Large-Break LOCA Methodology (Open/Closed)—The Committee will hear presentations by and hold discussions with representatives of the Westinghouse Electric Company and the NRC staff regarding the application of the Westinghouse best-estimate large-break LOCA methodology to upper plenum injection plants.

[**Note:** A portion of this session may be closed to discuss Westinghouse Electric Company proprietary information.]

1:00 P.M.–4:15 P.M.: Phase 1 Standard for PRA Quality (Open)—The Committee will hear presentations by and hold discussions with representatives of the American Society of Mechanical Engineers (ASME) Task Force and the NRC staff regarding the Phase 1 Standard, developed by the ASME Task Force, for PRA quality as well as industry programs for certifying PRAs.

4:30 P.M.–7:15 P.M.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports, including those on NRC Safety Research Program, Core Research Capabilities, Lessons Learned from the Review of the AP600 Design, and Role of Frequency-Consequence Curves in Risk-Informed Decisionmaking.

Thursday, March 11, 1999

8:30 A.M.–8:35 A.M.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 A.M.–10:00 A.M.: Event Reporting Requirements Rule (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the rule for event reporting requirements.

10:15 A.M.–11:45 A.M.: Reevaluation of the Generic Safety Issue Process (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the results of the reevaluation of the Generic Safety Issue process.

1:00 P.M.–2:30 P.M.: Fuel Burnup Extension Licensing Framework/NRC Participation in the CABRI Reactor Fuels Research Program (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the proposed use of a systematic process, such as Phenomena Identification and Ranking Table (PIRT) for fuel burnup extensions, and the status of the NRC participation in the CABRI reactor fuels research program.

2:45 P.M.–7:00 P.M.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports.

Friday, March 12, 1999

8:30 A.M.–8:35 A.M.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 A.M.–10:00 A.M.: Guidance for Implementing the Revised Enforcement Policy (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding guidance for implementing the revised Enforcement Policy, as well as the staff's plans to make the Enforcement Policy risk informed.

10:15 A.M.–11:45 A.M.: Safety Evaluation Report on the Topical Report Regarding Tritium Production Core (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and the Department of Energy (DOE) regarding the NRC staff's Safety Evaluation Report on the Topical Report associated with the tritium production core, which describes how the inclusion of a significant number of tritium-producing-burnable absorber rods affects the performance of nuclear plant systems and components for a representative commercial light-water reactor.

11:45 A.M.–12:00 Noon: Reconciliation of ACRS Comments and Recommendations (Open)—The Committee will discuss the responses from the NRC Executive Director for Operations (EDO) to comments and recommendations included in recent ACRS reports and letters. The EDO responses are expected to be provided to the ACRS prior to the meeting.

1:00 P.M.–1:30 P.M.: Report of the Planning and Procedures Subcommittee (Open/Closed)—The Committee will hear a report of the Planning and Procedures Subcommittee on matters related to the conduct of ACRS business, and organizational and personnel matters relating to the ACRS.

[**Note:** A portion of this session may be closed to discuss organizational and personnel matters that relate solely to the internal personnel rules and practices of this Advisory Committee, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

1:30 P.M.–2:00 P.M.: Future ACRS Activities (Open)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the full Committee during future meetings.

2:00 P.M.–7:00 P.M.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports.

Saturday, March 13, 1999

8:30 A.M.–3:00 P.M.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports.

3:00 P.M.–3:30 P.M.: Miscellaneous (Open)—The Committee will discuss matters related to the conduct of Committee activities and matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on September 29, 1998 (63 FR 51968). In accordance with these procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Electronic recordings will be permitted only during the open portions of the meeting and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify Mr. Sam Duraiswamy, Chief of the Nuclear Reactors Branch, at least five days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by contacting the Chief of the Nuclear Reactors Branch prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Chief of the Nuclear Reactors Branch if such rescheduling would result in major inconvenience.

In accordance with Subsection 10(d) P.L. 92–463, I have determined that it is necessary to close portions of this meeting noted above to discuss Westinghouse Electric Company proprietary information per 5 U.S.C. 552b(c)(4), matters that relate solely to the internal personnel rules and practices of this Advisory Committee per 5 U.S.C. 552b(c)(2), and to discuss information the release of which would constitute a clearly unwarranted invasion of personal privacy per 5 U.S.C. 552b(c)(6).

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting Mr. Sam Duraiswamy, Chief of the Nuclear Reactors Branch (telephone 301/415–7364), between 7:30 a.m. and 4:15 p.m., EST.

ACRS meeting agenda, meeting transcripts, and letter reports are available for downloading or viewing on

the internet at *http://www.nrc.gov/ACRSACNW*.

Videoteleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service for observing ACRS meetings should contact Mr. Theron Brown, ACRS Audio Visual Technician (301–415–8066), between 7:30 a.m. and 3:45 p.m. EST at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment facilities that they use to establish the videoteleconferencing link. The availability of videoteleconferencing services is not guaranteed.

Meeting Date Change

The July 1999 ACRS meeting previously scheduled for July 7–9, 1999, has been changed to July 14–16, 1999.

Dated: February 17, 1999.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 99–4394 Filed 2–22–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–315 and 50–316]

Indiana Michigan Power Company, Donald C. Cook Nuclear Plant, Units 1 and 2; Issuance of Director's Decision Under 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation has issued a Director's Decision with regard to a Petition dated October 9, 1997, and an Addendum to the Petition dated January 12, 1998, filed by Mr. David Lochbaum on behalf of the Union of Concerned Scientists, hereafter referred to as the ''Petitioner.'' The Petition pertains to the Donald C. Cook Nuclear Plant, Units 1 and 2 (D. C. Cook).

The Petitioner requested that the operating licenses for D. C. Cook be modified, revoked, or suspended to prevent operation of the units until there is reasonable assurance that significant non-compliances have been identified and corrected so that systems are in conformance with their design-basis and licensing-basis requirements. The Petition also requested that a public hearing into this matter be held in the Washington, D.C. area before the first unit at D. C. Cook is authorized to restart. As the basis for these requests, the Petitioner stated that the NRC completed an architect/engineering (AE) design inspection at D. C. Cook (NRC Inspection Report (IR) No. 50–315, 50–316/97201) on November 26, 1997. Findings by the NRC during the AE inspection led to the Licensee having to declare the emergency core cooling system (ECCS) inoperable at both units at D. C. Cook. As a result, the Licensee shut down both units in accordance with its Technical Specifications (TS). The systems reviewed during the AE inspection were the same systems that the Licensee had previously reviewed as part of its design-basis documentation reconstitution program, and the program did not identify any deficiencies concerning system operability. Therefore, the Petitioner asserted that the Licensee's design-basis documentation reconstitution programs lacked the necessary rigor and focus to identify potential design-related operability issues. The Petitioner further asserted that deficiencies in the Licensee's design control programs may also be responsible for similar issues in safety systems that have not been examined by the NRC. On the basis of this potential, the Petitioner also requested that the NRC increase the inspection scope at D. C. Cook. By letter dated January 12, 1998, the Petitioner issued an Addendum to the Petition.

The following six specific concerns were raised in the Addendum:

(1) ice condenser concerns.

(2) 10 CFR 50.59 Safety Evaluation process.

(3) engineering calculations.

(4) net positive suction head (NPSH) calculations.

(5) licensee's response to the CAL.

(6) NRC inspection process.

The Addendum also raised concerns about the 10 CFR 2.206 process, the NRC inspection process, and generic concerns with ice condenser containments. On February 23, 1998, the NRC acknowledged receipt of the additional information and informed the Petitioner that all specific concerns related to the D. C. Cook plant and the Petition would be considered in the Director's Decision. Further, the NRC informed the Petitioner that the concerns not directly applicable to the request in the Petition would be evaluated and transmitted to the Petitioner in separate correspondence. By letters dated July 10 and December 28, 1998, the NRC sent the Petitioner the status of the review of these issues.

On August 19, 1998, an informal public hearing was held at the NRC headquarters in Rockville, Maryland. Both the Petitioner and the Licensee made presentations during the hearing. The hearing gave the Petitioner an opportunity to clarify the issues raised in the Petition and the Addendum.

The Director of the Office of Nuclear Reactor Regulation has determined that the request to prevent operation of the units at D. C. Cook until there is reasonable assurance that significant non-compliances have been identified and corrected so that systems are in conformance with their design-basis and licensing-basis requirements has been satisfied. The regulatory oversight actions being taken by the NRC will provide reasonable assurance that systems at D. C. Cook will be in conformance with their design bases and licensing bases, thus meeting the request made in the Petition and eliminates the need to modify, suspend or revoke the licenses at D. C. Cook. The reasons for this decision are explained in the Director's Decision Pursuant to 10 CFR 2.206 (DD–99–03), the complete text of which follows this notice and is available for public inspection at the Commission's Public Document Room, Gelman Building, 2120 L Street, NW., Washington, D. C., and at the local public document room located at Maud Preston Palenske Memorial Library, 500 Market Street, St. Joseph, MI 49085.

A copy of the Director's Decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206 of the Commission's regulations. As provided for by this regulation, the Decision will constitute the final action of the Commission 25 days after the date of issuance, unless the Commission on its own motion institutes a review of the Decision in that time.

Dated at Rockville, Maryland, this 11th day of February 1999.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[DD–99–03]

Director's Decision Under 10 CFR 2.206

I. Introduction

On October 9, 1997, Mr. David A. Lochbaum submitted a Petition to the Executive Director for Operations of the U.S. Nuclear Regulatory Commission (NRC) pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206). The Petition was submitted on behalf of the Union of Concerned Scientists (UCS or Petitioner) and requested that the operating licenses for the Donald C. Cook Nuclear Plant, Units 1 and 2 (D. C. Cook) be modified, revoked, or suspended to prevent operation of the units until there is reasonable assurance that significant non-compliances have been

identified and corrected so that systems are in conformance with their design-basis and licensing-basis requirements. The Petitioner also requested that a public hearing into this matter be held in the Washington, D.C. area before the first unit at D. C. Cook is authorized to restart. The Petitioner indicated that the basis for his request was derived from a completed NRC architect/engineering[1] (AE) design inspection at D. C. Cook. Findings by the NRC during the AE inspection led to the Licensee declaring the emergency core cooling system (ECCS) inoperable at both units at D. C. Cook. As a result, the Licensee shut down both units in accordance with their Technical Specifications (TS). As stated in the Petition, the systems reviewed during the AE inspection were the same systems that the Licensee had reviewed earlier as part of its design-basis documentation reconstitution program. This review did not identify any deficiencies concerning equipment operability. Therefore, the Petitioner asserted that the D. C. Cook design-basis documentation reconstitution programs lacked the necessary rigor and focus to identify potential design-related operability issues. The Petitioner further asserted that deficiencies in the Licensee's design control programs may also be responsible for similar issues in safety systems that have not been examined by the NRC. On the basis of this potential, the Petitioner also requested that the NRC increase the inspection scope at D. C. Cook.

On December 9, 1997, the NRC acknowledged receipt of the Petition and informed the Petitioner that the Petition had been assigned to the Office of Nuclear Reactor Regulation (NRR) to prepare a response and that action on the specific concerns raised in the Petition would be taken within a reasonable time.

By letter dated January 12, 1998, the Petitioner submitted an Addendum to the Petition. The Addendum raised additional issues concerning D. C. Cook and provided additional information concerning the Petition. In addition, the Addendum raised concerns dealing with the 10 CFR 2.206 process, the NRC inspection process, and generic concerns with ice condenser containments. On February 23, 1998, the NRC acknowledged receipt of the additional information and informed the Petitioner that the specific concerns related to the D. C. Cook plant and the Petition would be considered in the Director's Decision. Further, the NRC informed the Petitioner that the concerns not directly applicable to the requests in the Petition would be evaluated and transmitted in separate correspondence. By letters dated July 10 and December 28, 1998, the NRC sent the Petitioner the status of the review of these issues not related to D. C. Cook or the Petition.

II. Discussion

A. Request To Modify, Revoke, or Suspend the Operating Licenses for D. C. Cook Nuclear Plant, Units 1 and 2

The Petitioner based his request on the fact that the NRC had recently completed an AE design inspection at D. C. Cook and the inspection identified a number of issues concerning design and procedural controls, safety evaluations, use of engineering judgment, adequacy of operability determinations, temporary modifications, and consistency between the updated Final Safety Analysis Report (UFSAR) and the TS. The Petitioner asserted that the Licensee's design control programs were inadequate and there was the potential that similar issues could exist in other safety-related systems that the NRC had not inspected. The Petitioner requested that the units at D. C. Cook be prevented from operating until such time that there is reasonable assurance that significant non-compliances have been identified and corrected. The Petitioner stated in the Petition that the system certification process used at the Salem Nuclear Generating Station and the Millstone Nuclear Power Station would provide such reasonable assurance.

On September 8 and 9, 1997, the Licensee shut down both Unit 1 and Unit 2, respectively, because of inspection findings made by the NRC during the AE inspection. These findings led the Licensee to question the operability of the ECCS. Upon further investigation, the Licensee determined that the ECCSs in both units were inoperable and, in accordance with the TS, the Licensee shut down both units. By letter dated September 18, 1997, the Licensee identified several issues and corrective actions it would take preceding restart of either unit at D. C. Cook. By letter dated September 19, 1997, the NRC issued a confirmatory action letter (CAL) confirming that nine specific issues from the Licensee's September 18, 1997, letter would be addressed by the Licensee before a unit at D. C. Cook would be restarted. In addition, the NRC recognized that the AE inspection was a limited-scope inspection and that the inspection findings were substantial. For this reason, the NRC confirmed that the Licensee, before restart of a unit at D. C. Cook, would perform an assessment to determine whether the type of inspection findings discovered during the AE inspection existed in other safety-related systems and whether they affected system operability.

By letters dated December 2, December 24, and December 31, 1997, the Licensee responded to the CAL. In these letters, the Licensee described the corrective actions, the root-cause analysis, and the reasons why the units at D. C. Cook were ready to restart. The NRC held public meetings with the Licensee on December 10 and December 22, 1997, and January 8, 1998, to discuss the Licensee's CAL responses.

The Petition raised concerns involving the Licensee's design control program and requested that a public hearing be held in the Washington, D.C. area before restarting either unit at D. C. Cook. The NRC staff reviewed the Petition thoroughly and determined that no new information was provided concerning D. C. Cook. The NRC staff came to this conclusion because the Petitioner based his concerns on the Licensee's design control program deficiencies that were identified in the NRC AE inspection. A CAL had been issued which confirmed that the Licensee would bound the problems discovered by the AE inspection and implement adequate corrective actions before restarting either unit at D. C. Cook. Therefore, following the guidelines contained in NRC Management Directive (MD) 8.11, ''Review Process for 10 CFR 2.206 Petitions,'' the NRC staff came to the conclusion that new information was not provided and a hearing was not warranted.

In a telephone conversation on January 5, 1998, the NRC Petition Manager informed the Petitioner that new information was not provided in the Petition and, in accordance with MD 8.11, a public hearing would not be granted. By letter dated January 6, 1998, the Petitioner protested the NRC's decision not to hold a public hearing concerning the Petition. In that letter, the Petitioner stated that information concerning ice condenser issues was presented to the NRC Inspector General's Office and since D. C. Cook's containment operability relies on an ice condenser system this constituted new information. The Petitioner also stated that the Petition was developed and submitted in haste because NRC Region III officials indicated that the Licensee was planning to restart a unit at D. C. Cook in mid-October 1997 and the Petitioner wanted to submit the Petition before the first unit at D. C. Cook was restarted. For this reason, the Petition

[1] NRC Inspection Report (IR) No. 50–315, 50–316/97201, November 26, 1997.

had not been fully developed and additional information would be forthcoming. On the basis of concerns that the Petitioner raised in the January 6, 1998, letter, and the assertion that the Petitioner potentially had new information, the NRC held a public meeting with the Petitioner on January 12, 1998. During the meeting, the Petitioner raised general concerns about the 10 CFR 2.206 process and addressed the following six specific concerns covering a broad range of issues:

(1) ice condenser concerns.

(2) 10 CFR 50.59 Safety Evaluation process.

(3) engineering calculations.

(4) net positive suction head (NPSH) calculations.

(5) licensee's response to the CAL.

(6) NRC inspection process.

By letter dated January 12, 1998, the Petitioner issued an Addendum to the Petition documenting the issues discussed during the January 12, 1998, public meeting. By letter dated February 23, 1998, the NRC acknowledged the receipt of the Addendum. Issues 1 through 5, as they relate to D. C. Cook and the Petition, are discussed individually in Sections II.B through II.F of this Director's Decision. As stated above, all issues raised in the Addendum not related to D. C. Cook or the Petition are being evaluated and will be addressed independent of the 10 CFR 2.206 process in separate correspondence.

The NRC staff reviewed the new information provided in the Addendum according to the guidelines of MD 8.11 and concluded that the additional information presented in the January 12, 1998, Addendum met the criteria for holding an informal public hearing. As a result, the NRC granted the Petitioner's request for an informal public hearing. On August 19, 1998, an informal public hearing was held at NRC headquarters in Rockville, Maryland. Both the Petitioner and the Licensee made presentations at the hearing. The hearing gave the Petitioner an opportunity to clarify the issues raised in the Petition and the Addendum. During the hearing, the Petitioner reported being pleased with the NRC oversight activities at D. C. Cook. Further, the Petitioner indicated he would like to see a Millstone scale civil penalty issued to the Licensee to ensure that the Licensee will maintain the proper safety culture in the future. During the hearing, the Petitioner also requested that the NRC investigate the potential that the Licensee's December 2, 1997, letter contained material false statements concerning the readiness of a unit at D. C. Cook to restart. This issue has been referred to the NRC Region III office for resolution and the results will be forwarded to the Petitioner under a separate cover.

In an effort to assess the effectiveness of the Licensee's corrective actions and the readiness of the units at D. C. Cook to restart, NRC performed an inspection of the CAL issues. The results of the inspection are documented in NRC Inspection Report (IR) No. 50–315, 50–316/98004. The team of inspectors reviewed the nine specific issues identified in the CAL and considered them adequately addressed. The inspection team concluded that the short term assessment items were appropriate and bounded the AE inspection concerns. However, as described in the NRC July 30, 1998, letter to the Licensee, the CAL remains open pending the resolution of concerns involving the adequacy of the Licensee's assessment to determine whether the type of issues discovered during the AE inspection existed in other safety-related systems. By letter dated January 15, 1998, the Petitioner requested a copy of the inspection report, even if it was a preliminary version subject to revision, at least 1 business day before closing the CAL. In the NRC's February 23, 1998, letter, the request to release the draft inspection report was denied. As stated in the February 23, 1998, letter, it is not NRC policy to release draft predecisional information. This policy is intended to prevent improper influences and assure that predecisional information, or contemplated enforcement actions, are not compromised by a premature release. In accordance with MD 8.11, once the Petition was received, the Petitioner was placed on distribution for correspondence between the NRC and D. C. Cook. The Petitioner has subsequently received a copy of the IR.

The NRC expanded the scope of inspections of the D. C. Cook facility based on findings of the resident inspector staff, concerns that came to the NRC's attention regarding the ice condenser issues emanating from the AE inspection, and information brought to our attention by the Petitioner. This expanded scope of inspection satisfied the request in the Petition. From November 1997 until April 1998, the NRC performed inspections of the containment (IR No. 50–315, 50–316/97017), ice condenser (IR No. 50–315, 50–316/98005), hydrogen mitigation systems (IR No. 50–315, 50–316/98009), and the design-basis (IR No. 50–315, 50–316/98004). The inspections identified that NRC requirements had been violated. The apparent violations were discussed at a public predecisional enforcement conference held at the NRC Region III office on May 20, 1998, with video viewing by the NRC headquarters staff, the Petitioner, and other members of the public in the NRC headquarters offices located in Rockville, Maryland.

During the predecisional enforcement conference, the Licensee admitted to all the apparent violations that formed the basis for the conference, described its assessment of the root causes, and presented its proposed corrective actions to address these issues. The Licensee stated that a root cause for many of these apparent violations was the failure to establish and communicate adequate performance standards.

As documented in the IRs, extensive degradation of the design of each unit's ECCS, ice condenser, refueling water storage tanks (RWSTs), and containment sumps, impaired the ability of the barriers (fuel cladding and containment) to prevent fission product release to the environment in the event of a design-basis loss-of-coolant accident (LOCA). With regard to the fuel cladding barrier, deficiencies were identified involving (1) a large quantity of fibrous materials within containment which would likely have clogged the ECCS sump screens in the recirculation mode, (2) a single-failure ECCS vulnerability, and (3) the insufficient amount of water available in the ECCS sump which represents a challenge to cool the fuel post LOCA. With regard to the containment barrier, the effects on the degraded ice condenser from blocked ice bed flow passages, missing ice segments, and ice basket damage represented a serious challenge to the ability of the ice condenser to perform its intended function to condense steam and suppress containment pressure. These conditions seriously impaired the safety function of the ECCS and the containment. Further, beyond the specific systems addressed by this enforcement action, two additional systems related to the containment, the hydrogen ignition and containment spray systems, were also degraded during the same period and, following analysis, the Licensee declared these systems inoperable.

During the informal public hearing, the Petitioner requested that the NRC issue a ''Millstone'' scale [2] civil penalty for the violations of NRC requirements at D. C. Cook. The violations were collectively categorized in accordance with the NRC Enforcement Policy

[2] On December 10, 1997, the NRC issued Enforcement Action EA 96–34 to Northeast Utilities which included Severity Level II violations and $2.1 million civil penalty.

(NUREG–1600) as a Severity Level II violation. This severity level was warranted for the breadth and number of the violations that, taken in total, resulted in a lack of reasonable assurance that following a design-basis accident, the ECCS and containment would have performed their intended functions.

On October 13, 1998, the NRC issued the Notice of Violation and associated proposed civil penalty to the Licensee. Accordingly, after considering the information obtained during the informal public hearing and predecisional enforcement conference, and after consultation with the Commission, the NRC staff chose to exercise discretion pursuant to Section VII.A.1 of the NRC Enforcement Policy and assessed a penalty in the amount of $500,000. Specifically, the escalated civil penalty reflected the consideration of the poor performance by the Licensee, the duration of the problems, the adverse impact on the ECCS and the containment, and the NRC's concerns regarding the violations. The purpose of the enforcement action was to emphasize the need for (1) taking timely and effective corrective actions for identified deficiencies, (2) effective surveillance testing and for plant personnel to challenge and investigate discrepancies identified during surveillance activities, (3) rigorous safety evaluations to determine whether changes to the plant or procedures constitute unreviewed safety questions, (4) maintaining the plant's design and licensing bases, and (5) a strong self-assessment program. The NRC staff would have proposed a larger civil penalty had it not been for the Licensee's decision to take comprehensive corrective actions and a commitment to keep the facility shut down until these problems are resolved.

Compliance with regulations, license conditions, and TS, and operation of a facility in accordance with the licensing basis is mandatory. However, the NRC also recognizes that plants will not operate trouble-free.[3] This is clearly articulated in Criterion XVI, Appendix B, Part 50, ''Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants.'' Criterion XVI states that ''measures shall be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected.'' The appropriate response to an identified deficiency can and should vary, depending on the safety significance of the deficiency.

The conduct of NRC regulatory oversight at the D. C. Cook site is based on the recognition that it is the Licensee's responsibility to comply with its license and safety requirements and to take corrective actions when deficiencies are identified. Thus, the Licensee must determine that a unit is in conformance with applicable NRC regulations, its license conditions, its UFSAR, and that applicable licensing commitments have been met before a unit is ready to restart. The Licensee's conformance with NRC regulations, license conditions, and licensing commitments is fundamental to the NRC's confidence in the safety of licensed activities. In short, the Licensee has the primary responsibility for the safe operation of its facilities.

By letter dated March 7, 1998, the Licensee docketed the D. C. Cook Nuclear Plant Restart Plan (Restart Plan). The Restart Plan is the principal program to provide reasonable assurance that weaknesses at the D. C. Cook units are identified and appropriate corrective actions are implemented. The Restart Plan includes efforts to understand and correct the licensing- and design-bases issues that, in part, led to the Licensee shutting down both units at D. C. Cook and the NRC taking escalated enforcement action. Revision 4 of the Restart Plan was submitted by the Licensee on December 16, 1998. The Licensee's Restart Plan included system readiness reviews for the most risk-significant systems at D. C. Cook. The reviews included evaluation of the UFSAR and TS design requirements, surveillance tests for the system, a review of design modifications, and a review of temporary modifications.

The NRC, in an effort to assess the effectiveness of the system readiness reviews, scheduled a safety system functional inspection (SSFI) on the auxiliary feedwater (AFW) system. The Licensee requested permission to conduct and subsequently conducted the SSFI, using independent contractors. The NRC provided oversight of the Licensee's SSFI through an inspection team. The NRC IR No. 50–315, 50–316/98017 associated with the oversight of the Licensee's SSFI was issued on January 28, 1999. In a public meeting on October 22, 1998, the Licensee presented the preliminary findings from the SSFI. The SSFI identified a number of issues, including findings that questioned the operability of the AFW system under certain accident conditions. These findings had not been identified by the Licensee's AFW system readiness review. In a public meeting on December 22, 1998, the Licensee stated that enhancements would be made to the system readiness review process and a more thorough review of the most risk-significant systems would be performed before restart of a unit at D. C. Cook. These changes will be incorporated into the Licensee's Restart Plan.

Through the implementation of the Restart Plan, the Licensee has documented a large number of deficiencies that vary in scope and safety significance for each unit. The Licensee has identified deficiencies that must be corrected before restart. In its continuing review of the Licensee's corrective actions, the NRC will determine whether the Licensee has appropriately scheduled safety-significant items for completion before restart and whether the decision to defer selected corrective actions until after restart is appropriate for each unit. The results of these efforts will be documented in NRC IRs.

The NRC has developed a comprehensive and multifaceted oversight process to provide reasonable assurance that the Licensee has identified necessary issues and implemented required corrective actions. Because of the extent of issues discovered at D. C. Cook, the NRC has chosen to use the guidelines contained in NRC Inspection Manual Chapter (MC) 0350, ''Staff Guidelines for Restart Approval'' to conduct the oversight of the Licensee's corrective actions. MC 0350 establishes the guidelines for approving the restart of a nuclear power plant after a shutdown resulting from a significant event, a complex hardware problem, or serious management

[3] The NRC's regulations for protection of public health and safety embrace the philosophy of defense-in-depth, which supports the identification and correction of degraded or nonconforming conditions previously discussed. Briefly stated, this philosophy (1) requires the application of conservative codes and standards to establish substantial safety margins in the design of nuclear plants; (2) requires high quality in the design, construction, and operation of nuclear plants to reduce the likelihood of malfunctions, and promotes the use of automatic safety system actuation features; (3) recognizes that equipment can fail and operators can make mistakes, and therefore, requires redundancy in safety systems and components to reduce the chances that malfunctions or mistakes will lead to accidents that release fission products from the fuel; and (4) recognizes that, in spite of these precautions, serious fuel damage accidents can happen and, therefore, requires containment structures and safety features to mitigate the release of fission products. In the unlikely event of an offsite fission product release, emergency plans are in place to provide reasonable assurance that protective actions can and will be taken to protect the population around nuclear power plants. These emergency plans are coordinated with local and State officials and the Federal Emergency Management Agency.

deficiencies. The primary objective of the guidelines in MC 0350 is to ensure that NRC's restart review efforts are appropriate for the individual circumstances, are reviewed and approved by the appropriate NRC management levels, and provide objective measures of restart readiness. In accordance with MC 0350, a restart panel has been established. Members include senior managers from both NRC Region III and the NRR offices. The NRR project manager and the senior resident inspector are also on the panel. The panel meets internally to discuss restart issues on a weekly basis, and holds meetings approximately monthly with the Licensee to discuss the Licensee's corrective actions and schedules. The monthly meetings with the licensee are noticed and are open to the public.

By letters dated July 30 and October 13, 1998, the NRC forwarded to the Licensee the Case Specific Checklist for D. C. Cook in accordance with the MC 0350 guidelines. The checklist specified the activities the NRC considers necessary to be addressed before the restart of a unit at D. C. Cook. The items on the list were derived from the NRC's review of inspection activities, the CAL, and the Licensee's Restart Plan. As new issues emerge the Case Specific Checklist will be changed, and new issues necessary to be addressed before restart will be added to the list.

B. Ice Condenser Concerns

In the Addendum, the Petitioner identified problems in the configuration and testing of the ice condenser at the Watts Bar Nuclear Power Plant. The Addendum specifically identified problems with the inlet bay doors, floor upheaval, and ice basket components. The Addendum also stated that those problems were known, but were not properly reported by the Watts Bar Licensee (the Tennessee Valley Authority), the D. C. Cook Licensee (Indiana Michigan Power Company), the McGuire Licensee (Duke Power), and the vendor (Westinghouse). The Petitioner questioned if the Watts Bar ice condenser problems were valid and if they applied to the D. C. Cook facility. In the NRC's February 23, 1998, acknowledgment letter, the Petitioner was informed that the specific concerns regarding ice condenser issues at D. C. Cook would be addressed in the Director's Decision. All other issues concerning ice condensers at other facilities and the vendor will be reported on in separate correspondence. By letters dated July 10 and December 28, 1998, the Petitioner was informed of the review status of these issues.

As a result of concerns with the ice condensers at the D. C. Cook facility, the NRC Region III office initiated an inspection of the ice condensers. The Petitioner's concerns raised in the Addendum were incorporated into that inspection. In addition to the concerns raised in the Addendum, the inspection also reviewed activities associated with the surveillance test program of the ice condensers, the corrective actions performed on the ice condensers, and how the Licensee maintained the design-basis documentation concerning the ice condensers. The findings of the inspection were documented in NRC IR No. 50–315, 50–316/98005.

The inspectors determined that the overall material condition of the ice condensers was poor and some of the concerns raised by the Petitioner were confirmed. The issues raised in the Addendum concerning the inlet bay doors and the floor upheaval were not substantiated. The team inspected the doors of the ice condensers and found them to be functional but in poor material condition. In addition, the team identified deficiencies in the design-basis testing of the inlet bay doors. The team also inspected the ice condenser floor sections, which have the potential to heave and prevent the bay doors from operating properly. No signs of floor upheaval or degradation were detected. Concerning the issue of deficiencies of ice basket components, the team identified defective and damaged ice baskets. Examples include the following: (1) dented and buckled ice basket webbing, (2) missing sheet metal screws used to couple the ice baskets together, (3) loose and missing U-bolt nuts on lower ice basket assemblies, (4) separated ice baskets, and (5) failed fillet welds at the ice basket bottom hold-down bar. The team inspection identified 29 apparent violations of NRC requirements. As stated in Section II.A. of the Director's Decision, these violations were part of the overall enforcement action taken by the NRC.

In the Addendum, the Petitioner raised the concern that the Licensee was aware of the deficiencies with the ice condenser and did not properly report the deficiencies. While the Licensee's staff had knowledge of some of the inspection issues, it was not apparent that the Licensee was aware of the significance of those issues until they were discovered by the NRC and followed up by the Licensee during the inspection. Contributing to the Licensee's failure to recognize the significance of those issues was the breakdown of the corrective action program. As stated in Section II.A these issues were a part of the overall enforcement action. Therefore, the problems the Licensee's staff identified with the ice condenser were not properly resolved or reported by the Licensee. Following the inspection, the Licensee has submitted several LERs reporting on the deficiencies identified with the ice condenser in accordance with 10 CFR 50.73. In addition, on July 30, 1998, the Licensee issued a report in accordance with 10 CFR Part 21 informing the NRC of potential defects with failed fillet welds at the ice basket hold down bar.

In March 1998, the Licensee decided to completely melt out the ice condensers of both units to allow thorough inspections and comprehensive repairs of the ice condensers. Following the meltout of the ice condensers, the Licensee discovered foreign material in the ice baskets. Some material appeared to be from the original construction. Also, the Licensee identified damage to the ice baskets and other ice condenser components. The restoration of the ice condenser has been incorporated into the Licensee's Restart Plan. The Licensee chose to repair damaged components and reinspect the ice condensers to assure that corrective actions have been adequately implemented and the material condition of the ice condensers has been returned to its original design-basis. In addition to the physical repairs to the ice condenser, the Licensee has reviewed the ice condenser surveillance program and intends to complete revised ice condenser surveillance tests to ensure that the ice condensers are operable and will perform their intended function.

Resolution of the ice condenser problems is an item on the MC 0350 Case Specific Checklist and the Licensee's corrective actions are monitored by the MC 0350 restart panel. Corrective actions implemented by the Licensee will be inspected before the restart of a unit at D. C. Cook.

C. 10 CFR 50.59 Safety Evaluation Process

During the AE inspection, the NRC inspectors identified problems with the 10 CFR 50.59 process at D. C. Cook. In the Addendum, the Petitioner raised a concern that the Licensee's 10 CFR 50.59 safety evaluation preparation process was ''bad'' and that a thorough enough review of old 10 CFR 50.59 safety evaluations had not been performed. Further, the Petitioner questioned if safety evaluations prepared using the ''bad'' 10 CFR 50.59 process potentially could mean that unidentified safety problems remain at D. C. Cook.

Following the AE inspection, the Licensee initiated corrective actions to address the 10 CFR 50.59 issues identified during the AE inspection. The Licensee assessed the 10 CFR 50.59 process in December 1997. The Licensee reviewed 10 CFR 50.59 screenings and unreviewed safety question determinations performed between January 1996 and September 1997. The Licensee identified several administrative or procedural problems. The Licensee's assessment did not identify issues that would have an impact on the technical conclusions reached in any safety evaluation prepared in accordance with the 10 CFR 50.59 process.

To evaluate the corrective actions taken by the Licensee following the AE inspection, the NRC performed an inspection of the 10 CFR 50.59 process at D. C. Cook. The inspectors reviewed procedure and design change safety evaluations. The team did not identify any safety evaluations performed by the Licensee using the ''old'' 10 CFR 50.59 process that resulted in a safety system operability concern, or where the change would have resulted in an unreviewed safety question determination. The inspection did, however, identify apparent violations of 10 CFR 50.59 concerning the failure to perform safety evaluations for proposed changes to the plant design basis. The violations resulted from the Licensee's failure to recognize that implemented changes constituted a change to the plant's design basis as described in the UFSAR. Violations were also identified pertaining to the adequacy of safety evaluations. The inspection made it evident that weakness still existed in the Licensee's 10 CFR 50.59 program and substantiated the concerns raised in the Addendum with the Licensee's 10 CFR 50.59 process. The specific details of the findings are contained in the IR No. 50–315, 50–316/98004.

As a result of the inspection findings from both the AE inspection and IR No. 50–315, 50–316/98004, the Licensee has performed three additional self-assessments of the effectiveness of its 10 CFR 50.59 program. The Licensee's review sample was selected from a population of 50.59 safety evaluations beginning in the 1980s. As a result of the deficiencies identified through these self-assessments, the Licensee committed to implement a number of programmatic changes to improve the 10 CFR 50.59 process at D. C. Cook. Further, the Licensee has committed to perform enhanced system readiness reviews as stated above. These commitments have been incorporated into the Licensee's Restart Plan and will be implemented before restart of a unit at D. C. Cook.

Inspections to date of the Licensee's 10 CFR 50.59 process have not identified any safety evaluations performed by the Licensee that resulted in safety system operability concerns. However, the Licensee's enhanced system readiness reviews may discover 10 CFR 50.59 safety evaluations that are inadequate and that may result in safety system operability concerns. Because of the nature and number of 10 CFR 50.59 violations, the NRC placed the 10 CFR 50.59 process on the MC 0350 Case Specific Checklist. Corrective actions taken by the Licensee will be inspected by the NRC staff before restart of a unit at D. C. Cook to assure that the 10 CFR 50.59 program implementation at D. C. Cook provides adequate assurance of safety.

D. Engineering Calculations

In the Addendum, the Petitioner identified concerns involving engineering calculations at D. C. Cook. The Petitioner questioned whether the population of calculations, reviewed by the Licensee as part of the corrective actions taken in response to inspection findings from the AE inspection, was a representative sample. In addition, the Petitioner questioned whether the NRC was satisfied with corrective actions taken by the Licensee in response to the calculation weaknesses identified by the NRC during the AE inspection.

The NRC inspected the corrective actions taken by the Licensee in this area. The NRC inspection findings were documented in NRC IR No. 50–315, 50–316/98004. The inspection concluded that the older calculations (early 1970 vintage) appeared to satisfy their intended purpose; however, problems still existed with calculations at D. C. Cook and the initial corrective actions implemented by the licensee had been unsuccessful in bounding the problem.

On the basis of the inspection findings, the Licensee chose to expand the scope of engineering calculations to be reviewed to determine the quality, level of detail, completeness and accuracy of the calculations before restart of a unit. The Licensee expanded its review to include a significant sample of the calculations for the most risk significant systems. The Licensee's expanded review identified a number of deficiencies in engineering calculations. As a result of these deficiencies, the Licensee has committed to corrective actions to change the calculation preparation procedure and to train all calculation preparers, verifiers, and approvers on the new procedures.

In summary, because of the extent of the problems with engineering calculations and design control at D. C. Cook, the MC 0350 restart panel incorporated this issue into the Case Specific Checklist. Before restart of a unit at D. C. Cook, the NRC will evaluate corrective actions taken by the Licensee to assess whether the Licensee has been successful in correcting the weakness in the engineering calculation program at D. C. Cook and that the calculation adequacy provides reasonable assurance of safety.

E. Net Positive Suction Head (NPSH) Calculations

In the Addendum, the Petitioner stated that from the time the Petition was submitted on October 9, 1997, until the time the Licensee responded to the CAL on December 2, 1997, the Petitioner received concerns from an individual at D. C. Cook indicating problems with NPSH calculations. The alleged problems involved both missing and inaccurate calculations. The Petitioner questioned if safety-related pumps at D. C. Cook have adequate NPSH as shown by quality calculations.

In response to the concerns raised in the Addendum, the NRC staff requested by letter dated June 8, 1998, that the Licensee provide (1) the NPSH calculations for all safety-related pumps, (2) a description of the calculation technique, and (3) all assumptions used in the calculations. By letters dated July 22, July 31, and August 5, 1998, the Licensee provided the requested information.

The NRC staff reviewed the NPSH calculations for each safety-related pump at D. C. Cook. With the exception of the containment spray (CTS) and the residual heat removal (RHR) systems, the NRC found that the calculations submitted by the Licensee supported adequate NPSH for the safety related pumps. For the CTS and RHR systems the values used for the pump run out flows in the UFSAR did not match the values used in the NPSH calculations. Because of the inconsistencies in the values used for the pump run-out flows, the NRC was unable to determine whether the NPSH calculations of record for the CTS and RHR systems demonstrated adequate NPSH for the pumps in these systems. By letter dated January 7, 1999, the NRC informed the Licensee of the inconsistencies discovered during the review of the NPSH calculations. Further, the letter requested the Licensee to provide revised NPSH calculations addressing the inconsistencies in the CTS and RHR systems NPSH calculations, and show that adequate NPSH is available for the

safety-related pumps in these systems. In addition, the issue of adequate NPSH for safety-related pumps will be monitored by the MC 0350 restart panel. The Licensee's resolution of the issue will be reviewed and evaluated by the NRC.

In summary, the Petitioner stated that there were missing and inaccurate NPSH calculations for safety-related pumps at D. C. Cook. Upon request, the Licensee provided the NPSH calculation for all safety-related pumps at D. C. Cook. The Licensee's response demonstrated that there were NPSH calculations for all safety-related pumps at D. C. Cook. When the calculations were reviewed by the NRC, inconsistencies were discovered in values documented in the UFSAR and those used in the NPSH calculations. These concerns have been identified and transmitted to the Licensee. The Licensee's corrective actions will be monitored through the MC 0350 process to ensure appropriate actions are taken.

F. Licensee's Response to the CAL

In the Addendum, the Petitioner raised a concern about the credibility of the Licensee's response to the CAL. The Petitioner stated that since the Licensee's February 6, 1997, response to the NRC's October 9, 1996, 10 CFR 50.54(f) request for design-basis information was not accurate, based on the AE inspection finding, he could not see how the Licensee's response to the CAL could be accurate.

Following the Licensee's response to the CAL, the NRC performed additional inspections at D. C. Cook, documented in IR Nos. 50–315, 50–316/98004; 50–315, 50–316/98005; and 50–315, 50–316/98009. The findings of these inspections clearly showed that the Licensee's actions to bound the scope of engineering problems in response to the CAL were too narrowly focused and were not sufficient to address the broad array of problems concerning the design-basis and licensing-basis issues that existed at D. C. Cook.

The Petitioner's concern in the Addendum (that the Licensee's response to the CAL failed to assure the NRC that corrective actions were adequate) has been substantiated. The inspection findings from early 1998 indicated that the CAL response did not bound the design-basis and licensing-basis issues at D. C. Cook. As indicated in Section II.A of the Director's Decision, the NRC took escalated enforcement action against the Licensee. In response to the violations and various programmatic breakdowns at D. C. Cook, the Licensee made a decision in early 1998 to perform a comprehensive assessment to provide reasonable assurance of plant system readiness, programmatic readiness, functional area readiness, and containment readiness before restart of either unit. The Licensee's primary mechanism to implement each of the plant assessment programs is the D. C. Cook Nuclear Plant Restart Plan. The Restart Plan was submitted in March 1998, and Revision 4 of the Restart Plan was docketed on December 16, 1998. As stated above, the NRC is using the guidelines in MC 0350 to oversee the Licensee's corrective actions and the readiness of a unit to restart. As additional problems or concerns are identified during the implementation of the Restart Plan, appropriate adjustments will be made to the Restart Plan and the Case Specific Checklist.

III. NRC Response to Requested Action

A. Request To Modify, Revoke, or Suspend the Operating Licenses for D. C. Cook, Units 1 and 2

The Petitioner requested that the operating licenses for D. C. Cook, Units 1 and 2 be modified, revoked, or suspended to prevent operation of the units until there is reasonable assurance that significant non-compliances have been identified and corrected so that systems are in conformance with their design-basis and licensing-basis requirements. In addition, the Petition requested that the NRC broaden the inspection scope at D. C. Cook following the AE inspection. The NRC's regulatory oversight actions taken thus far at D. C. Cook, in part, fulfill the actions requested in the Petition. The regulatory oversight actions at D. C. Cook are broad and comprehensive and will ensure that there is reasonable assurance of safety prior to restart of either unit.

Inspection findings at D. C. Cook following the AE inspection verified that the corrective actions implemented by the Licensee as described in the CAL response were too narrowly focused and did not fully address the design-basis and licensing-basis issues. The NRC increased inspections at D. C. Cook identified a number of violations of NRC requirements, and as a result, took appropriate enforcement action against the Licensee as stated above. While the enforcement action did not modify, suspend, or revoke the operating licenses of the D. C. Cook facilities, it did emphasize the serious nature of the violations, the duration of the problems, and the Licensee's poor performance.

The Licensee has developed an integrated Restart Plan. The plan provides the frame-work to be used by the Licensee to identify, evaluate, and correct issues. The NRC regulatory oversight at D. C. Cook is following the guidelines of MC 0350 as discussed above. This approach focuses the correct level of management attention as well as resources on significant issues to be verified before restart of a unit at D. C. Cook. In addition, this approach allows the NRC the flexibility to change the focus of the oversight as different significant issues emerge. In the Licensee's effort to identify and correct issues, new issues will continue to emerge. As a result, the Licensee will be expected to modify the Restart Plan to ensure that corrective actions, to resolve the emergent issues, are implemented in a timely manner. The MC 0350 restart panel will review these changes to the Restart Plan to ensure that the Licensee has taken appropriate corrective actions.

The Petitioner's request to suspend, modify, or revoke the licenses at D. C. Cook, Units 1 and 2 has not been granted at this time. The current regulatory oversight at D. C. Cook is sufficient, and provides reasonable assurance that before restart of a unit at D. C. Cook the Licensee will have identified and corrected issues so that the safety systems at D. C. Cook will be in compliance with their design-basis and licensing-basis requirements.

B. Request To Hold a Public Hearing on the Issues Raised in the Petition Before Restart of a Unit at D. C. Cook

The Petitioner requested that a public hearing into the issues raised in the Petition be held in the Washington, D.C. area before the first unit at D. C. Cook is authorized to restart. As discussed above, this request was granted. On August 19, 1998, an informal public hearing was held at the NRC headquarters in Rockville, Maryland. Both the Petitioner and the Licensee made presentations during the hearing. The hearing gave the Petitioner an opportunity to clarify the issues raised in the Petition and the Addendum.

C. Issues Raised in the Addendum

As discussed in Sections II. B. through II. E. of this Director's Decision, each of the actions requested by the Petitioner in the Addendum has been granted in that the Licensee is taking additional corrective actions to ensure that each issue raised in the Addendum will be resolved before restart of a unit at D. C. Cook, and the NRC will verify that the Licensee's corrective actions have been effective. Each of the issues raised in the Addendum will be reported on in a future inspection report.

IV. Conclusion

The NRC has determined, for the reasons given in the preceding discussion, that the request to prevent operation of the units at D. C. Cook until there is reasonable assurance that significant non-compliances have been identified and corrected so that systems are in conformance with their design-basis and licensing-basis requirements has been satisfied. The regulatory oversight actions being taken by the NRC as stated above will provide reasonable assurance that systems at D. C. Cook will be in conformance with their design-basis and licensing-bases, thus meeting the request made in the Petition and eliminates the need to modify, suspend, or revoke the licenses at D. C. Cook. The request to hold a public hearing into the issues raised in the Petition and Addendum in the Washington, D.C. area before the first unit at D. C. Cook is authorized to restart has been granted. Action has been taken on each concern identified in the Addendum, as stated above.

As provided for in 10 CFR 2.206(c), a copy of this Decision will be filed with the Secretary of the Commission for the Commission's review. This Decision will constitute the final action of the Commission 25 days after issuance unless the Commission, on its own motion, institutes review of the Decision at that time.

Dated at Rockville, Maryland this 11th day of February 1999.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 99–4393 Filed 2–22–99; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

Privacy Act of 1974, Systems of Records

AGENCY: Postal Service.

ACTION: Notice of systems of records changes.

SUMMARY: Each system of records maintained by the Postal Service pursuant to the Privacy Act has been reviewed for accuracy. This notice publishes (1) deletions of five systems of records; (2) notice of new routine uses for particular systems and alterations to and minor amendments that update and clarify particular systems; and (3) editorial corrections and revisions to most systems. These actions comply with subsection (e)(4) of the Privacy Act (5 U.S.C. 552a) that requires an agency to publish notice of the existence and character of a system of records upon establishment or revision, with paragraph 3a.(8) of Appendix I to Office of Management and Budget (OMB) Circular A–130 requiring an agency to conduct a biennial review of the accuracy of its systems of records, and with President Clinton's Memorandum dated May 14, 1998 that instructs each agency to conduct a thorough review of its Privacy Act systems of records in accordance with the instructions issued by OMB.

DATES: Any interested party may submit written comments on the proposed routine uses and system alterations. Part 2 will become effective without further notice March 18, 1999, unless comments received on or before that date result in a contrary determination. Parts 1 and 3 will become effective immediately on February 23, 1999.

ADDRESSES: Written comments on the proposal should be mailed or delivered to Administration and Records, United States Postal Service, 475 L'Enfant Plaza SW, Room 8209, Washington, DC 20260–5243. Copies of all written comments will be available at the above address for public inspection and photocopying between 8 a.m. and 4:45 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Rubenia Carter (202) 268–4872.

SUPPLEMENTARY INFORMATION: Pursuant to OMB Circular A–130 of Appendix I, the Postal Service has completed a review of its systems of records and is publishing the changes proposed as a result of that review. Following are: Deletions of five systems of records (PART 1); notice of new routine uses and alterations to a number of existing systems (PART 2); and a statement concerning editorial corrections and minor revisions to other systems descriptions (PART 3). The complete text of the Postal Service's Privacy Act systems of records was last published in 54 FR 43652 dated 10/26/89 and systems changes made in the interim were published in the following **Federal Register**s: 55 FR 41282 dated 10/10/90; 55 FR 41283 dated 10/10/90; 55 FR 41398 dated 10/11/90; 56 FR 11798 dated 3/20/91; 56 FR 13505 dated 4/2/91; 56 FR 21396 dated 5/8/91; 56 FR 23093 dated 5/20/91; 56 FR 28181 dated 6/19/91; 56 FR 35880 dated 7/29/91; 57 FR dated 3/31/1992; 57 FR 55602 dated 11/25/92; 57 FR 57515 dated 12/4/92; 58 FR 31556 dated 6/3/93; 58 FR 51659 dated 10/4/93; 58 FR 61718 dated 11/22/93; 58 FR 62171 dated 11/24/93; 59 FR 22874 dated 5/3/94; 59 FR 66061 dated 12/22/94; 60 FR 33882 dated 6/29/95; 60 FR 38062 dated 7/25/95; 60 FR 39198 dated 8/1/95; 60 FR 48533 dated 9/19/95; 60 FR 57254 dated 11/14/95; 60 FR 58693 dated 11/28/95; 60 FR 62900 dated 12/7/95; 61 FR 10038 dated 3/12/96; 61 FR 24837 dated 5/16/96; 61 FR 29774 dated 6/12/96; 61 FR 31562 dated 6/20/96; 61 FR 39674 dated 7/30/96; 61 FR 52069 dated 10/4/96; 62 FR 18375 dated 4/15/97; 62 FR 25980 dated 5/12/97; 62 FR 30898 dated 6/5/97; 62 FR 30901 dated 6/5/97; 62 FR 37631 dated 7/14/97; 63 FR 3774 dated 1/26/98; 63 FR 28016 dated 5/21/98; and 63 FR 55416 dated 10/15/98.

Part 1: Deletions of Five Systems of Records

As a result of this review, the Postal Service has determined that it no longer maintains records covered by five of its systems. Therefore, the following systems of records are being deleted from the Postal Service's inventory of Privacy Act systems: (1) 040.040, Customer Programs—Customer Holiday Address List File; (2) 100.020, Office Administration—Commercial Accounts Communicator Letter; (3) 130.010, Philately—Ben Franklin Stamp Club Coordinators and Project Leaders List; (4) 130.020, Philately—Educators Stamp Fun Mailing Lists; and (5) 130.050, Philately—United States Postal Service Olympic Pen Pal Club. Under 5 U.S.C. 552a(e)(1) and (4), effective immediately on February 23, 1999, these systems of records are deleted from the list of systems that appeared in 54 FR 43652, 55 FR 41284 and 56 FR 23093.

Part 2: Advance Notice of New Routine Uses and Altered Systems

Reports of new routine uses and new and altered systems (except for those minor changes not required to be reported that are identified in paragraph 2.B.1 below), as required by 5 U.S.C. 552a(r), have been submitted to OMB and Congress pursuant to paragraph 4.c.(1)(f) of Appendix I of OMB Circular A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 20, 1996.

A. New Routine Uses

Routine uses are added to two systems of records, USPS 120.060 and USPS 120.061. Records in these systems are collected to meet the financial reporting requirements imposed by the Ethics in Government Act of 1978. Proposed routine use no. 3 in 120.060 and proposed routine use no. 4 in 120.061 are identical and correspond to routine uses made applicable to the two government-wide systems for financial disclosure records that are managed by the Office of Government Ethics: OGE/

GOVT–1 and OGE/GOVT–2. Routine use no. 5 in 120.061 is adopted as a result of the ethics legislation (the Ethics Reform Act of 1989, Pub. L. 101–194) that makes certain waiver determinations publicly available. The added routine uses represent long-standing uses that would be obvious and necessary to accomplish the purpose for which the systems are maintained and, in some instances, indicate the public availability required by law.

Two routine uses are added to USPS 010.010, which contains address change and mail forwarding records. Proposed routine uses numbers 7 and 8 correspond, respectively, to postal regulations that authorize disclosure of change of address information when needed in connection with jury service and when authorized in connection with the Postal Service's address correction service that is available to mailers upon request. Both routine uses are being added to bring the system notice into conformity with regulations of long-standing.

B. Altered Systems

Following are systems changes to categories of records, categories of individuals, authority, and routine uses and other changes to those systems descriptions that are minor in nature:

1. USPS 010.010—On December 29, 1994, the Postal Service published in the **Federal Register** (59 FR 67223) a final rule which substantially changed its address disclosure regulations governing disclosure of individuals' address change filings covered by system of records USPS 010.010. The rule prohibits disclosure of change of address information pertaining to individuals or families to anyone except government agency requesters, persons legally empowered to serve legal process, and when necessary to comply with a court order. The categories of records in the system and the routine uses are amended to conform with the rule.

2. USPS 050.020 was established to maintain information that relates to an employee's pay. The description of the categories of individuals is expanded to include beneficiaries of former employees who qualify for annuity protection program life insurance benefits. Editorial changes also have been made to other sections of the system description.

3. USPS 120.152—This document proposes to expand the types of records covered by this system by including information collected about employees who use Postal Service housing facilities when enrolled in training. A room discrepancy report is completed on each occupied room for reasons such as evidence of smoking, damages, missing items, unregistered person(s), etc. Because repeated offenses could result in action against the student, comments regarding each incident are documented. These comments are maintained and may be retrieved by the student's name. The categories of records section of USPS 120.152 is revised to include information collected about a students on the room discrepancy report. A change to the categories of records in the system and an editorial change to the system manager(s) and address sections of the system USPS 120.152 follow.

Part 3: Editorial Corrections/Revisions

The remaining revisions to the systems of records notices are editorial in nature, and do not affect the character or use of information contained in the systems. Most revisions reflect organization name changes due to agency restructuring. Other revisions improve, without expansion, the systems notices. Changes to routine use K in the Prefatory Statement and editorial revisions to other systems of records were made. The systems of records are amended by making the following additions and changes:

Prefatory Statement of Routine Uses:

* * * * *

[CHANGE TO READ] k. Disclosure to Equal Employment Opportunity Commission. Records from this system may be disclosed to an authorized investigator, administrative judge, or complaints examiner appointed by the Equal Employment Opportunity Commission, when requested in connection with the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR part 1614.

* * * * *

USPS 010.010

SYSTEM NAME:

Collection and Delivery Records—Address Change and Mail Forwarding Records, 010.010.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

[CHANGE TO READ] Records contain customer name, old address, new mailing address, mail forwarding instructions, effective date, information about whether the move is permanent or temporary, the customer's signature, and any records indicating that an address must be protected for reasons of personal safety.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

[CHANGE TO READ]

General routine use statements a, b, c, d, e, f, g, h, j, and m listed in the prefatory statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:

1. The new address of a specific business or organization that has filed a permanent Change of Address (PS Form 3575, handwritten order, or an electronically communicated order) may be furnished to any individual on request.

Note: The new address of an individual or family will not be furnished pursuant to this routine use, but only when authorized by one of the general routine uses listed above or one of the specific routine uses listed below.

2. Disclosure of any customer's new permanent address may be made from the National Change of Address file to customers seeking corrected addresses for their mailing lists. Copies of change of address orders may not be furnished.

3. Any customer's permanent change of address may be disclosed to a duly formed election board or registration commission using permanent voter registration. Copies of change of address orders may be furnished.

4. Any customer's permanent or temporary change of address information may be disclosed to a federal, state, or local government agency upon prior written certification that the information is required for the performance of its duties. A copy of the change of address order may be furnished.

5. Any customer's permanent or temporary change of address information may be disclosed to a law enforcement agency, for oral requests made through the Inspection Service, but only after the Inspection Service has confirmed that the information is needed for a criminal investigation. A copy of the change of address order may be furnished.

6. Any customer's permanent or temporary change of address information may be disclosed to a person empowered by law to serve legal process, or the attorney for a party in whose behalf service will be made, or a party who is acting *pro se*, upon receipt of written information that meets prescribed certification requirements. Disclosure will be limited to the address of the specifically identified individual

(not other family members or individuals whose names may also appear on the change of address order). A copy of the change of address order may not be furnished.

7. Any customer's change of address information may be disclosed to a jury commission or other court official, such as a judge or court clerk, for purpose of jury service. A copy of the change of address order may be furnished.

8. Disclosure of any customer's new permanent address may be made from the Computerized Forwarding System files to a mailer who has requested address correction service in the event that a mail piece cannot be delivered as addressed. A copy of the change of address order may not be furnished.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, OPERATIONS PLANNING, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–7000

* * * * *

NOTIFICATION PROCEDURE:

[CHANGE TO READ] Customers wishing to know whether information about them is maintained in this system of records should address inquiries to their local postmaster. Inquiries should contain full name and address, effective date of change order, route number (if known) and ZIP Code. Customers wishing to know whether information about them is also maintained in the National Change of Address File should address such inquiries to: MANAGER NCOA, NATIONAL CUSTOMER SUPPORT CENTER, UNITED STATES POSTAL SERVICE, 6060 PRIMACY PARKWAY, MEMPHIS TN 38188–0001.

* * * * *

USPS 010.020

SYSTEM NAME:

Collection and Delivery Records—Boxholder Records, 010.020.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

[CHANGE TO READ] Postal customers who have applied for or expressed an interest in post office box or caller services, whether for private or business use.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

[CHANGE TO READ] Records are in printed card form, or in an electronic database and contain name, addresses, telephone number, record of payment, post office box service preference and the names of persons or agents whether family members, business associates, or employees authorized by boxholder to receive and/or pickup mail from a post office box.

* * * * *

PURPOSE(S):

[CHANGE TO READ] To provide post office box services to postal customers.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

[CHANGE TO READ] 2. Disclosure of boxholder information may be made to a federal, state, or local government agency upon prior written certification that the information is required for the performance of its duties. A copy of PS Form 1093 may be furnished.

* * * * *

STORAGE:

[CHANGE TO READ]: Printed or card form filed in file cabinets. In locations where the records have been automated, information may be found on magnetic tape, magnetic cards or mylar strips.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, OPERATIONS PLANNING, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–7000
VICE PRESIDENT CONTROLLER, FINANCE, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–5200

* * * * *

USPS 010.030

SYSTEM NAME:

Collection and Delivery Records—Carrier Drive-Out Agreements, 010.030.

SYSTEM LOCATION:

[CHANGE TO READ] Districts, Post Offices, and Information Systems Service Centers.

* * * * *

RETENTION AND DISPOSAL:

* * * * *

[CHANGE TO READ] c. Machine-readable records at the Accounting Service Center (PS Form 1839 information)—Destroy when 7 years old.

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, OPERATIONS PLANNING, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–7000
VICE PRESIDENT CONTROLLER, FINANCE, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–5200

* * * * *

USPS 010.040

SYSTEM NAME:

Collection and Delivery Records—City Carrier Route Records, 010.040.

SYSTEM LOCATION:

[CHANGE TO READ] Postal Service Headquarters, Area Offices, Districts, Post Offices, Information Systems Service Centers and ADP Contractor sites.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, OPERATIONS PLANNING, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–7000

* * * * *

USPS 010.050

SYSTEM NAME:

Collection and Delivery Records—Delivery of Mail Through Agents, 010.050.

SYSTEM LOCATION:

[CHANGE TO READ] Districts and Post Offices.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, OPERATIONS PLANNING, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–7000

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USPS 010.060

SYSTEM NAME:

Collection and Delivery Records—Free Matter for Blind and Visually Handicapped Persons, 010.060.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, OPERATIONS PLANNING, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–7000

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USPS 010.070

SYSTEM NAME:

Collection and Delivery Records—Mailbox Irregularities, 010.070.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, OPERATIONS PLANNING, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–7000

* * * * *

USPS 010.080

SYSTEM NAME:

Collection and Delivery Records—Rural Carrier Route Records, 010.080.

SYSTEM LOCATION:

[CHANGE TO READ] Post Offices having rural delivery operations; Area offices; Districts; Information Systems Service Center; National Customer Support Center (Memphis, TN); and contractor/licensee sites.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

[CHANGE TO READ] Postal customers receiving rural mail delivery services; postal customers whose rural mail address has been converted to a locatable (street name and number) address; and rural carriers.

CATEGORIES OF RECORDS IN THE SYSTEM:

[CHANGE TO READ] Employee name, route number, age, length of service, physical condition, quality of service and vehicle adequacy. Also included in this system is information pertaining to employee workload, work schedule and performance analysis; inspection reports of employees, workload and workload adjustments, route travel description; and employee and examiners' comments on adjustments and inspection. The system may also contain customer names, rural route location, and street name and number if rural style address has been converted.

* * * * *

PURPOSE(S):

[CHANGE TO READ]

(1) To assist management in evaluating rural mail delivery and collection operations and administering these functions efficiently.

(2) To provide basis for payment of salary and vehicle maintenance allowance carriers.

(3) To assist government planning authorities in converting rural addresses to locatable (street name and number) street addresses.

(4) To provide address correction services to mailers who wish to have their mailing lists updated with the newly assigned or converted address.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

CHANGE TO READ] (4) Name and address information may be disclosed to government planning authorities, or firms under contract with those authorities, for the purpose of assigning locatable (street name and number) addresses to rural addresses, but disclosure will be limited to that necessary for address conversion or assignment.

[CHANGE TO READ] (5) Disclosure of a customer's new locatable (street name and number) address may be made from the Locatable Address Conversion File to mailers wishing to have their mailing lists updated with the newly assigned address, but disclosure will be limited to the assigned addresses corresponding to those provided by the mailer.

* * * * *

STORAGE:

[CHANGE TO READ] Preprinted forms or lists in ordinary file equipment or on computer tape and printouts. Records of rural address conversion to locatable (street name and number) address are also consolidated in a Locatable Address Conversion Service file on magnetic tape maintained by firms under contract or license agreement with the Postal Service.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, OPERATIONS PLANNING, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–7000

* * * * *

USPS 020.010

SYSTEM NAME:

[CHANGE TO READ] Corporate Relations—Biographical Summaries of Management Personnel for Press Release, 020.010.

SYSTEM LOCATION:

[CHANGE TO READ] Office of Media Relations, Headquarters; Corporate Relations Service Centers (12 locations).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

[CHANGE TO READ] USPS executives, and managers to include area vice presidents, district managers, select major city postmasters and other key management officials who may have frequent contact with news media or public speaking engagements.

CATEGORIES OF RECORDS IN THE SYSTEM:

[CHANGE TO READ] Biographical summaries and photographs. Summaries include present title and responsibility, length of service, marital status and participation in local community activities.

* * * * *

SAFEGUARDS:

[CHANGE TO READ] File cabinets are located in Corporate Relations offices where information is available only to individuals having a need for access.

RETENTION AND DISPOSAL:

a. [CHANGE TO READ] Biographical sketches maintained at Area Offices are retained while the individual is assigned within the Area. If individual is promoted to or assigned to a position within the USPS outside the Area, biographical information is forwarded to the appropriate Corporate Relations office; if employment with the USPS is terminated, the sketch is destroyed by shredding.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, CORPORATE RELATIONS UNITED STATES POSTAL SERVICE 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–3100

NOTIFICATION PROCEDURE:

[CHANGE TO READ] Inquiries should contain name and position held and should be presented to the Manager of Corporate Relations where currently, or previously, employed.

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USPS 030.010

SYSTEM NAME:

Equal Employment Opportunity—EEO Discrimination Complaint Files, 030.010.

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RETRIEVABILITY:

[CHANGE TO READ] Case number. The custodian must also be furnished with the name of the complainant and the place where the complaint was filed. Case number consists of a number designating the Area (or Headquarters), a letter designating the district, four digits the chronological case number, and the last two digits of the applicable year.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
SENIOR VICE PRESIDENT, LABOR RELATIONS, UNITED STATES POSTAL SERVICE 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–4100

NOTIFICATION PROCEDURE:

[CHANGE TO READ] Individuals interested in finding out if there is information in this records system pertaining to them should contact EEO officers at the Districts, Area Office, or Headquarters level, giving complainant name, postal location, region, file number and year.

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USPS 030.020

SYSTEM NAME:

Equal Employment Opportunity—Equal Employment Opportunity Staff Selection Records, 030.020.

SYSTEM LOCATION:

[CHANGE TO READ] Labor Relations, Headquarters and districts.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
SENIOR VICE PRESIDENT, LABOR RELATIONS, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–4100

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USPS 030.030

SYSTEM NAME:

Equal Employment Opportunity—EEO Administrative Litigation Case Files, 030.030.

SYSTEM LOCATION:

[CHANGE TO READ] Law Department, USPS Headquarters, and field offices; Area Offices and Districts.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
SENIOR VICE PRESIDENT, LABOR RELATIONS, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–4100

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USPS 040.010.

SYSTEM NAME:

Customer Programs—Memo to Mailers Address File, 040.010.

SYSTEM LOCATION:

[CHANGE TO READ] Corporate Relations, USPS Headquarters, National Customer Service Center (Memphis, TN), and at a contractor site.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, CORPORATE RELATIONS, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–3100

* * * * *

USPS 040.020

SYSTEM NAME:

Customer Programs—Sexually Oriented Advertisements, 040.020.

SYSTEM LOCATION:

[CHANGE TO READ] Prohibitory Order Processing Center, Memphis, TN.

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STORAGE:

[CHANGE TO READ] CD–ROM, computer printouts, and preprinted forms.

RETRIEVABILITY:

[CHANGE TO READ] Applicant's name and application case number.

SAFEGUARDS:

[CHANGE TO READ] Records are retained by the Prohibitory Order Processing Center, Memphis, TN with limited access. Automated records are subject to computer center access controls.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, MARKETING SYSTEMS, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON, DC 20260–2401

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USPS 040.030

SYSTEM NAME:

Customer Programs—Auction Customer Address File, 040.030.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, MARKETING SYSTEMS, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON, DC 20260–2401

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USPS 050.005

SYSTEM NAME:

Finance Records—Accounts Receivable Files, 050.005.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT CONTROLLER, FINANCE, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON, DC 20260–5200

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USPS 050.010

SYSTEM NAME:

Finance Records—Employee Travel Records (Accounts Payable), 050.010.

SYSTEM LOCATION:

[CHANGE TO READ] Information Systems Service Center (San Mateo); Imprest Fund Offices; Personnel Offices; and contractor offices (travel agencies).

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT CONTROLLER, FINANCE, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON, DC 20260–5200

USPS 050.020

SYSTEM NAME:

Finance Records—Payroll System, 050.020.

SYSTEM LOCATION:

[CHANGE TO READ] Payroll system records are located and maintained in all organizational units, facilities, and certain contractor sites of the Postal Service. However, Minneapolis Information Systems Service Center is the main location for payroll information. Also, certain information from these records may be stored at emergency records centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

[CHANGE TO READ] Current and former Postal Service employees, postmaster relief/replacement employees, and certain former spouses of current and former postal employees who qualify for Federal Employees Health Benefit Coverage under Pub. L. 98–615; and certain beneficiaries of former postal employees who qualify for the annuity protection program (APP) life insurance benefits.

CATEGORIES OF RECORDS IN THE SYSTEM:

[CHANGE TO READ] General payroll information including retirement deductions, family compensations,

benefit deductions, garnishment deductions, APP, annual leave exchange program, flexible spending account, accounts receivable, union dues, leave data, tax withholding allowances, FICA taxes, salary, name, social security number, payments to financial organizations, dates of appointment or status changes, designation codes, position titles, occupation code, addresses, record of attendance, and other relevant payroll information. Also, includes automated Form 50 records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

[CHANGE TO READ] 39 U.S.C. 401, 1003; 5 U.S.C. 8339 and Pub. L. 103–3.

PURPOSE(S):

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[CHANGE TO READ] b. To provide information to Postal Service management and executive personnel to use in selection decisions and evaluation of training effectiveness. These records are examined by the Selection Committee and Area Vice Presidents.

[CHANGE TO READ] c. To compile various lists and mailing lists, e.g., Focus, Women's Programs Newsletter, etc.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[CHANGE TO READ] 4. Employee Address File—For W–2 tax mailings, Flexible Spending Account, Combined Federal Campaign mailings, and postal mailings such as Postal Life, Focus, etc.

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6. FICA Deductions—The Social Security Act requires that FICA deductions be made for those employees not eligible to participate in the Civil Service Retirement System or Federal Employees' Retirement System (casuals, temps and transitional employees). In addition, the Tax Equity and Fiscal Responsibility Act of 1982 requires that contributions to the Medicare program be deducted from all employees' earnings. (These statutes do not apply to employees in the Trust Territories who are not U.S. citizens.) Accordingly, records of earnings (e.g., W–2 information) must be disclosed to the Social Security Administration in order that it may account for funds received and determine individual's eligibility for benefits. Information disclosed includes name, address, SSN, wages paid subject to withholding, Federal, state, and local income tax withheld, total FICA wages paid and FICA tax withheld, occupational tax, life insurance premium and other information as reported on an individual's W–2 form.

* * * * *

9. Records or information from the record of an individual may be disclosed to the following agencies for the named programs, when requested by that individual agency or program, in connection with determining an individual's claim for benefits under such program: The U.S. Department of Labor for the Office of Workers' Compensation Program and the Fair Labor Standards Act; the Social Security Administration for Social Security Benefits programs (including retirement, survivors, and disability insurance); the Department of Veterans Affairs for the Pension Benefits Program; the Health Care Financing Administration for the Medicare Program; a branch of the Armed Services under military retired pay programs; and federal civilian employee retirement systems including, but not limited to, the Civil Service Retirement System or the Federal Employees' Retirement System.

* * * * *

14. Certain information pertaining to Postal Supervisors may be transferred to the National Association of Postal Supervisors. Certain information pertaining to postmasters may be transferred to the National Association of Postmasters of the USA and/or the National League of Postmasters of the USA.

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19. To insurance carriers sponsored by unions and/or management associations for the purpose of determining eligibility for coverage and payment of benefits under those non-federal insurance plans and transferring related records as appropriate.

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RETENTION AND DISPOSAL:

[CHANGE TO READ] a. Leave Application Files (Absence Control) and Unauthorized Overtime—Destroy when 3 years old.

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c. Information Systems Service Center records retention—contact Information Service Center Payroll Systems or Manager, Post Office Accounting.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT CONTROLLER, FINANCE, UNITED STATES POSTAL SERVICE,
475 L'ENFANT PLAZA SW,
WASHINGTON DC 20260–5200
VICE PRESIDENT,
HUMAN RESOURCES,
UNITED STATES POSTAL SERVICE,
475 L'ENFANT PLAZA SW,
WASHINGTON DC 20260–4200

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RECORD SOURCE CATEGORIES:

[CHANGE TO READ] Information is furnished by employees, supervisors, the Postal Source Data System, and the Electronic Time Clock System.

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USPS 050.040

SYSTEM NAME:

Finance Records—Uniform Allowance Program, 050.040.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT CONTROLLER, FINANCE,
UNITED STATES POSTAL SERVICE,
475 L'ENFANT PLAZA SW,
WASHINGTON DC 20260–5200

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USPS 060.010

SYSTEM NAME:

Consumer Protection Records—Fraud, False Representation, Lottery and Non-Mailability Case Records, 060.010.

SYSTEM LOCATION:

[CHANGE TO READ] Law Department, USPS Headquarters.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
SENIOR VICE PRESIDENT & GENERAL COUNSEL,
LAW DEPARTMENT,
UNITED STATES POSTAL SERVICE,
475 L'ENFANT PLAZA SW,
WASHINGTON DC 20260–1100

* * * * *

USPS 060.020

SYSTEM NAME:

Consumer Protection Records—Pandering Act Prohibitory Orders, 060.020.

SYSTEM LOCATION:

[CHANGE TO READ] Law Department, USPS Headquarters and field offices; and Prohibitory Order Processing Center (POPC), Memphis, TN.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

[CHANGE TO READ] Addressees who request orders prohibiting further mailings to them by mailers of pandering advertisements, and the

mailers against whom such orders are issued.

Note: In most cases, the mailers of advertising material are business firms not covered by the Privacy Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

[CHANGE TO READ] Applications for prohibitory orders and the mail pieces upon which they are predicated, issued orders, signed return receipts from mailers receiving the orders, applications for the enforcement of the prohibitory orders, complaints issued to alleged violators and signed return receipts showing their delivery, notices to mailers that court action will be sought, pleadings, exhibits, briefs, investigative reports, hearing transcripts, material documents from POPC managers' case files; initial, tentative, and final administrative decisions and appeals from such decisions; requests to U.S. Attorneys for court actions enforcing violated orders, complaints and other documents filed in bringing such actions; and orders, opinions, and other documents issued by the courts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

[CHANGE TO READ] 39 U.S.C. 3006, 39 CFR part 963.

PURPOSE(S):

[CHANGE TO READ] To process applications for orders prohibiting mailers of pandering advertisements from making further mailings to the applicants, to determine whether violations of such orders have occurred, and to terminate the violations. Used by Prohibitory Order Processing Center personnel to effect such processing and determining; and by Postal Service attorneys in proceedings to terminate violations of the antipandering statute, including administrative proceedings before the Judicial Officer Department, requests to U.S. Attorneys for court action, and in court enforcement proceedings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[CHANGE TO READ] 1. To help mailers avoid repeated violations, records may be used to provide them with a list of individuals who have obtained prohibitory orders against them and applied for enforcement upon violation of those orders.

[CHANGE TO READ] 2. Copies of initial, tentative and final decisions rendered in administrative proceedings before the Judicial Officer Department are maintained in the Postal Service Library for public inspection and copying.

* * * * *

STORAGE:

[CHANGE TO READ] Case records are stored in paper folders and in a computer data base. Copies of decisions are maintained for public inspection in the Headquarters Library. Official records of proceedings are maintained by the Recorder of the Judicial Officer Department.

SAFEGUARDS:

[CHANGE TO READ] Litigation files are stored in lockable file cabinets or rooms under the general scrutiny of Postal Service attorneys. Access to computer data is restricted to personnel having an official need for access.

RETENTION AND DISPOSAL:

[CHANGE TO READ] Case Files—Retained for 5 years following issuance of order or last application for enforcement.

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
SENIOR VICE PRESIDENT & GENERAL COUNSEL, LAW DEPARTMENT, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–1100

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RECORD SOURCE CATEGORIES:

[CHANGE TO READ] Persons requesting prohibitory orders, mailers of pandering advertisements, Prohibitory Order Processing Center personnel, members of the Judicial Officer Department, and attorneys for the Postal Service and for the mailers.

USPS 060.030

SYSTEM NAME:

Consumer Protection Records—Appeals Involving Mail Withheld from Delivery, 060.030.

SYSTEM LOCATION:

[[CHANGE TO READ] Law Department, USPS Headquarters; Inspection Service.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

[[CHANGE TO READ]
SENIOR VICE PRESIDENT & GENERAL COUNSEL, LAW DEPARTMENT, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–1100

* * * * *

USPS 060.040

SYSTEM NAME:

Consumer Protection Records-Appeals from Termination of Post Office Box or Caller Service, 060.040.

SYSTEM LOCATION:

[CHANGE TO READ] Law Department, USPS Headquarters; Post Offices.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
SENIOR VICE PRESIDENT & GENERAL COUNSEL, LAW DEPARTMENT, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–1100

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USPS 070.020

SYSTEM NAME:

Inquiries and Complaints-Government Officials' Inquiry System, 070.020.

SYSTEM LOCATION:

[CHANGE TO READ] Government Relations, USPS Headquarters.

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STORAGE:

(CHANGE TO READ] Optical disk, magnetic tape/disk, and computer printouts.

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RETENTION AND DISPOSAL:

[CHANGE TO READ] Optical disk/magnetic tape/disk records are kept for three years and then erased.

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
SENIOR VICE PRESIDENT, GOVERNMENT RELATIONS, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–3500

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USPS 070.040.

SYSTEM NAME:

Inquiries and Complaints-Customer and Employee Complaint Records, 070.040

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CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

[CHANGE TO READ] Postal Service customers and employees who have contacted the Postal Service with a suggestion or a problem, information request, or compliment.

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RETRIEVABILITY:

[CHANGE TO READ] For correspondence and computerized complaint cards, by chronological sequence within subject category as derived from correspondence and the name of inquirer or complainant. Human Resources' records may also be retrieved by work location. For hard copy complaint cards, chronological by retrieval code and preprinted complaint card serial number, and at local offices, alphabetically by customer last name.

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RETENTION AND DISPOSAL:

[CHANGE TO READ] Destroy 3 years after resolution of problem.

* * * * *

USPS 080.010

SYSTEM NAME:

Inspection Requirements—Investigative File System, 080.010.

SYSTEM LOCATION:

[CHANGE TO READ] Office of the (1) Chief Postal Inspector, Headquarters; (2) Field Operations Support Groups; and (3) Inspectors-in-Charge (30 divisions).

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

[CHANGE TO READ] Information within this system relates to Inspection Service investigations carried out in accordance with applicable policies, regulations, procedures, and statutes. The investigations may relate to criminal, civil, or administrative matters, including personnel suitability and security clearance. Generally, investigative case files are physically located in the responsible Inspection Service Division, Field Operations Support Group, or Headquarters. These files may contain investigative reports, background data including arrest records, statements of informants and witnesses, laboratory reports of evidence analysis, search warrants, summons and subpeonas, and other information related to the investigation. Personal data in the system may include fingerprints, handwriting samples, reports of confidential informants, physical identifying data, voiceprints, polygraph tests, photographs, and individual personnel and payroll information. Inspection Service database systems contain additional or summary duplicative case files and other information in support of investigations. In addition, Inspection Service divisions maintain reference files and indexes, as needed, for quick access in day-to-day operations.

The specific authority for the Postal Inspection Service to investigate postal offenses and civil matters relating to the Postal Service is conferred at 39 U.S.C. 404(a)(7), 18 U.S.C. 3061, and 5 U.S.C. App 3. In the exercise of that authority, the Inspection Service conducts investigations pursuant to the following Federal statutes and administrative rules, which are not intended to be all-inclusive. Although other Federal agencies may have primary investigative jurisdiction over some of the statutes listed, the Inspection Service applies those statutes for cases involving postal personnel or property or as authorized by the Attorney General of the United States (18 U.S.C. 3061(b)(2)). These are the primary statutes that impact the Postal Inspection Service, but an investigation may involve statutes not listed.

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70. [CHANGE TO READ] Explosive and Destructive Devices. Applies to statutes used in conjunction with mailed bombs and infernal devices (Title 18, United States Code, Section 841, 842 and 1716).

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226. [CHANGE TO READ] Drug Paraphernalia. Makes use of Postal Service for sale of drug unlawful. Self-explanatory (Title 21, United States Code, Section 863).

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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[CHANGE TO READ] 11. To provide members of the American Insurance Association Index System with certain information relating to accidents and injuries and/or other types of investigations.

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RETRIEVABILITY:

[CHANGE TO READ] Name and fingerprint image of the individual.

* * * * *

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

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[Delete] Addresses of Regional Postal Inspectors.

Addresses of Division Postal Inspectors-In-Charge

[CHANGE TO READ]

1. PO Box 16489, Atlanta, GA 30321–0489.
2. 425 Summer St., 7th Fl., Boston, MA 02210–1736.
3. 1200 Main Place Tower, Buffalo, NY 14202–3796.
4. 2901 I 85 South GMF, Charlotte, NC 28228–3000.
5. 433 W Van Buren St. Room 642, Main Post Office Bldg, Chicago, IL 60669–2201.
6. PO Box 14487, Cincinnati, OH 45250–0487
7. PO Box 5726, Cleveland, OH 44101–0726.
8. 1745 Stout St., Suite 900, Denver, CO 80202–3034.
9. PO Box 330119, Detroit, MI 48232–6119.
10. PO Box 162929, Ft Worth, TX 76161–2929.
11. PO Box 1276, Houston, TX 77251–1276.
12. 3101 Broadway, Suite 850, Kansas City, MO 64111–2416.
13. PO Box 2000, Pasadena, CA 91102–2000.
14. PO Box 3180, Memphis, TN 38173–0180.
15. 3400 Lakeside Drive, 6th Floor, Miami, FL 33027–3242.
16. PO Box 509, Newark, NJ 07101–0509.
17. PO Box 51690, New Orleans, LA 70151–1690.
18. PO Box 555, JAF Bldg, New York, NY 10116–0555.
19. PO Box 7500, Philadelphia, PA 19101–9000.
20. PO Box 20666, Phoenix, AZ 85036–0666.
21. 1001 California Ave., Pittsburgh, PA 15290–9000.
22. PO Box 25009, Richmond, VA 23260–5009.
23. 1106 Walnut St., St. Louis, MO 63199–2201.
24. PO Box 64558, St. Paul, MN 55164–2201.
25. PO Box 2110, San Diego, CA 92112–2110.
26. PO Box 882528, San Francisco, CA 94188–2528.
27. PO Box 363667, San Jan, PR 00936–3667.
28. PO Box 400, Seattle, WA 98111–4000.
29. PO Box 22526, Tampa, FL 33622–2526.
30. PO Box 96096, Washington, DC 20066–6096.

USPS 080.020

SYSTEM NAME:

Inspection Requirements—Mail Cover Program Records, 080.020.

SYSTEM LOCATION:

[CHANGE TO READ] Chief Postal Inspector, USPS Headquarters; Field Operation Support Groups and Divisional Offices.

* * * * *

RETENTION AND DISPOSAL:

[CHANGE TO READ]

a. Correspondence Files—Destroy 5 years after mail cover terminates.

b. Investigations (C)—Transfer to FRC when 2 years old; destroy when 5 years old.

c. Index and Record Slips—Destroy 15 years after close of case.

* * * * *

NOTIFICATION PROCEDURE:

[CHANGE TO READ] Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the SYSTEM MANAGER. Inquiries should contain full name and current address, together with previous addresses for past five years when applicable.

* * * * *

USPS 080.030

SYSTEM NAME:

Inspection Requirements—Vehicular Violations Record System, 080.030.

SYSTEM LOCATION:

[CHANGE TO READ] Purchasing, Engineering, and Inspection Service, USPS Headquarters; and those postal field facilities where security officers have the authority to issue violation notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

[CHANGE TO READ] Persons who have been issued courtesy violation notices or violation notices by Postal Police Officers.

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

[CHANGE TO READ] 39 U.S.C. 401(2) and 40 U.S.C. 318, annually made applicable to the Postal Service by general provisions of the Treasury, Postal Service, and General Government Appropriations Act.

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NOTIFICATION PROCEDURE:

* * * * *

[CHANGE TO READ] a. For National Headquarters: Inspector-in-Charge, Washington Division, PO Box 96096, Washington, DC 20066–6096.

* * * * *

RECORD SOURCE CATEGORIES:

[CHANGE TO READ] Individual violators, Postal Police Officers, personnel observation, state motor vehicle registration bureau, USPS Personnel Department, supervisory personnel of tenant firms, USPS Parking Control Officer, prosecutive and judicial officials; motor vehicle operators' permits, violator's personal identification cards, personnel locator listing and parking applications.

USPS 090.020

SYSTEM NAME:

Non-Mail Services—Passport Application Records, 090.020.

SYSTEM LOCATION:

[CHANGE TO READ] One thousand and thirty-five (1035) Post Offices in all states except New Jersey.

* * * * *

RETENTION AND DISPOSAL:

[CHANGE TO READ] Passport applications are mailed on the day of acceptance with fees and documentation. Destroy original and carbon copy of PS 5659 when 4 months old.

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, OPERATIONS PLANNING, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–7000

USPS 100.010

SYSTEM NAME:

Office Administration—Carpool Coordination/Parking Services. Records System, 100.010

SYSTEM LOCATION:

[CHANGE TO READ] Facilities, Headquarters, and various field installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

[CHANGE TO READ] USPS employees, students/conferees, building tenants, individuals who are members of carpools with USPS employees and other individuals who use postal parking facilities.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, FACILITIES, UNITED STATES POSTAL SERVICE, 4301 WILSON BLVD SUITE 300, ARLINGTON VA 22203–1861

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USPS 110.010

SYSTEM NAME:

Property Management—Accountable Property Records, 110.010.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
CHIEF POSTAL INSPECTOR, INSPECTION SERVICE, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW,WASHINGTON DC 20260–2100
VICE PRESIDENT, FACILITIES, UNITED STATES POSTAL SERVICE, 4301 WILSON BLVD SUITE 300, ARLINGTON VA 222301–1861

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USPS 110.020

SYSTEM NAME:

Property Management—Possible Infringement of USPS Intellectual Property Rights, 110.020.

SYSTEM LOCATION:

[CHANGE TO READ] Office of Patent Counsel, Corporate Law Section, Law Department, USPS Headquarters.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
SENIOR VICE PRESIDENT AND GENERAL COUNSEL, LAW DEPARTMENT, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–1100

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USPS 120.020

SYSTEM NAME:

Personnel Records—Blood Donor Records, 120.020

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, HUMAN RESOURCES, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–4200

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USPS 120.035

SYSTEM NAME:

Personnel Records—Employee Accident Records, 120.035.

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SYSTEM MANAGERS AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, HUMAN RESOURCES, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–4200

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USPS 120.036

SYSTEM NAME:

Personnel Records—Discipline, Grievance and Appeals Records for

Non-Bargaining Unit Employees, 120.036.

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CATEGORIES OF RECORDS IN THE SYSTEM:

[CHANGE TO READ] Notice to employee of proposed action, reply to notice, summary of oral reply; employee notice of grievance, employee notice of appeal, records of hearing proceedings; appeal decisions from installation head, Area Office or Headquarters, notice of action, investigative reports and related records.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, HUMAN RESOURCES, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–4200

* * * * *

USPS 120.040

SYSTEM NAME:

Personnel Records—Employee Job Bidding Records, 120.040.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, HUMAN RESOURCES, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–4200

* * * * *

USPS 120.050

SYSTEM NAME:

[CHANGE TO READ] Personnel Records—Ideas Program, Employee Records, 120.050.

SYSTEM LOCATION:

[CHANGE TO READ] USPS Headquarters, Area Offices, and Information Systems Service Centers.

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CATEGORIES OF RECORDS IN THE SYSTEM:

[CHANGE TO READ] Name of employee, employee number, employment location, idea number, idea proposal and decision. If adopted, award authorization and recognition granted.

* * * * *

PURPOSE(S):

[CHANGE TO READ] To provide a source of data on the effectiveness of the Employee Ideas program that is summarized in an Annual Report.

* * * * *

RETRIEVABILITY:

[CHANGE TO READ] Employee name, Area where employed, pay location, and District.

* * * * *

RETENTION AND DISPOSAL:

[CHANGE TO READ] a. Adopted Ideas (1) Record copies—Destroy when 4 years old. (2) All other copies—Destroy 2 years from date of adoption or approval.

b. Ideas Not Adopted—Destroy 2 years from date of disapproval. Records are destroyed by shredding and automatic deletion from computer tapes.

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, HUMAN RESOURCES, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–4200

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NOTIFICATION PROCEDURE:

[CHANGE TO READ] Employees wishing to know whether information about them is maintained in this system of records should contact the head of the facility where employed. Also, employees whose ideas have been adopted nationwide should submit requests to the System Manager. Headquarters employees should submit all requests to the System Manager.

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RECORD SOURCE CATEGORIES:

[CHANGE TO READ] Information is obtained from the individual submitting the idea proposal.

USPS 120.060

SYSTEM NAME:

[CHANGE TO READ] Personnel Records—Confidential Financial Disclosure Reports, 120.060.

SYSTEM LOCATION:

[CHANGE TO READ] Records pertaining to employees in each organizational component of the Postal Service are maintained in the field by Managing Field Counsel and at Headquarters by the Vice President having jurisdiction for that component. NOTE: The records in this system are part of a government-wide system, OGE/GOVT–2, that is managed by the U.S. Office of Government Ethics. See 55 Fed. Reg. 6330 (1990).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

[CHANGE TO READ] Postal Service Governors, employees, and Special Employees (except employees who are required to file public financial disclosure reports) as determined by the criteria in Executive Orders 12674 and 12731 and implemented by regulations of the U.S. Office of Government Ethics, 5 CFR 2634.904.

CATEGORIES OF RECORDS IN THE SYSTEM:

[CHANGE TO READ] Standard Form 450, Executive Branch Personnel Confidential Financial Disclosure Report (superseding PS Forms 2417 and 2418) and supplemental statements, containing employee name, title, date of appointment to present position; list of assets and sources of income other than the United States Government, liabilities, outside positions, relations with other employers, and gifts and reimbursements. Opinions of counsel. Other information related to review of reports and conflict of interest determinations. Postal Service Governors complete Standard Form 278 in lieu of SF 450.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

[CHANGE TO READ] Section 107 of the Ethics in Government Act, 5 U.S.C. App., as amended; Executive Orders 12674 and 12731; 5 CFR Part 2634.

PURPOSE(S):

[CHANGE TO READ] These records are maintained to meet requirements of Executive Order 12674 on the filing of confidential financial disclosure reports. Such reports are required to assure compliance with the standards of conduct for Government employees contained in the Executive Order and title 18 of the U.S. Code, and to determine if a conflict of interest exists between the employment of individuals by the Postal Service and their personal employment and financial interests. To enable the Director of the Office of Government Ethics to ensure that these purposes are met, records maintained by the Postal Service are to be made available to that office on request. Records may also be furnished to the Executive Office of the President and to the appropriate Congressional committee when needed in connection with the nomination and confirmation of Presidential appointees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

[ADD]

3. Records or information may be disclosed to any source when necessary to obtain information relevant to a conflict-of-interest investigation or determination.

* * * * *

RETENTION AND DISPOSAL:

[CHANGE TO READ] Records are maintained for six years, or longer if needed in connection with a pending investigation. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
SENIOR VICE PRESIDENT & GENERAL COUNSEL, LAW DEPARTMENT, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–1100

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CONTESTING RECORDS PROCEDURES:

[CHANGE TO READ] See NOTIFICATION above. Since the information in these records is updated by the subject individual on a periodic basis, most record corrections can be accomplished by filing supplemental statements. However, individuals can obtain information on the procedures for contesting the records under the provisions of the Privacy Act by contacting the System Manager.

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USPS 120.061

SYSTEM NAME:

Personnel Records—Public Financial Disclosure Reports for Executive Branch Personnel, 120.061.

SYSTEM LOCATION:

[CHANGE TO READ] Law Department, USPS Headquarters. NOTE: The records in this system are part of a government-wide system, OGE/GOVT–1, that is managed by the U.S. Office of Government Ethics. (See 55 FR 6328 (1990).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

[CHANGE TO READ] Senior level employees as determined by the criteria in section 201(f) of the Ethics in Government Act consisting of the following persons: Postmaster General; Deputy Postmaster General; Ethical Conduct Officer; Administrative Law Judges; each employee whose basic rate is equal to or greater than 120% of the rate of basic pay for the first step of GS 15.

Note: Records pertaining to the Governors of the Postal Service are maintained as a part of System USPS 120.060 and are not contained in this system.

CATEGORIES OF RECORDS IN THE SYSTEM:

[CHANGE TO READ] Public Financial Disclosure Report (Standard Form 278, or such other forms as may be prescribed by the Director, Office of Government Ethics), containing the following types of information: Income from sources other than the Postal Service; interests in property, and purchases, sales and exchange of property; gifts and reimbursements; liabilities; positions held, relations with other employers. Position descriptions, opinions of counsel and other information related to review of reports and to conflict of interest determinations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

[CHANGE TO READ] Title I of Ethics in Government Act of 1978 Pub. L. 95–521 and Ethics Reform Act of 1989, Pub. L. 101–194, as amended.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

[CHANGE TO READ] 1. Financial Disclosure Reports (SF 278) are available to members of the public for inspection and copying upon written request made in accordance with section 205 of the Ethics in Government Act, Pub. L. 95–521, as amended.

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[ADD]

4. Records or information may be disclosed to any source when necessary to obtain information relevant to a conflict-of-interest investigation or determination.

[ADD]

5. In accordance with section 105 of the Ethics in Government Act, as amended, and subject to the limitations contained in section 208(d)(1) of title 18, U.S. Code, any determination granting an exemption pursuant to 208(b)(1) of title 18, U.S. Code, may be disclosed to any requesting person.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
SENIOR VICE PRESIDENT AND GENERAL COUNSEL, LAW DEPARTMENT, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–1100

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USPS 120.090

SYSTEM NAME:

Personnel Records-Medical Records, 120.090.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, HUMAN RESOURCES, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–4200

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USPS 120.098

SYSTEM NAME:

Personnel Records—Office of Workers' Compensation Program (OWCP) Record Copies, 120.098.

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RETENTION AND DISPOSAL:

[CHANGE TO READ] Cut off file at the end of the calendar year in which employee's compensation is terminated. Destroy file 5 years from date of cutoff.

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, HUMAN RESOURCES, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–4200

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USPS 120.099

SYSTEM NAME:

Personnel Records—Injury Compensation Payment Validation Records, 120.099.

SYSTEM LOCATION:

[CHANGE TO READ] All postal facilities having injury compensation units, National Headquarters and Information Systems Service Centers.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, HUMAN RESOURCES, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–4200

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USPS 120.100.

SYSTEM NAME:

Personnel Records—Performance Awards System Records, 120.100.

SYSTEM LOCATION:

[CHANGE TO READ] USPS Corporate Personnel Operations and Inspection Service, Headquarters; Inspection Service Field Operations Support Groups; District Offices; Post Offices; and Information Systems Service Centers.

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RETRIEVABILITY:

[CHANGE TO READ] Employee name, Area where employed, pay location and District.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, HUMAN RESOURCES, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–4200

* * * * *

RECORD SOURCE CATEGORIES:

[CHANGE TO READ] Information is obtained in summary printouts supplied to each Area by Information Systems Service Centers.

USPS 120.110

SYSTEM NAME:

Personnel Records—Pre-employment Investigation Records, 120.110.

* * * * *

RETENTION AND DISPOSAL:

[CHANGE TO READ] a. Retain for 5 years from the date the employee is initially found suitable for employment or 5 years from the date action was taken to deny or terminate employment. Send to the appropriate Federal Records Center (FRC) for an additional 5-year retention period. b. NACI reports are retained in the same fashion as local investigative records.

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, HUMAN RESOURCES, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–4200

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USPS 120.120

SYSTEM NAME:

Personnel Records—Personnel Research and Test Validation Records, 120.120.

SYSTEM LOCATION:

[CHANGE TO READ] USPS Headquarters, Washington, DC (paper records only); National Test Administration Center, Merrifield, VA, and contractor sites (paper and ADP records); and Information Systems Service Centers.

* * * * *

PURPOSE(S):

[CHANGE TO READ] To support research and development efforts in the construction and use of personnel assessment instruments (such as tests and performance evaluation forms); the analysis of employee behavior, characteristics, interests, attitudes, and physical condition affecting productivity; and the evaluation and improvement of personnel management practices. Data are collected when specific research projects are undertaken (such as pilot tryouts of personnel selection methods and job attitude surveys). Race and national origin data are used to evaluate any adverse impact of the selection process. Use of these race and national origin data is limited to research projects and test validation conducted by the Postal Service. No individual personnel decisions are made in the use of these research records. Many data are collected under conditions ensuring their confidentiality which will be protected. Personnel information in this system of records is used primarily by the personnel research staff of the U.S. Postal Service. Reports and analyses that result from use of this system, or use of this system in conjunction with system USPS 120.121, are based on aggregated data, with no identification of the individuals involved.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, HUMAN RESOURCES, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–4200

NOTIFICATION PROCEDURE:

[CHANGE TO READ] Persons wishing to know whether this system of records contains information on them should address inquiries to the head of the examination center of the facility that administered the test; in case of research studies involving information not collected pursuant to an examination, persons should address inquiries to the Manager, Employment and Placement. Inquiries should contain full name, social security number, date of examination or study, examination number or project name, and place of participation in the examination or study.

* * * * *

RECORD SOURCE CATEGORIES:

[CHANGE TO READ] Applicants or research subjects, or others providing evaluations or work-related data on subjects as part of a research study. Other systems from which information is accessed include records relating to: Collection and Delivery, EEO, Finance, Inquiries and Complaints, Inspection Service, Job Evaluation, Personnel, Statistical Systems and Litigation.

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USPS 120.121

SYSTEM NAME:

Personnel Records—Applicant Race, Sex, National Origin and Disability Status Records, 120.121.

SYSTEM LOCATION:

[CHANGE TO READ] USPS National Test Administration Center, Merrifield, VA (paper and ADP records); and USPS Information Systems Service Centers.

* * * * *

PURPOSE(S):

[CHANGE TO READ] ''To provide the Postal Service with the ability to assess the impact of personnel selection decisions on applicants in each race, sex, national origin and disability category. **Note:** These data are maintained only on those applicants who voluntarily provide it and under conditions assuring that the individual's self-identifications as to race, sex, national origin, and disability status does not accompany that individual's application when it is under consideration by a selecting official. Data are collected via a research questionnaire on an applicant-by-applicant basis and are used to produce summary descriptive statistics and analytical studies to evaluate personnel/organizational measurement and selection methods; to implement and evaluate USPS diversity programs; to determine any adverse impact on the overall personnel selection process; to identify categories of individuals for personnel research; and for related work force studies.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, HUMAN RESOURCES, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–4200

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USPS 120.130

SYSTEM NAME:

Personnel Records—Postmaster Selection Program Records, 120.130.

SYSTEM LOCATION:

[CHANGE TO READ] USPS Customer Services District offices.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]

VICE PRESIDENT, HUMAN RESOURCES, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–4200

NOTIFICATION PROCEDURE:

[CHANGE TO READ] Employees wishing to know whether this system of records contains information on them should address inquiries to the Manager, Human Resources of the Customer Services District offices in which the application was made. Inquiries should contain full name, the postal facility to which application was made, title and place of employment.

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USPS 120.140

SYSTEM NAME:

Personnel Records—Employee Assistance Program (EAP) Records, 120.140.

SYSTEM LOCATION:

[CHANGE TO READ] EAP Offices, Headquarters, the Minneapolis Information Systems Service Center and certain contractor sites.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, HUMAN RESOURCES, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–4200

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USPS 120.151

SYSTEM NAME:

Personnel Records—Recruiting, Examining, and Appointment Records, 120.151.

SYSTEM LOCATION:

[CHANGE TO READ] U.S. Postal Service personnel offices; National Test Administration Center (NTAC); Minneapolis Information Systems Service Center; and/or other offices within Postal Service facilities authorized to engage in recruiting or examining activities or to make appointments to positions.

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STORAGE:

[CHANGE TO READ] Paper files, index cards, magnetic tape, CD–ROM, preprinted forms and computer printed reports.

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RETENTION AND DISPOSAL:

[CHANGE TO READ]

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c. * * * * *

(ii) Alpha and numeric Register Cards and computer-based register records' Destroy when 10 years old.

d. Outside Applicant Files:

(i) Successful Applicant Files—Move PS Form 52 as appropriate, to the Official Personnel Folder. Dispose of all other forms and papers when 6 months old.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, HUMAN RESOURCES, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–4200

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USPS 120.152

SYSTEM NAME:

Personnel Records—Career Development and Training Records, 120.152.

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CATEGORIES OF RECORDS IN THE SYSTEM:

[CHANGE TO READ] Career development records, applications for and records of postal and non-postal training, records containing student and manager evaluations of training received, examination and skills bank records, scheme examination records (including dates of examination due and taken, and results). Information within these records may include name, social security number, special qualifications, skills or knowledge, career goals, education, work histories or summaries, nominations, recommendations, and copies of personnel actions, certificates and other material contained within USPS 120.070. In addition, the system may contain postal lodging information when a discrepancy report is filed against the student regarding any unauthorized activities while occupying the room.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

[CHANGE TO READ]
VICE PRESIDENT, HUMAN RESOURCES, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–4200
VICE PRESIDENT, FACILITIES, UNITED STATES POSTAL SERVICE, 4301 WILSON BLVD, SUITE 300, ARLINGTON VA 22203–1861

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USPS 120.153

SYSTEM NAME:

Personnel Records—Individual Performance Evaluation/Measurement, 120.153.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ] Vice President having jurisdiction over the functional or administrative performance evaluation/measurement procedure.

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USPS 120.170

SYSTEM NAME:

Personnel Records—Safe Driver Award Records, 120.170.

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STORAGE:

[CHANGE TO READ] Index cards/Roster sheets.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, HUMAN RESOURCES, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–4200

* * * * *

USPS 120.180

SYSTEM NAME:

Personnel Records—Skills Bank (Human Resources Records), 120.180.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, HUMAN RESOURCES, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–4200
CHIEF POSTAL INSPECTOR, POSTAL INSPECTION SERVICE, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–2100

* * * * *

USPS 120.190

SYSTEM NAME:

Personnel Records—Supervisors' Personnel Records, 120.190

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, HUMAN RESOURCES, UNITED STATES POSTAL SERVICE, 475 L'ENFANT

PLAZA SW, WASHINGTON DC 20260–4200

* * * * *

USPS 120.220

SYSTEM NAME:

Personnel Records—Arbitration Case Files, 120.220.

SYSTEM LOCATION:

[CHANGE TO READ] Law Department, USPS Headquarters and field offices; Area Offices and Districts.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
SENIOR VICE PRESIDENT, LABOR RELATIONS, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON, DC 20260–4100

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USPS 120.230

SYSTEM NAME:

Personnel Records—Adverse Action Appeals (Administrative Litigation Case Files), 120.230.

SYSTEM LOCATION:

[CHANGE TO READ] Law Department, USPS Headquarters and field offices; Area Offices and Districts.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
SENIOR VICE PRESIDENT, LABOR RELATIONS, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON, DC 20260–4200

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USPS 120.240

SYSTEM NAME:

Personnel Records—Garnishment Case Files, 120.240.

SYSTEM LOCATION:

[CHANGE TO READ] Personnel Offices within USPS facilities and the Minneapolis Information Systems Service Center.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, HUMAN RESOURCES, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–4200
VICE PRESIDENT CONTROLLER, FINANCE, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–5200

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USPS 150.010

SYSTEM NAME:

Records and Information Management Records—Information Disclosure Accounting Records [Freedom of Information Act], 150.010.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
MANAGER, ADMINISTRATION AND RECORDS FINANCE, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–5243

* * * * *

USPS 150.015

SYSTEM NAME:

Records and Information Management Records—Freedom of Information Act Appeals and Litigation Records, 150.015.

SYSTEM LOCATION:

[CHANGE TO READ] Civil Practice Section, Law Department, USPS Headquarters.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
SENIOR VICE PRESIDENT & GENERAL COUNSEL, LAW DEPARTMENT, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON, DC 20260–1100

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USPS 150.020

SYSTEM NAME:

Records and Information Management Records—Information Disclosure Accounting Records (Privacy Act), 150.020.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
MANAGER, ADMINISTRATION AND RECORDS, FINANCE, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON, DC 20260–5243

* * * * *

USPS 150.025

SYSTEM NAME:

Records and Information Management Records—Privacy Act Appeals and Litigation Records, 150.025.

SYSTEM LOCATION:

[CHANGE TO READ] Civil Practice Section, Law Department, USPS Headquarters.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
SENIOR VICE PRESIDENT AND GENERAL COUNSEL, LAW DEPARTMENT, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON, DC 20260–1100

* * * * *

USPS 150.030

SYSTEM NAME:

Records and Information Management Records—Computer Logon ID Records, 150.030.

SYSTEM LOCATION:

[CHANGE TO READ] Computer logon ID records are maintained at all postal facilities and certain contractor sites that access USPS computers. The records are maintained at the site where the logon ID has been installed. In addition, these records are part of a database of an internal computer security package that uses them in conjunction with rules to control access.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

[CHANGE TO READ] Requests for computer access and for computer logon ID and other access control records. These records contain identifying user information such as name, Social Security Number, job title, BA Code, work telephone number, and address; employing facility finance number; the name of the data or application systems the user may access, and the level of access granted; user screening and/or security clearances; verification of status of contractor employee; and approvals by Information Systems security personnel.

* * * * *

STORAGE:

[CHANGE TO READ] Paper records that include preprinted forms and lists. Summary information from paper records is stored on magnetic disks or tapes in information systems equipment.

* * * * *

SAFEGUARDS:

[CHANGE TO READ] Hard copy records are maintained within lockable filing cabinets under the general scrutiny of designated postal personnel (such as Information Systems Security Office) responsible for security of the information systems to which they pertain. Access to automated records is restricted by authorized access code (password).

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SYSTEM MANAGER(S) AND ADDRESSES:

[CHANGE TO READ]
VICE PRESIDENT, INFORMATION SYSTEMS, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–1500

NOTIFICATION PROCEDURE:

[CHANGE TO READ] Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility that manages the information systems to which they have been given access. Inquiries should contain full name, Social Security Number, and logon ID. Headquarters employees should submit requests to: Information Service Center, Computer Operations Service Center, 1 Federal Drive, Ft. Snelling, MN 55111–9340.

* * * * *

RECORD SOURCE CATEGORIES:

[CHANGE TO READ] Information is furnished by record subjects requesting access to computer files or data and a computer logon ID, and by postal personnel charged with information systems security responsibilities.

USPS 170.010

SYSTEM NAME:

Operations Data Collection Systems—Workload/Productivity Management Records, 170.010.

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SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, ENGINEERING, UNITED STATES POSTAL SERVICE 8403 LEE HWY, MERRIFIELD VA 22082–8101

* * * * *

VICE PRESIDENT, OPERATIONS SUPPORT, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–7000

* * * * *

Other covered systems—the department or facility head where such records are required.

* * * * *

USPS 190.010

SYSTEM NAME:

Litigation—Miscellaneous Civil Action and Administrative Proceeding Case Files, 190.010.

SYSTEM LOCATION:

[CHANGE TO READ] Law Department, USPS Headquarters and field offices.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
SENIOR VICE PRESIDENT & GENERAL COUNSEL, LAW DEPARTMENT, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–1100

* * * * *

USPS 190.020

SYSTEM NAME:

Litigation Records—National Labor Relations Board Administrative Litigation Case Files, 190.020.

SYSTEM LOCATION:

[CHANGE TO READ] Law Department, USPS Headquarters and field offices.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
SENIOR VICE PRESIDENT & GENERAL COUNSEL, LAW DEPARTMENT, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–1100

* * * * *

USPS 190.030

SYSTEM NAME:

Litigation Records—Employee & Labor Relations Court Litigation Case Files, 190.030.

SYSTEM LOCATION:

[CHANGE TO READ] Law Department, USPS Headquarters and field offices.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
SENIOR VICE PRESIDENT & GENERAL COUNSEL, LAW DEPARTMENT, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–1100

* * * * *

USPS 200.010.

SYSTEM NAME:

Non-Mail Monetary Claims—Relocation Assistance Claims, 200.010.

SYSTEM LOCATION:

[CHANGE TO READ] Facilities, Headquarters, and all Facilities Service Offices and Major Facilities Offices.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, FACILITIES, UNITED STATES POSTAL SERVICE, 4301 WILSON BLVD SUITE 300, ARLINGTON VA 22203–1861

USPS 200.020

SYSTEM NAME:

Non-Mail Monetary Claims—Monetary Claims for Personal Property Loss or Damage involving Present or Former Employees, 200.020.

SYSTEM LOCATION:

[CHANGE TO READ] Human Resources, Headquarters, and field facilities; Information Systems Service Centers.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, HUMAN RESOURCES, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–4200

* * * * *

USPS 200.030.

SYSTEM NAME:

Non-Mail Monetary Claims—Tort Claims, Records, 200.030.

SYSTEM LOCATION:

[CHANGE TO READ] Law Department, USPS Headquarters and field offices; Postal Inspection Service; District Offices; Post Offices and Information Systems Service Center, and other field installations.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

[CHANGE TO READ]
SENIOR VICE PRESIDENT & GENERAL COUNSEL, LAW DEPARTMENT, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–1100
CHIEF POSTAL INSPECTOR, INSPECTION SERVICE, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–2100

* * * * *

USPS 210.010

SYSTEM NAME:

Contractor Records—Architect Engineers Selection Records, 210.010.

SYSTEM LOCATION:

[CHANGE TO READ] Facilities, Major Facilities, Customer Service Facilities Offices; Facilities Service Offices.

* * * * *

SAFEGUARDS:

[CHANGE TO READ] Records access is limited to authorized personnel in Facilities. Records are retained in filing

receptacles in locked quarters and in a secured building facility.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, FACILITIES, UNITED STATES POSTAL SERVICE, 4301 WILSON BLVD, SUITE 300, ARLINGTON VA 22203–1861

* * * * *

USPS 210.020

SYSTEM NAME:

Contractor Records—Driver Screening System Assignment Records, 210.020.

SYSTEM LOCATION:

[CHANGE TO READ] Logistics, Headquarters; postal facilities employing persons under a surface transportation contract with the USPS; and Distribution Network Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

[CHANGE TO READ] Individuals under a surface transportation contract with the USPS.

CATEGORIES OF RECORDS IN THE SYSTEM:

[CHANGE TO READ] Contractor Employee Assignment Notifications and Personnel Questionnaires that include name, social security number, birth date and place, address and employment history, driver's license number, date and type of assignment, route number, and surface transportation contract to which assigned.

* * * * *

RETRIEVABILITY:

[CHANGE TO READ] Primarily by surface transportation contract and postal locations serviced; secondarily, by individual's social security number and name.

* * * * *

RETENTION AND DISPOSAL:

[CHANGE TO READ] Records are held one year after the contract expires, or one year following an individual's employment termination with a company that has been awarded a surface transportation contract.

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, OPERATIONS PLANNING, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA, WASHINGTON DC 20260–7000

NOTIFICATION PROCEDURE:

[CHANGE TO READ] Contractors wishing to know whether information about them is maintained in this system of records should address inquiries to the Transportation Contracting Officer. Inquiries should contain full name and surface transportation contract number.

* * * * *

USPS 210.030

SYSTEM NAME:

Contractor Records—Contractor Employee Fingerprint Records, 210.030.

SYSTEM LOCATION:

[CHANGE TO READ] Logistics, Headquarters; Area Offices and postal facilities having contract personnel.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
VICE PRESIDENT, OPERATIONS PLANNING, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–7000

NOTIFICATION PROCEDURE:

[CHANGE TO READ] Inquiries should be addressed to the contracting officer, Surface Transportation, within the area where employed. Inquiries should contain full name and social security number.

* * * * *

USPS 220.010

SYSTEM NAME:

Marketing Records—Marketing Database Customer Records, 220.010.

SYSTEM LOCATION:

[CHANGE TO READ] Marketing, Headquarters; Areas and Districts.

* * * * *

RETRIEVABILITY:

[CHANGE TO READ] Organization name, organization identification number, services purchased, Zip Code area, sales territory, USPS account representative, and Area/District.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
CHIEF MARKETING OFFICER AND SENIOR, VICE PRESIDENT MARKETING, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–2400

NOTIFICATION PROCEDURE:

[CHANGE TO READ] Customers wishing to know whether information about them is maintained in this system of records should address inquiries to the Manager, Customer Information & Product Support.

* * * * *

USPS 220.020

SYSTEM NAME:

Marketing Records—Express Mail Service Customer Mailing List, 220.020.

SYSTEM LOCATION:

[CHANGE TO READ] Marketing, Headquarters, and at contractor site.

* * * * *

RETRIEVABILITY:

[CHANGE TO READ] Name of user, EMCA number, address and ZIP Code.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ]
CHIEF MARKETING OFFICER AND SENIOR VICE PRESIDENT, MARKETING, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–2400

* * * * *

List of U.S. Postal Service Facilities Referenced Herein

[CHANGE TO READ] The address of each Postal Service facility to which requests may be sent (referred to in systems descriptions), other than post offices and the geographical area served, is provided below. The addresses of individual post offices are not provided because of their large number and because that information is available locally to all concerned individuals.

The addresses of all Postal facilities, including locations in Puerto Rico, and the Virgin Islands are contained in THE NATIONAL FIVE–DIGIT ZIP CODE AND POST OFFICE DIRECTORY, Publication 65, STOCK NUMBER, 039–000–00274–4, available for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402–1575.

Postmasters, upon request, will supply the addresses of the Area and District Office to which they report.

The following excerpt to addresses and areas serviced is provided for convenience of Privacy Act correspondents, and obviates the repetition in each notice.

Addresses of Office of Inspector General

Headquarters: 1735 N. Lynn Street, Arlington, VA 22209–2020

Field Offices:

St Louis: 1720 Market St., PO Box 78579, St. Louis, MO 63178–8579

Dallas: 101 E. McKinney St., PO Box 2144, Denton, TX 76201–2144

Minneapolis: 1 Federal Dr., PO Box 32, Fort Smelling, MN 55111–0032

Inspection Service

CHIEF POSTAL INSPECTOR, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260–2100

Training Institute

William F. Bolger Center for Leadership Development, 9600 Newbridge Drive, Potomac, MD 20858–4320.

National Test Administration Center

National Test Administration Center, U.S. Postal Service, PO Box 1020 Merrifield, VA 22116–1020.

Bulk Mail Centers

Atlanta, 1800 James Jackson Pky, NW, Atlanta, GA 30369–9751
Chicago, 7500 Roosevelt Road, Forest Park, IL 60130–2296
Cincinnati, 3055 Crescentville Road, Cincinnati, OH 45235–9998
Dallas, 2400 DFW—Turnpike, Dallas, TX 75398–9998
Denver, PO Box 172000, Denver, CO 80217–2000
Des Moines, 4000 NW., 109th Street, Des Moines, IA 50395–9997
Detroit, 17500 Oakland Blvd., Allen Park, MI 48101–9751
Greensboro, 3701 West Wendover Avenue, Greensboro, NC 27495–0001
Jacksonville, PO Box 2000, Jacksonville, FL 32203–2000
Kansas City, 4900 Speaker Road, Kansas City, KS 66106–9728
Los Angeles, 5555 Bandini Blvd., Avenue, Bell, CA 90201–9997
Memphis, 1921 Elvis Presley Boulevard, Memphis, TN 38136–9998
Minneapolis St. Paul, 3165 Lexington Avenue, St. Paul MN 55121–2288
New Jersey International, 80 County Road, Jersey City, NJ 07098–9998
Philadelphia, 1900 Byberry Road, Philadelphia, PA 19116–9751
Pittsburgh, PO Box 1000, Warrendale, PA 15095–1000
St. Louis, 5800 Phantom Drive, Hazelwood, MO 63042–2487
San Francisco, 2501 Rydin Road, Richmond, CA 94804–9998
Seattle, PO Box 5000, Federal Way, WA 98063–0500
Springfield, 190 Fiberloid Street, Springfield, MA 01152–9751
Washington, 9201 Edgeworth Drive, Capitol Heights, MD 20743–9751.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 99–4280 Filed 2–22–99; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application to Withdraw From Listing and Registration; (CenterTrust Retail Properties, Inc., Common Stock, and 7½ Convertible Subordinated Debentures Due 2001, Series A) File No. 1–12588

February 16, 1999.

CenterTrust Retail Properties, Inc. (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified securities (''Securities'') from listing and registration on the American Stock Exchange, Inc. (''Amex'' or ''Exchange'').

The reasons cited in the application for withdrawing the Securities from listing and registration include the following:

The Securities of the Company have been listed for trading on the Amex and, pursuant to a Registration Statement on Form 8–A which became effective on February 3, 1999, on the New York Stock Exchange, Inc. (''NYSE''). Trading of the Company's Securities on the NYSE commenced at the opening of business on February 3, 1999, and concurrently therewith the Securities were suspended from trading on the Amex.

The Company has complied with Rule 18 of the Amex by filing with the Exchange a certified copy of preambles and resolutions adopted by the Company's Board of Directors authorizing the withdrawal of its Securities from listing on the Amex and by setting forth in detail to the Exchange the reasons for the proposed withdrawal, and the facts in support thereof. In making the decision to withdraw its Securities from listing on the Amex, the Company considered, among other factors, its desire to increase its exposure to the financial and investment communities.

The Exchange has informed the Company that it has no objection to the withdrawal of the Company's Securities from listing on the Amex.

The Company's application relates solely to the withdrawal from listing of the Company's Securities from the Amex and shall have no effect upon the continued listing of the Securities on the NYSE. By reason of Section 12(b) of the Act and the rules and regulations of the Commission thereunder, the Company shall continue to be obligated to file reports under Section 13 of the Act with the Commission and the NYSE.

Any interested person may, on or before, March 8, 1999, submit by letter to the Secretary of the Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 99–4427 Filed 2–22–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application to Withdraw From Listing and Registration; (The Turner Corporation, Common Stock, $1 Par Value, and Preferred Stock Purchase Rights) File No. 1–8719

February 16, 1999.

The Turner Corporation (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified securities (''Securities'') from listing and registration on the American Stock Exchange, Inc. (''Amex'' or ''Exchange'').

The reasons cited in the application for withdrawing the Securities from listing and registration include the following:

The Securities of the Company have been listed for trading on the Amex and, pursuant to a Registration Statement on Form 8–A which became effective on December 11, 1998, on the New York Stock Exchange, Inc. (''NYSE''). Trading of the Company's Securities on the NYSE commenced at the opening of business on December 16, 1998, and concurrently therewith the Securities were suspended from trading on the Amex.

The Company has complied with Rule 18 of the Amex by filing with the

Exchange a certified copy of preambles and resolutions adopted by the Company's Board of Directors authorizing the withdrawal of its Securities from listing on the Amex and by setting forth in detail to the Exchange the reasons for the proposed withdrawal, and the facts in support thereof. In making the decision to withdraw its Securities from listing on the Amex, the Company considered, among other things, the potential increased liquidity for its Securities if the Securities were traded on the NYSE. The Exhange has informed the Company that it has no objection to the withdrawal of the Company's Securities from listing on the Amex.

The Company's application relates solely to the withdrawal from listing of the Company's Securities from the Amex and shall have no effect upon the continued listing of the Securities on the NYSE. By reason of Section 12(b) of the Act and the rules and regulations of the Commission thereunder, the Company shall continue to be obligated to file reports under Section 13 of the Act with the Commission and the NYSE.

Any interested person may, on or before, March 9, 1999, submit by letter to the Secretary of the Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 99–4425 Filed 2–22–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41052; File No. SR–CBOE–99–04]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to New Series of Options Based on the Standard and Poor's 100 Index.

February 12, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 21, 1999, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to amend CBOE Rule 24.9 to change the permissible range of new series of Standard & Poor's 100 Index options (''OEX'') under unusual market conditions. The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to increase from ten percent (10%) to twenty percent (20%) the percentage level away from the current index value under which additional series may be listed on options on OEX under unusual market conditions. Under existing Interpretation and Policy .01 of CBOE Rule 24.9, when the Exchange introduces trading in a new expiration month, or when additional series of options in an existing expiration month are opened, CBOE may list series of options that are ''reasonably related to the current value of the underlying index.'' Under normal market conditions, ''reasonably related'' is defined to be within eight percent (8%) of the current index value. Under unusual market conditions (such as at times of increased volatility), ''reasonably related'' is defined to be within ten percent (10%) of the current index value.

For example, if a new expiration month is introduced in an OEX option during normal market conditions, and the value of the Standard & Poor's 100 Index is 478, the lowest put option strike available for trading would be the 400 strike. In unusual market conditions, the Exchange would be permitted to list a 430 strike price option. Over the life of the option contract, the Exchange would be permitted to list additional series only as the value of the underlying index moved substantially from the 478 level.

Recently, the Exchange has discovered that it has been limited in listing additional option contracts in incidences of increased market volatility. The adverse consequence of this is exemplified in at least two ways: (1) the number of OEX put options eligible for trading through the Exchange's retail automatic execution system (''RAES'') is limited; and (2) retail customers have fewer low-priced OEX put options contracts to trade. Each of these negative consequences is discussed in detail below.

Fewer OEX Series on RAES

The guidelines followed by the Index Floor Procedure Committee (''IFPC'') in designating series of OEX options as eligible for trading on RAES provide that all contracts may be so designated, provided that the option in any designated series is priced below $10. For example, at the opening of trading on September 1, 1998, the morning after the significant market volatility of August 31, 1998, there were only three RAES-eligible put option contracts, all in the September contract month. No put option series in the October contract month were RAES-eligible. In this case, the value of the underling index was approximately 477 and the lowest put option contract available had a 430 strike price. With the volatility of the market on that day, at approximately the opening of trading, the prices of the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

three September put option contracts that were RAES-eligible (the 430, 440 and 450 contracts) ranged from five dollars ($5.00) to nine dollars ($9.00). The price of the least expensive October put option contract (with a 430 strike price) was approximately fourteen dollars and fifty cents ($14.50). In these circumstances, the Exchange found it was unable to provide an adequate number of OEX put option contracts for automatic execution to satisfy the demand of its firms and retail customers. In general, and especially in times of heightened market volatility, retail customers overwhelmingly prefer to have their option orders executed as quickly as possible at the published market quotes.

Lower-Priced OEX series Available for Customers

The Exchange is aware that historically, OEX order flow from retail customers is concentrated in lower-priced options, generally those under ten dollars ($10). When the number of available lower-priced options series decreases, so does retail customer order flow. Under the current index levels, in light of the significant increases in market volatility and the existing restriction under CBOE Rule 24.9, Interpretation and Policy .01, there are few low-priced OEX put option series available. For instance, in the aforementioned example, for the September contract month, no put option contract was available for under five dollars ($5), and the least expensive October put option contract was priced at more than fourteen dollars ($14). The effect of this limitation is to preclude investors from participating in the OEX put option market, except at higher than desired price levels. Smaller dollar value investors therefore lose the opportunity to enter into protective option strategies at a time when they may find it especially necessary to do so.

In response to these concerns, CBOE is proposing to change the percentage level under which additional series may be listed under unusual market conditions. The Exchange proposes to increase the percentage level for unusual market conditions from ten percent (10%) to twenty percent (20%). Under the unusual market conditions present on August 31, 1998, had the Exchange been able to list option contracts within twenty percent (20%) of the underlying index value, there would have been a sufficient number of series eligible for RAES and appropriately priced for retail customers. The theoretical option pricing model used by the Exchange's Research Department estimates that had the twenty percent (20%) limit been in effect, the lowest priced September put option contract available would have been the 390 with an estimated price of $0.625 (5/8). The estimated price of the corresponding October contract would have been four dollars ($4.00).

The number of additional series that will result from this proposed rule change, which affects only OEX options, will not be significant. For this reason, CBOE does not believe that the proposed rule change raises any capacity issues. The Exchange routinely monitors inactive option contracts and removes from listing those that do not have open interest and have little chance of trading.

By responding to the historically high volatility of the market in a manner that addresses the needs of its valued customers, the Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act, and Section 6(b)(5) of that Act in particular, in that it will promote just and equitable principles of trade, will protect investors and the public interest, and will remove impediments to and perfect the mechanisms of a free and open market.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–99–04 and should be submitted by March 16, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[3]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–4429 Filed 2–22–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41053; File No. SR–MSRB–97–16]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Municipal Securities Rulemaking Board Relating to Activities of Financial Advisors

February 12, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 14, 1999,[3] the Municipal Securities

[3] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Board originally filed the proposed rule change on December 23, 1997. On April 6, 1998, the Board filed what would have been Amendment No. 1, but it was withdrawn because it did not adequately address certain disclosure and consent issues.

The Board filed Amendment No. 1 to the proposed rule change on April 16, 1998, which made certain technical changes and revised statements made by the Board concerning comments received on the draft amendment published by the Board for comment from its members. After further discussion with Commission staff, the Board filed Amendment No.

Rulemaking Board (''Board'' or ''MSRB'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Board. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Board has filed with the Commission a proposed rule change which would amend Rule G–23 to require a dealer that has a financial advisory relationship with an issuer with respect to a new issue of municipal securities, prior to acting as a remarketing agent for such issue, to disclose in writing to the issuer that there may be a conflict of interest in acting as both financial advisor and remarketing agent for the securities with respect to which the financial advisory relationship exists and the source and basis of the remuneration the dealer could earn as remarketing agent on such issue. The proposed rule change requires that the issuer expressly acknowledge in writing to the broker, dealer, or municipal securities dealer receipt of such disclosure and consent both to the financial advisor acting as remarketing agent and to the source and basis of the remuneration. Below is the text of the proposed rule change. Additions are italicized; deletions are in brackets.

Rule G–23. Activities of Financial Advisors

(a)–(d) No change.

(e) *Remarketing Activities. No broker, dealer, or municipal securities dealer that has a financial advisory relationship with an issuer with respect to a new issue of municipal securities shall act as agent for the issuer in remarketing such issue, unless the broker, dealer, or municipal securities dealer has expressly disclosed in writing to the issuer:*

(i) that there may be a conflict of interest in acting as both financial advisor and remarketing agent for the securities with respect to which the financial advisory relationship exists; and

(ii) the source and basis for the remuneration the broker, dealer or municipal securities dealer could earn as remarketing agent on such issue.

This written disclosure to the issuer may be included either in a separate writing provided to the issuer prior to the execution of the remarketing agreement or in the remarketing agreement. The issuer must expressly acknowledge in writing to the broker, dealer, or municipal securities dealer receipt of such disclosure and consent to the financial advisor acting in both capacities and to the source and basis of the remuneration.

[(e)] *(f)* No change.

[(f)] *(g)* Each broker, dealer, and municipal securities dealer subject to the provisions of sections (d), [or] (e) or *(f)* of this rule shall maintain a copy of the written disclosures, acknowledgments and consents required by these sections in a separate file and in accordance with the provisions of rule G–9.

[(g)] *(h)* No change.

[(h)] *(i)* No change.

* * * * *

II. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

In its filing with the Commission, the Board included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The texts of these statements may be examined at the places specified in Item IV below. The Board has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statments.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Rule G–23,[4] on activities of financial advisors, establishes disclosure and other requirements for dealers that act as financial advisors to issuers of municipal securities. The rule is designed principally to minimize the *prima facie* conflict of interest that exists when a dealer acts as both financial advisor and underwriter with respect to the same issue of municipal securities. Specifically, Rule G–23 requires a financial advisor to alert the issuer to the potential conflict of interest that might lead the dealer to act in its own best interest as underwriter rather than the issuer's best interest.[5]

The Board recently was made aware that, in certain instances, some financial advisors also have acted as remarketing agents for issues on which they advised the issuer. To address this situation and its potential conflict of interest, the Board filed a proposed rule change to require a financial advisor, prior to entering into a remarketing agreement for an issue on which it advised, to disclose in writing to the issuer the terms of the remuneration the financial advisor could earn as remarketing agent on such issue and that there may be a conflict of interest in changing from the capacity of financial advisor to remarketing agent. The proposed rule change also required that the financial advisor receive the issuer's acknowledgment in writing of receipt of such disclosures. Under the proposal, when these requirements are met, a dealer acting as financial advisor for an issue also could serve as remarketing agent for such issue.

Commission staff requested that the Board revise the proposed rule change to include a provision requiring issuer consent to the dealer's dual role, along with certain other technical language changes.[6] Amendment No. 2 revises this proposal to require that a dealer which has a financial advisory relationship with an issuer with respect to a new issue of municipal securities, prior to acting as a remarketing agent for such issue, disclose in writing to the issuer that there may be a conflict of interest in acting as both financial advisor and remarketing agent for the securities with respect to which the financial advisory relationship exists and the source and basis of the remuneration the dealer could earn as remarketing agent on such issue. This written disclosure to the

2 on January 14, 1999, which revises the rule language to address those disclosure and consent issues raised by the proposed rule change. This notice reflects the original proposal as modified by Amendments No. 1 and No. 2.

[4] *MSRB Manual,* General Rules, Rule G–23 (CCH) ¶3611.

[5] Rule G–23(d)(i) requires a financial advisor wishing to underwrite or place an issue of municipal securities on a negotiated basis to: (i) terminate in writing the financial advisory relationship with respect to such issue and obtain the issuer's express consent in writing to such acquisition or participation; (ii) disclose in writing to the issuer at or before such termination that there may be a conflict of interest in changing from the capacity of financial advisor to purchaser of or placement agent for the securities with respect to which the financial advisory relationship exists and obtain the issuer's express acknowledgment in writing of receipt of such disclosure; and (iii) expressly disclose in writing to the issuer at or before such termination the source and anticipated amount of all remuneration to the dealer with respect to such issue in addition to the compensation as financial advisor, and obtain the issuer's express acknowledgment in writing of receipt of such disclosure. If such issue is to be sold by the issuer at competitive bid, the issuer must expressly consent in writing prior to the bid to the financial advisor's acquisition or participation.

[6] *See supra* note 3.

issuer can be in a separate writing provided to the issuer prior to the execution of the remarketing agreement or the disclosure can be in the remarketing agreement. The issuer must expressly acknowledge in writing to the broker, dealer, or municipal securities dealer receipt of such disclosure and consent to the financial advisor acting in both capacities and to the source and basis of the remuneration. If the disclosure is made prior to the execution of remarketing agreement, the amount of the specific fee paid by the issuer to the remarketing agent still can be negotiated in the remarketing agreement. If the disclosure is made in the remarketing agreement, the dealer will have negotiated the amount of its fee with the issuer.

2. Statutory Basis

The Board believes the proposed rule change is consistent with Section 15B(b)(2)(C)[7] of the Act, which requires that the Board's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Board does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, because it would apply equally to all brokers, dealers, and municipal securities dealers.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

In May 1997, the Board published a notice (the ''Notice'') that, among other things, proposed for comment draft amendments to Rule G–23 concerning financial advisors also acting as remarketing agents for issues on which they advised the issuer.[8]

In response to its request for comments, the Board received comment letters addressing the draft amendments from the following 20 commenters.

- Allen Independent School District (''Allen ISD'').
- Artemis Capital Group (''Artemis'').
- Canton & Associates, Inc. (''Calton'').
- Carroll Independent School District (''Carroll ISD'').
- Dallas County Community College District (''Dallas County CCD'').
- First Southwest Company (''First Southwest'').
- Government Finance Officers Association (''GFOA'').
- Katy Independent School District (''Katy ISD'').
- Lehman Brothers Inc. (''Lehman Brothers'').
- Midland Independent School District (''Midland ISD'').
- Morton Clarke Fu & Metcalf Inc. (''Morton Clarke'').
- Newman and Associates, Inc. (''Newman'').
- North Harris Montgomery Community College District (''North Harris Montgomery CCD'').
- Pasadena Independent School District (''Pasadena ISD'').
- Rauscher Pierce Refsnes, Inc. (''Rauscher Pierce'').
- Smith Barney Inc. (''Smith Barney'').
- Southwest Securities (''Southwest'').
- State of Wisconsin Department of Administration (''State of Wisconsin'').
- The Bond Market Association (''BMA'').
- Wachovia Bank, N.A. (''Wachovia'').

The draft amendment, as published in the Notice, required a dealer acting as both financial advisor and remarketing agent for an issue to meet the same disclosure and other requirements as a dealer acting as financial advisor and later negotiating the underwriting or acting as placement agent for the issue (which includes terminating the financial advisory relationship with regard to the issue and making certain disclosures regarding the potential conflict of interest). The concern was that there may be a potential conflict of interest for the financial advisor because its advice regarding the type of issue (*i.e.*, variable rate) and the issue's timing and terms may be colored by the fees it expects to receive as remarketing agent.

Twelve commenters were opposed to the draft amendment,[9] while five commenters were in favor of the amendment.[10] One commenter misunderstood the draft amendment.[11] As an alternative to the draft amendment, this commenter suggested that ''[s]o long as there is full disclosure of all fees, risks, credit rating guidelines, and comparable interest rates *and* there is no conflict of interest in setting the lowest possible interest rate for a client, it seems contradictory to prohibit firms, probably best suited, from providing the additional work which is in their client's best interest.'' The seven Texas school districts opposed to the draft amendment[12] wrote substantially similar comment letters asking that the Board limit any regulation in this area to ''requiring full disclosure of all fees, risks, credit rating guidelines, and interest rates on comparable variable rate issues.'' They also stated that they should not be precluded from selecting a financial advisor to also serve as a remarketing agent as long as the financial advisor acts in an agency capacity (*i.e.*, not taking any underwriting risk).

Three commenters had general comments about the current role of financial advisors.[13] One of these commenters described the ''inherent conflict of interest'' for the financial advisor for an issue to resign and become the underwriter for the issue and urged the Board to strengthen Rule G–23 ''by eliminating the role switching allowed by the present rule and perpetuated by the proposed changes.''[14] Another of these commenters stated that ''there is a similar and perhaps even greater potential for conflicts of interest when a firm serves as financial advisor to an issuer for a planned financing and then resigns to serve as underwriter on that same financing.''[15] One of these commenters questioned ''the increased regulation of only a small portion of the

[7] 15 U.S.C. 78*o*–4(b)(2)(C).

[8] *See* MSRB Reports, Vol. 17, No. 2 (June 1997) at 3–16, ''Board Review of Underwriting Process.''

[9] Allen ISD, BMA, Carroll ISD, Dallas County CCD, First Southwest, Katy ISD, Lehman Brothers, Midland ISD, North Harris Montgomery CCD, Pasadena ISD, Smith Barney, and Wachovia. The remaining three commenters—Artemis, Newman, and State of Wisconsin—had general comments that were neither in favor of, nor opposed to, the draft amendment.

[10] Calton, GFOA, Morton Clarke, Rauscher Pierce, and Southwest.

[11] First Southwest had an incorrect impression that the draft amendment would have required a dealer to resign as an issuer's ''overall'' financial advisor in order to be able to act as a remarketing agent for the issuer on an issue of municipal securities. The provisions of Rule G–23 are applicable on an issue-specific basis and not on an issuer-specific basis. Thus, pursuant to the draft amendment published in the Notice, a dealer wishing to remarket an issue of municipal securities on which it acted as the financial advisor would make certain disclosures to the issuer and then resign as financial advisor to that issue while not being precluded from serving as financial advisor on other issues for this issuer.

[12] Allen ISD, Carroll ISD, Dallas County CCS, Katy ISD, Midland ISD, North Harris Montgomery CCD, and Pasadena ISD.

[13] Artemis, Newman, and State of Wisconsin.

[14] State of Wisconsin.

[15] Artemis.

financial advisory market.'' [16] This commenter further stated that ''[a]ny additional disclosure requirements placed on regulated financial advisors only continues to foster a[n] uneven playing field between regulated and unregulated financial advisors.''

GFOA stated that the draft amendment is consistent with its recommendations to state and local government issuers to avoid using a firm to serve as both the financial advisor and underwriter of a negotiated issue because conflicts of interest may arise. One commenter believed that the draft amendment was ''a reasonable extension of the existing requirement that firms resign as [financial advisors] to underwrite negotiated issues.'' [17]

Another commenter stated that, while opposed to the amendment, it would not object to ''a requirement that financial advisors disclose to issuers fees or compensation they could earn if they were selected to serve as remarketing agent . . . [and that] municipal issuers are competent to assess that disclosure and to determine for themselves whether it is appropriate to then select the financial advisor to act as remarketing agent.'' [18] Three other commenters noted that the decision should be left to the issuer as to whether there is a conflict of interest.[19]

Based on the comments received, the Board determined not to adopt the version of the amendment published in the Notice. Instead of requiring another broker, dealer, or municipal securities dealer to resign as financial advisor for an issue prior to acting as remarketing agent for that issue, the Board revised the proposed rule change to require a financial advisor, prior to entering into a remarketing agreement for an issue on which it advised, to disclose, in writing, to the issuer the source and basis of the remuneration the financial advisor could earn as remarketing agent on that issue and that there may be a conflict of interest in acting as both financial advisor and remarketing agent for the securities with respect to which the financial advisory relationship exists. The issuer must expressly acknowledge in writing to the dealer receipt of such disclosure and consent to the financial advisor acting in both capacities and to the source and basis of the remuneration.

The Board looked carefully at the different roles of underwriters and remarketing agents in adopting the proposed rule change. Rule G–23 currently is written to apply on an issue-specific basis. Rule G–23 requires a financial advisor to resign to act as underwriter on a specific negotiated transaction. The dealer can act as financial advisor to the issuer for any other issue—either during or after the underwriting. The potential conflict of interest in the specific underwriting is addressed in the rule by requiring the dealer to resign as financial advisor for the issue for the limited duration of the underwriting relationship, but permits a continuation of the long-term relationship between issuer and financial advisor.

In contrast to the underwriter's relationship with the issuer, the remarketing agent's relationship with the issuer may continue for an indefinite period of time. If a dealer were obligated to resign from a financial advisory role on a particular issue to serve as remarketing agent for that issue, that dealer may be placed in the anomalous position of providing financial advisory services for an issuer on a broad range of new and outstanding issues while being prohibited on a long-term basis from providing financial advisory services on the one issue for which it also provides remarketing services. This result would be more severe for financial advisors serving as remarketing agents than for financial advisors serving as underwriters. To avoid this unduly harsh result, the Board believes that the potential conflict of interest may be adequately addressed through disclosure in this case.

The proposed rule change and amendments thereto ensure that an issuer is made aware that there may be a conflict of interest for the financial advisor to change its capacity to that of remarketing agent for such issue and that the issuer is made aware of the source and basis of the remuneration the dealer could earn as remarketing agent on that issue. The issuer can then decide whether to allow the financial advisor for an issue to act as remarketing agent for that issue. The Board will monitor activities in this area and will not hesitate to consider further rulemaking if it becomes necessary.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the principal offices of the MSRB. All submissions should refer to File No. SR–MSRB–97–16 and should be submitted by March 16, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[20]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–4428 Filed 2–22–99; 8:45 am]

BILLING CODE 8010–01–M

[16] Newman.

[17] Rauscher Pierce.

[18] Smith Barney.

[19] BMA, Lehman Brothers and Wachovia.

[20] 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Collection Requests

This notice lists information collection packages that will require submission to the Office of Management and Budget (OMB), in compliance with Pub. L. 104–13 effective October 1, 1995, The Paperwork Reduction Act of 1995.

Public Information Campaign Collections—0960–0544. The Social Security Administration uses the information collected through feedback cards to determine media interest in broadcasting public information

materials. The respondents are radio, television stations and publications.

Number of Respondents: 24,000.

Frequency of Response: 1.

Average Burden Per Response: 1 minute.

Estimated Annual Burden: 400 hours.

Written comments and recommendations regarding the information collection(s) should be sent within 60 days from the date of this publication, directly to the SSA Reports Clearance Officer at the following address: Social Security Administration, DCFAM, Attn: Frederick W. Brickenkamp, 6401 Security Blvd., 1–A–21 Operations Bldg., Baltimore, MD 21235.

In addition to your comments on the accuracy of the agency's burden estimate, we are soliciting comments on the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

To receive a copy of any of the forms or clearance packages, call the SSA Reports Clearance Officer on (410) 965–4145 or write to him at the address listed above.

Dated: February 17, 1999.

Frederick W. Brickenkamp,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 99–4423 Filed 2–22–99; 8:45 am]

BILLING CODE 4190–29–M

DEPARTMENT OF STATE

[Public Notice #2975]

Advisory Committee for the Study of Eastern Europe and the Independent States of the Former Soviet Union; Meeting

The Department of State announces that the Advisory Committee for the Study of Eastern Europe and the Independent States of the Former Soviet Union (Title VIII) will convene on Wednesday, April 14, 1999, beginning at 10:00 a.m. in Room 1105, U.S. Department of State, 2201 C Street, N.W., Washington, D.C.

The Advisory Committee will recommend grant recipients for the FY 1999 competition of the Program for the Study of Eastern Europe and the Independent States of the Former Soviet Union in connection with the ''Research and Training for Eastern Europe and the Independent States of the Former Soviet Union Act of 1983, as amended.'' The agenda will include opening statements by the Chairman and members of the Committee and, within the Committee, discussion, approval, and recommendation that the Department of State negotiate grant agreements with certain ''national organizations with an interest and expertise in conducting research and training concerning the countries of Eastern Europe and the independent states of the former Soviet Union,'' based on the guidelines contained in the call for applications published in the **Federal Register** on November 2, 1998. Following committee deliberation, interested members of the public may make oral statements concerning the Title VIII program in general.

This meeting will be open to the public; however, attendance will be limited to the seating available. Entry into the Department of State building is controlled and must be arranged in advance of the meeting. Those planning to attend should notify Michelle Staton, INR/RES, U.S. Department of State, (202) 736–4155 by Friday, April 9, 1999, providing their date of birth, Social Security number, and any requirements for special needs. All attendees must use the 2201 C. Street, N.W., entrance to the building. Visitors who arrive without prior notification and without a photo ID will not be admitted.

Dated: February 18, 1999.

Kenneth E. Roberts,

Executive Director, Advisory Committee for the Study of Eastern Europe and the Independent States of the Former Soviet Union.

[FR Doc. 99–4472 Filed 2–22–99; 8:45 am]

BILLING CODE 4710–32–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Fitness Determination of Tie Aviation, Inc., D/B/A Trans International Express

AGENCY: Department of Transportation.

ACTION: Notice of commuter air carrier fitness determination—Order 99–2–17, order to show cause.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding that Tie Aviation, Inc. d/b/a Trans International Express is fit, willing, and able, to conduct scheduled passenger operations as a commuter air carrier.

DATES: Persons wishing to file objections should do so no later than 3/8/99.

ADDRESSES: Objections and answers to objections should be filed with the Department of Transportation, Air Carrier Fitness Division (X–56, Room 6401), 400 Seventh Street, SW., Washington, DC 20590 and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Mrs. Kathy Lusby Cooperstein, Air Carrier Fitness Division (X–56, Room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–2337.

Dated: February 17, 1999.

Charles A. Hunnicutt,

Assistant Secretary for Aviation and International Affairs.

[FR Doc. 99–4346 Filed 2–22–99; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Program Management Committee; Data Link Working Group

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for the RTCA Program Management Committee Data Link Working Group meeting to be held March 4, 1999, starting at 12:00 noon. The meeting will be held at RTCA, Inc., 1140 Connecticut Avenue, NW., Suite 1020, Washington DC 20036.

The agenda will include: (1) Welcome and Introductions; (2) Explanation of ''Why an RTCA Special Committee?''; (3) Introduction/Explanation of Proposed Terms of References; (4) Discussion of Proposed Working Groups; (5) Nomination/Selection of Working Group Chairs; (6) Status of Previous Action Items; (7) Assignment of New Actions; (8) Dates and Places of Future Meetings.

Attendance is open to the interested public but limited to space availability. With the approval of the chairs, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC, 20036; (202) 833–9339 (phone); (202) 833–9434 (fax); or http://www.rtca.org (web site). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on February 16, 1999.

Janice L. Peters,

Designated Official.

[FR Doc. 99–4335 Filed 2–22–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Joint Special Committee 182/ EUROCAE Working Group 48; Minimum Operational Performance Standards (MOPS) for an Avionics Computer Resource

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for Special Committee (SC)–182/EUROCAE Working Group (WG)–48 meeting to be held March 9–11, starting at 9:00 a.m. The meeting will be held at EUROCAE Office, 17 rue Hamelin, 75783 Paris CEDEX 16.

The agenda will include: (1) Chairman's Introductory Remarks; (2) Review and Approval of the Agenda; (3) Review of Meeting Report: Joint RTCA SC–182/EUROCAE WG–18 Meeting, December 9–11, 1998; (4) Review MOPS Draft 1.5: Inclusion of comments posted to the web site prior to January 31, 1999; (5) Finalize MOPS draft 1.6, to be distributed for consensus and recommendation for adoption by RTCA and EUROCAE; (6) Report on Meeting with CAST regarding DO–178B Compliance Tables; (7) Other Business; (10) Date and Place of Next Meeting (May 4–6, 1999; RTCA, Inc., Washington, DC.)

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC, 20036; (202) 833–9339 (phone); (202) 833–9434 (fax); or http://www.rtca.org (web site). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on February 16, 1999.

Janice L. Peters,

Designated Official.

[FR Doc. 99–4336 Filed 2–22–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Joint Special Committee 182/ EUROCAE Working Group 48; Minimum Operational Performance Standards (MOPS) for An Avionics Computer Resource

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The agenda will include: (1) Chairman's Introductory Remarks; (2) Review and Approval of the Agenda; (3) Review of Meeting Report: Joint RTCA SC–182/EUROCAE WG–48 Meeting, December 9–11, 1998; (4) Review MOPS Draft 1.5: Inclusion of comments posted to the web site prior to January 31, 1999; (5) Finalize MOPS draft 1.6, to be distributed for consensus and recommendation for adoption by RTCA and EUROCAE; (6) Report on Meeting with CAST regarding DO–178B Compliance Tables; (7) Other Business; (10) Date and Place of Next Meeting (May 4–6, 1999; RTCA, Inc., Washington, DC).

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036; (202) 833–9339 (phone); (202) 833–9434 (fax); or http://www.rtca.org (web site). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on February 16, 1999.

Janice L. Peters,

Designated Official.

[FR Doc. 99–4336 Filed 2–22–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Use the Revenue From a Passenger Facility Charge (PFC) at Pellston Regional Airport of Emmet County, Pellston, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to use the revenue from a PFC at Pellston Regional Airport of Emmet County under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before March 25, 1999.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Kelley Atkins, Airport Manager, of the County of Emmet, at the following address: Pellston Regional Airport of Emmet County, U.S. Highway 31, Pellston, MI 47969.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the County of Emmet under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Jon Gilbert, Program Manager, Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111 (734–487–7281). The application may be reviewed in person at this same location.

SUPPLEMENTARY INFOMATION: The FAA proposes to rule and invites public comment on the application to use the revenue from a PFC at Pellston Regional Airport of Emmet County under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On January 26, 1999, the FAA determined that the application to use the revenue from a PFC submitted by the County of Emmet was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than April 27, 1999.

The following is a brief overview of the application.

PFC Application No.: 99–08–U–00–PLN.

Level of the PFC: $3.00.

Actual charge effective date: August 1, 1998.

Estimated charge expiration date: September 1, 2002.

Total approved net PFC revenue: $107,510.00.

Brief description of proposed projects: Replace Aircraft Rescue Fire Fighting Vehicle; Emergency Standby Generator; and Acquire Handicap Loading Device.

Class or classes of air carriers that the public agency has requested not be

required to collect PFC's: FAR Part 135 operators who file FAA Form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice, and other documents germane to the application in person at the Pellston Regional Airport of Emmet County.

Issued in Des Plaines, Illinois, on February 12, 1999.

Phillip M. Smithmeyer,

Acting Manager, Planning/Programming Branch, Airports Division, Great Lakes Region.

[FR Doc. 99–4334 Filed 2–22–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. RSPA–98–4450; Notice 18]

Pipeline Safety: Chevron Pipe Line Company Approved for Pipeline Risk Management Demonstration Program

AGENCY: Research and Special Programs Administration, Office of Pipeline Safety, DOT

ACTION: Notice of risk demonstration project approval and finding of no significant impact.

SUMMARY: The Research and Special Programs Administration's (RSPA) Office of Pipeline Safety (OPS) has issued a Risk Management Demonstration Project Order authorizing Chevron Pipe Line Company (Chevron) to participate in the Pipeline Risk Management Demonstration Program. OPS has also made a finding that Chevron's demonstration project will have no significant impacts on the environment.

ADDRESSES: Comments on this or any other demonstration project will be accepted in the Docket throughout the 4-year demonstration period. Comments should be sent to the Dockets Facility, U.S. Department of Transportation, Plaza 401, 400 Seventh Street, SW, Washington, DC 20590–0001, or you can E-Mail your comments to ops.comments@rspa.dot.gov. Comments should identify the docket number, RSPA–98–4450. Persons should submit the original comment document and one (1) copy. Persons wishing to receive confirmation of receipt of their comments must include a self-addressed stamped postcard. The Dockets Facility is located on the plaza level of the Nassif Building in Room 401, 400 Seventh Street, SW, Washington, DC. The Dockets Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Elizabeth Callsen, OPS, (202) 366–4572, regarding the subject matter of this notice and environmental assessment. Contact the Dockets Unit, (202) 366–9322, for docket material. Comments may also be reviewed on line at the DOT Docket Management System website at http://dms.dot.gov/.

SUPPLEMENTARY INFORMATION:

Project Authorization

On February 17, 1999, OPS, pursuant to 49 U.S.C. 60126, issued Chevron a Risk Management Demonstration Project Order authorizing Chevron to conduct a risk management project on the 330-mile portion of its Salt Lake Products Pipeline System extending from Salt Lake City, Utah, to Boise, Idaho. OPS has determined, after a comprehensive review of Chevron's demonstration project, that the project is expected to provide superior safety and environmental protection.

More detailed descriptions of all aspects of the Chevron demonstration project, including the OPS rationale for approving the project, are available in the following documents:

(1) 63 FR 71334, ''Pipeline Safety: Intent To Approve Project and Environmental Assessment for the Chevron Pipe Line Company; Pipeline Risk Management Demonstration Program'', December 24, 1998.

(2) ''Demonstration Project Prospectus: Chevron'', available by contacting Elizabeth M. Callsen at 202–366–4572. Includes a map of the demonstration portion of the Salt Lake Products Pipeline System.

(3) ''Chevron Pipe Line Company—Application and Work Plan for DOT-OPS Risk Management Demonstration Program'', as modified by the January 28, 1999, letter from Chevron to OPS.

(4) ''OPS Project Review Team Evaluation of Chevron Demonstration Project''.

(5) ''Risk Management Demonstration Project Order'' for Chevron Pipe Line Company, February 17, 1999.

These documents and other information pertaining to the Chevron project are accessible to the public via the Pipeline Risk Management Information System (PRIMIS), on the OPS Home Page at http://ops.dot.gov.

Finding of No Significant Impact (FONSI)

OPS has reviewed Chevron's project for conformity with section 102(2)(c) of the National Environmental Policy Act (42 U.S.C. 4332), the Council on Environmental Quality implementing regulations (40 CFR 1500–1508), and Department of Transportation Order 5610.1c, Procedures for Considering Environmental Impacts. OPS conducted an Environmental Assessment of Chevron's project (63 FR 71334, ''Pipeline Safety: Intent To Approve Project and Environmental Assessment for the Chevron Pipe Line Company; Pipeline Risk Management Demonstration Program'').

OPS received no public comment on the Environmental Assessment.

Based on the analysis and conclusions reached in the Environmental Assessment and the analyses conducted in the above-listed documents, OPS has found that there are no significant impacts on the environment associated with this action. The Environmental Assessment and the other above-listed documents are incorporated by reference into this FONSI. To summarize, this project is expected to demonstrate that risk management techniques can be successfully applied to improve safety and environmental protection. The project, as now defined, requires no regulatory exemption. Rather, all activities to be performed by Chevron as part of the demonstration project—including mapping the demonstration segment using Geographic Information System technology, investigating risks with special emphasis on areas vulnerable to geologic hazards, allocating resources to manage risks, and effectively communicating about risks with company employees, OPS, and other stakeholders—exceed current pipeline safety requirements and will not cause any disruption or adverse changes to the present environment. This rationale is further discussed in the Environmental Assessment referenced above. If OPS determines that it plans to grant a regulatory exemption, it will amend the Environmental Assessment to analyze any environmental impacts of the proposed exemption.

Issued in Washington, DC on February 17, 1999.

Richard B. Felder,

Associate Administrator for Pipeline Safety.

[FR Doc. 99–4422 Filed 2–22–99; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–33 (Sub–No. 133X)]

Union Pacific Railroad Company—Abandonment Exemption—in Fort Bend County, TX

Union Pacific Railroad Company (UP) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service and Trackage Rights* to abandon and discontinue service over a 3.17-mile line of railroad known as the Popp Industrial Lead extending from milepost 12.57 near Arcola to the end of the line at milepost 15.74, in Fort Bend County, TX. The line traverses United States Postal Service Zip Code 77583.

UP 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 March 25, 1999, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to 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 March 5, 1999. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 15, 1999, 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: Joseph D. Anthofer, General Attorney, Union Pacific Railroad Company, 1416 Dodge Street, Room 830, Omaha, NE 68179.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

UP 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 February 26, 1999. 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), UP 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 UP's filing of a notice of consummation by February 23, 2000, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: February 17, 1999.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 99–4440 Filed 2–22–99; 8:45 am]

BILLING CODE 4915–00–P

[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-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 THE TREASURY

Office of Thrift Supervision

[AC–1: OTS Nos. H–1952 and 00190]

First Federal Bankshares, M.H.C., Sioux City, Iowa; Approval of Conversion Application

Notice is hereby given that on February 11, 1999, the Managing Director, Office of Thrift Supervision, or his designee, acting pursuant to delegated authority, approved the application of First Federal Bankshares, M.H.C., Sioux City, Iowa, to convert to the stock form of organization. Copies of the application are available for inspection at the Dissemination Branch, Office of Thrift Supervision, 1700 G Street, NW, Washington, DC 20552, and the Midwest Regional Office, Office of Thrift Supervision, 122 W. John Carpenter Freeway, Suite 600, Irving, Texas 75039–2010.

Dated: February 17, 1999.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 99–4325 Filed 2–22–99; 8:45 am]

BILLING CODE 6720–01–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

[AC–3: OTS No. 2838]

First Federal Savings Bank, Evansville, IN; Approval of Conversion Application

Notice is hereby given that on February 11, 1999, the Managing Director, Office of Thrift Supervision, or his designee, acting pursuant to delegated authority, approved the application of First Federal Savings Bank, Evansville, Indiana, to convert to the stock form of organization. Copies of the application are available for inspection at the Dissemination Branch, Office of Thrift Supervision, 1700 G Street, NW, Washington, DC 20552, and the Central Regional Office, Office of Thrift Supervision, 200 West Madison Street, Suite 1300, Chicago, Illinois 60606.

Dated: February 17, 1999.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 99–4326 Filed 2–22–99; 8:45 am]

BILLING CODE 6720–01–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

[AC–2: OTS No. 4368]

Palmyra Savings & Building Association, F.A., Palmyra, MO; Approval of Conversion Application

Notice is hereby given that on February 11, 1999, the Managing Director, Office of Thrift Supervision, or his designee, acting pursuant to delegated authority, approved the application of Palmyra Savings & Building Association, F.A., Palmyra, Missouri, to convert to the stock form of organization. Copies of the application are available for inspection at the Dissemination Branch, Office of Thrift Supervision, 1700 G Street, NW, Washington, DC 20552, and the Midwest Regional Office, Office of Thrift Supervision, 122 W. John Carpenter Freeway, Suite 600, Irving, Texas 75039–2010.

Dated: February 17, 1999.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 99–4327 Filed 2–22–99; 8:45 am]

BILLING CODE 6720–01–P

federal register

Tuesday
February 23, 1999

Part II

Office of Personnel Management

SES Positions That Were Career Reserved During 1998; Notice

OFFICE OF PERSONNEL MANAGEMENT

SES Positions That Were Career Reserved During 1998

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: As required by the Civil Service Reform Act of 1978, this gives notice of all positions in the Senior Executive Service (SES) that were career reserved during 1998.

FOR FURTHER INFORMATION CONTACT: Charles Vaughn, Office of Executive Resources Management, (202) 606–1927.

SUPPLEMENTARY INFORMATION: Below is a list of titles of SES positions that were career reserved any time in calendar year 1998 whether or not they were still career reserved on December 31, 1998. Section 3132(b)(4) of title 5, United States Code, requires that the head of each agency publish the list by March of the following year. OPM is publishing a consolidated list for all agencies.

U.S. Office of Personnel Management.

Janice R. Lachance,

Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998

Agency/Organization	Career reserved positions
Advisory Council on Historic Preservation:	
Ofc of the Exec Director	Executive Director.
	Special Assistant.
Department of Agriculture:	
	Deputy Inspector General.
	Asst Inspector General for Investigations.
	Dep Asst Inspector General for Investigation.
	Asst Inspector General for Audit.
	Dep Assistant Inspector General for Audit.
	Dep Asst Inspector General for Audit.
	Asst Inspector Gen for Pol Dev & Res Mgmt.
	Dept Asst Insp Gen for Invest Immediate Office.
Office of the Chief Economist	Dir Ofc of Risk Assessment & Cost-Benefit Anl.
	Dir Global Change Program Office.
World Agricultural Outlook Board	Chairperson.
	Director, USDA Program Outreach Division.
Office of Chief Information Officer	Deputy Chief Information Officer.
	Associate Deputy Director, NTIC.
Office of Operations	Director Office of Operations.
Office of the Chief Financial Officer	Deputy Chief Financial Officer.
	Project Manager.
National Finance Center	Director, Applications Systems Division.
	Dir, Info Resources Management Division.
	Director, Financial Services Division.
	Dir, Thrift Savings Plan Division.
Rural Housing Service	Controller.
	Deputy Administrator for Operations & Mgmt.
	Director Centralized Servicing Center.
Rural Business Service	Deputy Administrator for Business Programs.
Agricultural Marketing Service	Director, Fruit & Vegetable Division.
	Director, Cotton Division.
	Director, Dairy Division.
	Director, Livestock Division.
	Director, Tobacco Division.
	Agricultural Marketing Svc, Dir Poultry Div.
	Director, Compliance Staff.
	Director.
	Director.
Grain Inspection, Packers & Stockyards Administration	Dir Field Management Division.
Animal & Plant Health Inspection Service	Deputy Administrator for Management & Budget.
	Deputy Administrator.
Veterinary Services	Director, Northern Region.
	Dir, S E Region, Veterinary Services.
	Director, Western Region.
	Director, South Central Region.
	Dep Admr. Animal Damage Control.
	Dir, Operational Support, Veterinary Services.
	Dir, Natl Ctr for Veterinary Epidemiology.
Plant Protection & Quarantine Service	Dep Admr, International Services.
	Director, South Central Region.
	Director, Western Region.
	Director, Southeastern Region.
	Director Operational Support PPQ.
Food Safety and Inspection Service	Asst Dep Admin (Admin Mgt).
	Deputy Administrator.
	Deputy Administrator.
	Deputy Administrator.
	U.S Coordinator for Codex Alimentarius.
	Assistant Deputy Administrator.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Director.
	Associate Deputy Administrator.
	Assistant Deputy Administrator.
	Deputy Administrator.
	Assistant Deputy Administrator.
	Assistant Deputy Administrator.
	Assistant Deputy Administrator.
	Deputy Administrator.
	Associate Deputy Administrator.
	Assistant Deputy Administrator.
	Assistant Deputy Administrator.
	Asst Deputy Administrator.
	Assistant Deputy Administrator.
	Director.
	Deputy Administrator.
	Director.
	Assistant Deputy Administrator.
	Assistant Deputy Administrator.
	Assistant Deputy Administrator.
	Assistant Deputy Administrator.
	Associate Deputy Administrator.
Food and Consumer Service	Deputy Admin for Financial Management
	Deputy Admr for Management.
	Director, Office of Analysis and Evaluation.
Farm Service Agency	Controller
	Assistant Dep Administrator for Mgmt.
	Director Management Services Division.
	Director, Budget Division.
Foreign Agricultural Service	Dir. Grain & Feed Div.
Risk Management Agency	Asst Manager for Research & Development
	Director, Insurance Services Division.
Agricultural Research Service	Asst Administrator for Technology Transfer
	Assistant Administrator for Genetic Resources.
	Dep Admin for Admin & Financial Mgmt.
	Director, Office of Pest Management Policy.
	Director, National Animal Disease Center.
	Associate Deputy Admin Financial Management.
National Program Staff Office	Deputy Administrator National Program Staff
	Assoc Dep Admr.
	Assoc Deputy Administrator for Animal PPV&S.
	Assoc Dep Admin for Natural Resources & SAS.
Beltsville Area Office	Director Beltsville Area Office.
	Assoc Dir Beltsville Area.
	Dir US National Arboretum.
	Dir Beltsville Human Nutrition Research Ctr.
	Director Plant Sciences Institute.
	Dir Livestock & Poultry Sciences Institute.
	Dir Natural Resources Institute.
North Atlantic Area Office	Director, Eastern Regl Research Center.
	Director, North Atlantic Area.
	Assoc Dir, North Atlantic Area.
	Director, Plum Island Animal Disease Center.
	Director, North Atlantic Area.
South Atlantic Area Office	Associate Dir South Atlantic Area.
	Supervisory Research Geneticist.
	Director, South Atlantic Area.
	Dir. Center for Medical A&V Entomology.
Midwest Area Office	Dir Midwest Area.
	Assoc Dir, Midwest Area.
	Supervisory Veterinary Medical Officer.
	Dir Natl Ctr For Agri Utilization.
Midsouth Area Office	Dir. Southern Regional Res Center, New Orlean.
	Director, Mid-South Area.
	Associate Director, Mid-South Area.
Southern Plains Area Office	Director Southern Plains Area.
	Assoc Dir, Southern Plains Area.
	Dir, Subtropical Agricultural Res Laboratory.
Northern Plains Area Office	Director, Northern Plains Area.
	Associate Director, Northern Plains Area Ofc.
	Dir R.L. Hruska US Meat Animal Res Center.
Pacific West Area Office	Director, Western Regional Research Center.
	Dir, Western Human Nutrition Research Center.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Director, Pacific West Area Office.
	Associate Director, Pacific West Area Office.
	Dir, Western Cotton Research Laboratory.
	Supervisory Soil Scientist.
Cooperative State Res Education, & Extension Service	Deputy Administrator, Partnerships.
	Deputy Admin for Rural, Economic & Social Dev.
	Deputy Administrator Special Programs.
	Special Asst to the Administrator, Csrees.
	Deputy Admini Communication Tech Distance Edu.
Economic Research Service	Admr, Economic Research Service.
	Associate Administrator-Economic Rsch Svc.
	Dir, Natural Res & Environment Division.
	Director, Information Services Division.
	Director, Commercial Agriculture Division.
	Budget Coordinator and Strategic Planner.
	Dir Food & Consumer Economics Division.
National Agricultural Statistics Service	Admr, National Agricultural Statistics Serv.
	Dir Estimates Div.
	Dir, Systems & Information Division.
	Director, Office of Energy.
	Director, Survey Management Division.
	Deputy Administrator for Field Operations.
	Associate Administrator.
	Dir Census Division.
Natural Resources Conservation Service	Director Engineering Division.
	Dir. Ecological Sciences and Technology Div.
	Dir. Consv Planning and App.
	Dir, Community Asst & Rural Development Div.
	Dir, Soils (Soil Scientist).
	Director, Strategic Planning Division.
	Dir Quality Management & Prog Eval Division.
	Spec Asst Strategic Natl Resources Issues.
	Dir Conservation Operations Division.
	Dep Chief for Mgmt & Strategic Planning.
	Special Asst to the Chief for Soil Science.
	Spec Asst to the Dep Chf for Soil S/R Assesmt.
	Natural Resources Manager.
	Special Asst to the Chief (Program Manager).
	Dep Chief for Strategic Plann Accountability.
	Regional Conservationist—Northern Plains.
Forest Service	Dep Chf for Administration.
	Associate Deputy Chief—Administration.
	Dir Forest Pest Mgmt Staff.
	Dir Fiscal & Accounting Services.
	Associate Deputy Chief for Administrator.
	Director, Fire and Aviation Staff.
	Deputy Chief for Operations.
	Deputy Chief Financial Operations.
Research	Dir Insect and Disease Research Staff.
	Dir Forest Environment Research Staff.
	Director, Forest Resource Economics Staff.
	Dir, Forest Fire & Atmos Sciences Res Staff.
Nat'l Forest System	Dir, Range Management Staff.
	Dir, Recreation, Mgmt Staff.
	Dir Timber Management Staff.
	Director, Engineering Staff.
	Director, Lands Staff.
	Dir, Land Management Planning Staff.
	Dir, Wildlife & Fisheries Mgmt Staff.
	Dir, Minerals & Geology Staff.
	Director, Watershed & Air Management Staff.
	Dir, Recreation, Heritage, & Wilderness Res.
State & Private Forestry	Dir Cooperative Forestry.
Field Units	NE Area Dir, State & Private Forestry, U Darb.
	Dir N Eastern Forest Experiment Station.
	Dir, North Central Forest Exp Station.
	Dir, Pacific NW Forest & Range Exp Station.
	Dir, Pacific SW for & Range Exper Sta.
	Director Rocky Mt Forest & Range Exper Stat.
	Dir S Eastern Forest Experiment Station.
	Director, Forest Products Laboratory.
	Dep Regional Forester, Pacific NW Region.

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POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
International Forest System	Dir International Institute of Tropical Forest.
American Battle Monuments Commission:	
Office of Executive Director	Executive Director.
Department of Commerce:	
Commerce Department	Chief Planning Research & Evaluation Division.
	Associate Director for Management.
	Chief Office of Manufacturing Programs.
Office of the General Counsel	Asst General Counsel for Finance & Litigation.
	Director, Office of Intelligence Liaison.
Assistant Secy Legislative & Intergovernmental Affs	Dep Admin for Legislative & Internal Affairs.
Director for Human Resources Management	Director for Human Resources Management.
	Dep Dir of Human Resources Management.
Director for Financial Management	Dir for Financial Management.
Office of Budget Mgmt & Info & Chief Information Offcr	Director, Office of Budget.
	Chief Information Officer.
Director for Executive Budgeting & Assistance Mgmt	Dir for Federal Asst & Management Support.
Office of Security and Administration Services	Director for Procurement & Admin Services.
	Director, Office of Security.
	Deputy Director For Procurement.
Office of the Assistant Secretary for Administration	Deputy Assistant Secretary For Security.
Office of Inspector General	Asst Inspect Genrl for Compliance Admin
	Asst Inspector General for Syst Evaluation.
Office of Counsel to the Inspector General	Counsel to The Inspector General.
Office of Inspections and Resource Management	Asst Insp Gen for Plng, Eval & Inspections.
Office of Audits	Assistant Inspector General For Auditing.
	Dep Asst Inspector General For Auditing.
	Deputy Assistant Inspector Gen For Auditing.
Office of Investigations	Asst Inspector General For Investigations.
Bureau of the Census	Asst Dir For Decennial & Geographic Policy.
Office of the Director	Assoc Dir for Field Operations.
	Chief Marketing Services Office.
	Chief Decennial Sys & Contracts Mgmt Office.
	Principal Assoc Dir and Chief Financial Offc.
	Principal Associate Director For Programs.
	Chief, Policy & Strategic Planning Division.
	Chief, Field Division.
	Assistant to The Director.
Associate Director for Administration/Comptroller	Chief, Human Resources Management.
	Assoc Dir for Admin/Comptroller.
Administrative and Customer Services Division	Chief Admin & Customer Services Division.
Associate Director For Information Technology	Assoc Dir For Information Technology.
	Assoc Dir For Information Technology.
Data Preparation Division	Chief National Processing Center.
Associate Director For Economic Programs	Associate Director For Economic Programs.
	Assistant Director For Economic Programs.
Economic Planning and Coordination Division	Chf, Economic Planning & Coordination Div.
Economic Statistical Methods and Programming Division	Chf, Economic Statistical M & P Division.
Agriculture and Financial Statistics Division	Chief Company Statistics Division.
	Chief Financial & Admin Systems Division.
Services Division	Chief Service Sector Statistics Division.
Foreign Trade Division	Asst To The Director For Econometrics.
	Chf, Foreign Trade Div.
Governments Division	Chf, Government Div.
Manufacturing and Construction Division	Chf, Manufacturing & Construction Division.
Associate Director For Decennial Census	Associate Director For Decennial Census.
	Asst to the Assoc Dir For Decennial Census.
	Asst to the Assoc Dir For Decennial Census.
Decennial Management Division	Chief Decennial Management Division.
Geography Division	Chf, Geography Div.
Decennial Statistical Studies Division	Chief, Decennial Statistical Studies Div.
Associate Director For Demographic Programs	Associate Dir For Demographic Progs.
	Chf, Population Div.
	Chief Demographic Surveys Division.
Housing & Household Economic Statistics Division	Chf, Housing & Household Econ Statistics Div.
Demographic Statistical Methods Division	Chief, Statistical Methods Division.
Associate Director For Methodology & Standards	Assoc Dir For Methodology & Standards.
Statistical Research Division	Chief Statistical Research Division.
Bureau of Economic Analysis	Associate of Economic Analysis.
Office of the Director	Director.
	Dep Dir, Bur of Economic Analysis.
	Chief Economist.
	Chf Statistician.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
Associate Director for Regional Economics	Assoc Dir for Regional Economics.
Associate Director for International Economics	Assoc Dir for International Economics.
Assoc Director for Natl Income, E & W Accounts	Assoc Dir for Natl Inc, Exp, Wealth Accounts.
	Chf Natl Income & Wealth Div.
	Chief International Investment Division.
	Chief, Computer Systems and Services Division.
Director of Administration	Director of Administration.
Office of the Asst Secretary for Export Enforcement	Director Office of Export Enforcement.
	Dep Asst Secry for Export Enforcement.
Office of the Asst Secretary for Economic Development	Chief Financial Officer (CFO).
Office of the Under Secretary	Chief Financial Officer & Director of Admin.
Office of Consumer Goods	Director Office of Consumer Goods.
DAS for Market Access and Compliance	Dir Trade Compliance Center.
National Oceanic and Atmospheric Administration	Chief Financial Officer/Chief Admin Officer.
	Dir Staff Ofc for International Programs.
Office of Under Secretary	Director, Information Systems Office (ISO).
Office of International Affairs	Chief Financial Officer/Admin Officer.
Office of Finance and Administration	Director, Budget Office.
	Dir for Human Resources Management.
	Dir for Procurement, Grants & Adm Services.
	Dir, Finance Office/Comptroller (FO/COMPT).
Office of High Performance Computing and Communications	Dir for High Performance Computing Commun.
Advanced Weather Interactive P/S (AWIPS) Program	Chf/AWI Interactive Processing System/1990's.
	Dep Chf Fin Ofcr/Chf Adm Officer (CF/AO).
National Ocean Service	Chf Fin Ofcr/Chf Adm Ofcr (Dir M & B Ofc).
	Senior Scientist for Ocean Services.
	Dir, NOAA Coastal Ocean Program Office.
	Dir, Office of National Geodetic Survey (NGS).
Strategic Environmental Assessments Division	Chf, Strategic Environmental Assessments Div.
Coastal Monitoring and Bioeffects Assessment Division	Chief Costal Monitoring Bioeffects Asses Div.
Hazardous Materials Response and Assessment Division	Chf, Hazardous Materials R & A Division.
Office of Assistant Administrator, Weather Services	Dir, Ofc of Aeronautical Charting/Cartography.
	Deputy Assistant Administrator for Operations.
Management and Budget Office	Dep Chf Fin Ofc/Chief Adm Officer.
	Chief, Management and Budget Staff.
Office—Fed Coordinator—Meteorology	Senior Advisor.
	Dir, Ofc of the Fed Coord for Meterology.
Office of Meteorology	Dir, Office of Meteorolgy.
Service Division	Chief, Operating Division.
Office of Hydrology	Director, Office of Hydrology.
Hydrologic Operations Division	Chief, Hydrologic Services Division.
Hydrologic Research Laboratory	Chief, Hydrologic Research Laboratory.
Office of Systems Development	Director, Office of Systems Development.
	Dep Dir, Office of Systems Development.
Techniques Development Laboratory	Chief, Techniques Devel Laboratory.
Office of Systems Operations	Dir, Office of Systems Operations.
Systems Integration Division	Chief, Systems Integration Division.
Systems Operations Center	Chief Telecommunications Operating Center.
Engineering Division	Chief, Engineering Division.
WSR–88D Operational Support Facility	Dir, NEXRAD Operational Support Facility.
National Data Buoy Center	Director, NOAA Data Body Office.
Eastern Region	Dir Eastern Region NWS.
Southern Region	Dir Southern Region, Ft Worth.
Central Region	Director Central Region.
Western Region	Dir, Salt Lake City Region.
Alaska Region	Dir, Alaska Region, Anchorage.
National Centers for Environmental Prediction	Dir Natl Ctr for Environmental Prediction.
	Dir Nat'l Severe Storms Lab.
NCEP Central Operations	Chief, Automation Division.
	Director, Central Operations.
	Director, Aviation Weather Center (AWC).
Environmental Modeling Center	Chief, Development Div.
Hydrometeorological Prediction Center	Chf, Meteorological Operations Division.
Climate Prediction Center	Dir Climate Prediction Ctr (CPC).
Storm Prediction Center	Director, Storm Prediction Center.
Tropical Prediction Center	Dir Tropical Prediction Ctr/Natl Hurricane Ct.
National Marine Fisheries Service	Dir Seafood Inspection Program.
	Dir Ofc of Sustainable Fisheries (SF).
	Director, Office of Habitat Protection.
Office of Fisheries Conservation and Management	Chief Intergovernmental & Recreational F & M.
Office of Protected Resources	Dir Ofc of Science & Technology.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
Northeast Fisheries Science Center	Science & Research Dir Northeast Region.
	Senior Advisor for International Relations.
Southeast Fisheries Science Center	Science & Research Dir.
Northwest Fisheries Science Center	Science & Research Dir.
Southwest Fisheries Science Center	Science & Research Dir Southwest Region.
Alaska Fisheries Science Center	Science and Research Director.
Office of Asst Administrator Satellite, Data Info Serv	Sr Sci for Environ Satel, D & I Serv (NESDIS).
	Director, Information Technology Mgmt Office.
Director Npoess Integrated Program	Systems Program Director.
National Climatic Data Center	Director, National Climatic Data Center.
National Oceanographic Data Center	Dir, Natl Oceanographic Data Center.
National Geophysical Data Center	Dir, National Geophysical Data Center.
Office of Systems Development	Dir Ofc of Sys Development.
Ofc of Asst Administrator, Ocean & Atmospheric Research	Program Director for Weather Research.
	Dep Asst Admr for Extramural Research.
National Sea Grant College Program	Director, National Sea Grant College Program.
Aeronomy Laboratory	Director, Aeronomy Laboratory.
Air Resources Laboratory	Director Air Resources Laboratory.
Atlantic Ocean and Meteorology Laboratory	Dir, Atlantic Oceanographic & Meteorological.
Geophysical Fluid Dynamics Laboratory	Director.
Great Lakes Environmental Research Laboratory	Dir Great Lakes Environmental Research Lab.
Pacific Marine Environmental Research Laboratory	Dir Pacific Marine Environmental Lab.
Space Environment Center	Dir, Space Environment Laboratory.
Environmental Technology Laboratory	Director.
Forecast Systems Laboratory	Director, Forecast Systems Laboratory.
Climate Monitoring and Diagnostics Laboratory	Dir Climate Monitoring & Diagnostics Lab.
Institute for Telecommunication Sciences	Assoc Admr for Telecommunications Science.
Its, Systems and Networks Division	Deputy Dir for Systems & Networks.
Patent and Trademark Office	Dep Admin for Legislative & International Aff.
Chemical Patent Exam Groups	Group Director 110.
	Group Director 120.
	Group Director—130.
	Group Director 150.
	Deputy Group Director—110.
	Group Director—180.
	Deputy Group Dir 150.
Office of Asst Commissioner for Patents	Administrator for Search & Information Res.
	Dep Asst Comm for Patent Process Services.
	Deputy Group Director—1300.
Electrical Patent Exam Groups	Group Director for 260.
	Group Director 210.
	Group Director for 220.
	Group Director—230.
	Group Director 240.
	Group Director 250.
	Deputy Director—250.
	Deputy Director—260.
	Deputy Director—230.
Mechanical Patent Exam Groups	Group Director—310.
	Group Director—320.
	Group Director—330.
	Group Director—340.
	Group Director—350.
Office of Asst Commissioner for Trademarks	Chairman, Trademark Trial & Appeal Board.
	Deputy Asst Commissioner for Trademarks.
	Director, Trademark Examining Operation.
Technology Administration	Dir International Science & Tech Initiatives.
National Institute of Standards and Technology	Chief, Optical Technology Division.
Office of Quality Programs	Director for Quality Programs.
	Dep Dir, Ofc of Quality Programs.
Program Office	Director, Program Office.
	Deputy Director, Information Tech Laboratory.
Office of International and Academic Affairs	Dir International & Academic Affairs.
	Chief Financial Officer.
Office of the Director for Technology Services	Deputy Director, Technology Services.
	Senior Policy Advisor for Standards & Technol.
Manufacturing Extension Partnership Program	Assoc Dir for National Programs.
	Dir, Manufacturing Extension Partnership Prog.
	Dep Dir, Manufacturing Ext Partnership Prog.
Office of the Director for Technology Partnerships	Dir, Office of Technology Commercialization.
Office of the Director's Office, Technology Innovation	Dir, Ofc of Technol Evaluation & Assessment.
Ofc of the Director's Ofc, Advanced Technology Program	Dir Information Technology Laboratory.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Dir, Chemical & Biomedical Technol Office.
	Associate Dir for Policy & Operations.
	Dep Director, Advanced Technology Program.
	Director, Advanced Technology Program.
	Dir, Materials & Manufacturing Technology Ofc.
	Dir, Electronics & Photonics Tech Office.
Electronics and Electrical Engineering Laboratory Ofc	Dir, Electronics & Electrical Eng Laboratory.
	Chief Optoelectronics Division.
	Deputy Director.
	Dir, Office of Microelectronics Programs.
Semiconductor Electronics Division	Senior Research Scientist.
Manufacturing Engineering Laboratory Office	Dep Dir, Manufacturing Engineering Laboratory.
	Dep Dir, Manufacturing Engineering Laboratory.
Precision Engineering Division	Chief, Precision Engineering Division.
Intelligent Systems Division	Chief, Intelligent Systems Division.
Chemical Science and Technology Laboratory Office	Chief Process Measurements Division.
	Dir, Chemical Sci & Technology Laboratory.
	Dep Dir, Chemical Sci & Technol Laboratory.
Surface and Microanalysis Science Division	Chf, Surface & Microanalysis Science Division.
Physical and Chemical Properties Division	Chief, Physical & Chemical Properties Div.
Analytical Chemistry Division	Chief, Analytical Chemistry Division.
Physics Laboratory Office	Director, Physics Laboratory.
	Mgr., Fundamental Constants Data Center.
	Coordinator of Radiation Measurement Services.
	Deputy Director, Physics Laboratory.
Electron and Optical Physics Division	Group Leader for FAR Ultraviolet Physics.
	Chief Electron & Optical Physics Division.
Atomic Physics Division	Chief, Quantum Metrology Division.
	Chief, Atomic Physics Division.
Time and Frequency Division	Chief, Time and Frequency Division.
Quantum Physics Division	Senior Scientist & Fellow of JILA.
	Senior Scientist & Fellow of JILA.
Materials Science and Engineering Laboratory Office	Dir, Materials Sci & Eng Laboratory.
Ceramics Division	Dep Dir, Materials Sci & Eng Lab.
	Chief, Ceramics Division.
Materials Reliability Division	Chief Materials Reliability Div.
Polymers Division	Chief, Polymers Division.
Reactor Radiation Division	Chief, Reactor Radiation Division.
	Group Leader Neutron Condensed Matter Science.
	Chief, Reactor Operations.
Building and Fire Research Laboratory	Dir, Building & Fire Research Laboratory.
	Dep Dir, Building & Fire Research Laboratory.
	Chief, Fire Safety Engineering Division.
Building Materials Division	Chf, Building Materials Div.
Building Environment Division	Chief, Building Environment Division.
Fire Science Division	Chief, Fire Science Division.
Computer Systems Laboratory Office	Associate Director for Program Implementation.
Advanced Network Technologies Division	Chief Advanced Network Technologies Div.
Computer Security Division	Chief, Computer Security Division.
Computing and Applied Mathematics Laboratory Office	Dep Dir, Computing & Applied Mathematics Lab.
	Associate Director for Computing.
	Chief High Perf Systems & Service Division.
Applied and Computational Mathematics Division	Chief Mathematical Computational Science Div.
Statistical Engineering Division	Chief, Statistical Engineering Division.
National Technical Information Service	Deputy Director, Natl Technical Info Service.
O/AD for Financial & Administrative Management	Assoc Dir for Finance & Administration Comptroller.
	Comptroller.
Commodity Futures Trading Commission:	
Office of the General Counsel	Deputy General Counsel (Options & Review).
	Deputy General Counsel (Litigation).
	Deputy General Counsel (Reg & Adm).
	Deputy General Counsel.
Office of the Executive Director	Dep Exec Dir.
	Dir, Ofc in Information Resources Mgmt.
Division of Economic Analysis	Dep Chf Economist.
	Chief Counsel.
	Associate Director for Surveillance.
Division of Enforcement	Deputy Director (Western Operations).
	Deputy Director (Eastern Operations).
	Associate Director.
	Associate Director.
	Associate Director 1.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
Division of Trading and Markets	Deputy Director (Contract Markets).
	Chief Counsel.
	Counsel for Special Projects.
Consumer Product Safety Commission:	
Ofc of Executive Dir	Asst Exec Dir for Compliance & Enforcement.
	Associate Executive Dir for Field Operations.
	Asst Exec Director for Information Services.
Office of Hazard Identification & Reduction	Asst Exec Dir for Hazard I & R.
	Assoc Exec Dir for Engineer/Sciences.
	Associate Executive Director for Economics.
Corporation for National and Community Service:	
ACTION	Senior Director For Budget & Trust Operations.
Department of the Chief Financial Officer.	Asst Dir for Financial Management.
Office of the Secretary of Defense:	Dep Asst to the Secry of Defense.
	Asst to the Secry of Def Intelligence Oversig.
Ofc Secy of Defense, Office of the Secretary	Dep Asst to the Sery of Defense.
	Asst to the Secry of Def Intelligence Oversig.
Office of Assistant Secretary (SOLIC)	Dep Asst Secy of Defense (Forces & Resources).
	Director for Budget and Execution.
	Director for Requirements & Programs.
	Dir Requirements & Technology & Acquisition.
Joint Activities	Director DESA.
Director, Operational Test and Evaluation	Dep Dir for Resources & Administration.
	Dep Dir for Live Fire Test & Evaluation.
Ofc of Inspector General	Deputy Inspector General.
	Asst Inspector General for Investigations.
	Dep Asst Inspector Gen for Investigations.
	Dep Asst Inspector General for Inspections.
	Asst Insp Gen for Adm & Info Management.
	Dep Asst Inspector Gen for Adm & Info Mgmt.
	Dir, Audit Planning & Technical Support.
	Director, Logistics and Support.
	Director, Contract Management.
	Director, Financial Management.
	Deputy Asst Inspector General for Auditing.
	Asst Inspector General for Auditing.
	Dir for Investigative Operations.
	Dep Asst Inspector Gen for Program Evaluation.
	Director, Readiness & Operational Support.
	Director, Acquisition Management Directorate.
	Asst Inspector General for Policy & Oversight.
	Director, Audit Followup Directorate.
	Dep Asst Insp Gen for Criminal Invest P & O.
	Dep Asst Inspect General Audit Policy Oversight.
	Director, Office of Departmental Inquiries.
	Deputy Inspector General for Intelligence.
ODASD (Requirements & Resources)	Director, Program and Budget Coordination.
Office of Assistant Secy of Defense (Force Mgmt Policy)	Director, Staffing & Career Management.
	Spec Asst DASD (CPP)/Dir, Def Cpms.
Department of Defense Education Activity	Chief of Educational Support Policy & Legisl.
	Dep Dir Dep of Defense Dependents School.
	Assoc Dir for Financial, Logistl, & Info Mgmt.
	Associate Director for Management.
Office Assistant Sec Health Affairs	Executive Dir, Def Medical Info Mgmt.
	Dir Info Management Tech & Reengineering.
Uniformed Serv. University of the Health Sciences	Scientific Director, Afrri.
Office of Asst Secy of Def for Public Affairs	Dir, Freedom of Information & Security Review.
	Dir, AFIS/DIR, AFR & Television Service.
	Dir Armed Forces Radio & Television Service.
	Dir Policy and Support.
Deputy Comptroller (Program Budget)	Dir, Prog & Fin Control.
	Dep Dir for Program & Financial Control.
Deputy Comptroller (Management Systems)	Dir, Contract Audit & Analysis.
	Deputy Chief Financial Officer.
Washington Headquarters Services	Director of Personnel and Security.
	Director Real Estate and Facilities.
	Dep Dir, Real Estate & Facilities.
	Dep Dir, Personnel and Security.
Office of the General Counsel	Deputy General Counsel (IG).
	Dir Def Ofc of Hearings & Appeals.
Ofc of Under Secy of Def for ACQ & Technology	Director for Defense Procurement.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Dep Dir Naval Warfare.
	Deputy Dir, Cost Pricing & Finance.
	Sr Staff Spec for Air Weapons Def Supp Sys.
	Dep Dir Munitions.
	Sr Staff Special for Air Superiority Systems.
	Dep Dir, Contract Pol & Administration.
	Dep Dir Land Warfare.
	Executive Director, Defense Science Board.
	Dir Computer Aided Logistics Support Office.
	Director, Pacific Armaments Cooperation.
	Dep Dir, Acquisition Resources.
	Dep Dir, Def Syst Procurement Strategies.
	Dir Planning & Analysis.
	Dep Dir, Foreign Contractor.
	Dep Dir Mayor Policy Initiatives.
	Staff Spec for Spec Tech Program.
	Special Asst Concepts & Plans.
	Deputy Director Defensive Systems.
	Dir OSD Studies & FFRDCA.
	Asst Dep Under Secy Def (Cruse Missile Def).
	Princ Dep Dir, Strategic & Tactical Systems.
	Dir, Prog Acquisition Strategies Improvement.
	Deputy Director Air Warfare.
	Dep Dir Arms Control Implementation Compl.
	Asst Dep Dir, Arms Control I & C.
	Dep Dir Information Technology Management.
	Director Ind Capabilities & Assessments.
	Asst Dep Under Sec of Def (ACQ P&P).
	Princ Asst Dep US of Def (Advanced Technol).
	Special Asst to the USD (A&T).
	Special Asst to DUSD (ES).
	Information Management Executive.
	Deputy Director (Resources & Ranges).
	Deputy Director (System Assessment).
Nuclear & Chemical & Biological Defense Programs (NCB)	Senior Policy Adv/Das Def (NCB).
	Das of Def (Nuclear Treaty Programs).
Ofc of the Dir, Defense Research & Engineering	Dir for Infor Tech.
Ofc of DD (Research and Advanced Tech)	Staff Specialist for Vehicle Propulsion.
	Dir Environmental & Life Sciences.
	Director for Life Sciences.
Ofc of DD (Tactical Warfare Progs)	Dep Dir Electronic Warfare.
Ofc of Asst Secy (Command, Control, Commun & Intel)	Director, Program Analysis & Integration.
PD/Deputy Asst Secy of Defense (Strategic & Tactical C3)	Director C3IA Planning & Strategics.
Deputy Assistant Secretary of Defense (Intelligence)	Dep Dir Counterintelligence.
	Deputy Dir, Def Air Borne Reconnaissance Ofc.
Ofc of Emergency Operations	Dir Weapons Technology.
Office of Under Secy Def (Acq & Tech)/DDR&E	Director, Sensor & Electronics Technology.
	Assistant Deputy Under Secretary of Def (FDP).
Defense Advanced Research Project Agency (DARPA)	Deputy Director, ASTO.
	Deputy Director, Management.
	Dir Electronic Systems Technology Office.
	Dir Sensor Technology Officer.
	Dir Martime Systems Technology.
	Executive Dir, Defense Science Office.
	Special Asst, Information Technology.
	Dep Dir for Warefare Info Technology.
	Deputy Director DARPA.
	Program Manager (Joint Applications Study Group).
	Program Manager (Acqusition Innovation).
	Director Ofc of Management Operations.
Contracts Management Office	Dir, Contracts Management Office.
Office of the Joint Chiefs of Staff	Dep Dir for Wargaming, Simulation & Analysis.
Ballistic Missile Defense Organization	Assoc Deputy for I & C Technology.
	Deputy for Program Operations.
	Director, Contracts Directorate.
	Deputy for Technology Operations.
	Asst Dep for Theater Air & Missile Defense.
	Deputy for System Integration.
	Chief Architect/Engineer.
	Deputy Chief Architect/Engineer.
	Asst. Deputy for Technical Operations.
	Deputy for System Development.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
Defense Contract Audit Agency	Director, DCAA.
	Deputy Director, DCAA.
	Assistant Director, Operations.
	Asst. Dir, Policy & Plans.
	Director, Field Detachment.
	Deputy Regional Director, Western Region.
Regional Managers	Regional Director, Eastern.
	Regional Director, Northeastern.
	Regional Director, Central.
	Regional Director, Western.
	Regional Director, Mid-Atlantic.
	Dep Regional Director Eastern Region.
	Deputy Regional Director Northeastern Region.
	Deputy Regional Dir Central Region.
	Dep Reg Dir Mid Atlantic Region.
Defense Logistics Agency	Special Asst for Integrity in Contracting.
	Dir, Defense Manpower Data Center.
	ADUSD (Continuous Acq & Life Cycle Support).
	Executive Director, Human Resources.
	Chief Actuary.
	Dep Gen Counsel (Acquisition & Contract Mgmt).
	Dep Commander, Def Construction Supply Ctr.
	Dep Commander Defense Industrial Supply Ctr.
	Director CPMS.
	Deputy Commander Defense Distribution Center.
	Administrator DLA Systems Design Center.
	Exe Dir, Resource, Planning & Performance Dir.
	Chief Information Officer.
	Dep Exec Dir Logistics Management.
	Dir, Civilian Personnel Mgmt Service.
	Director Defense Energy Support Center.
	Executive Director, Human Resources.
Office of Deputy Director, Acquisition	Executive Director, Contract Mgmt Operations.
	Exec Dir, OPL Assessment & Programming ACQ.
	Dep Commander, Def Contract Mgmt Command.
Ofc of Staff Dir—Small & Disadvantaged Business Util	Staff Dir, Small & Disadv Busn Utilization.
Office of General Counsel	General Counsel, DLA.
	Deputy General Counsel (Administration).
Office of the Comptroller	Comptroller.
Office of Deputy Director: Corporate Administration	Logistics Mgmt Advr, DLA Chair (ICAF).
	Admin, Defense Automated Printing & Supp Ctr.
Office of the Deputy Director, Material Management	Executive Director Procurement.
	Deputy Commander, Defense General Supply Ctr.
	Executive Dir, Info System & Technology Dir.
	Deputy Commander (DLSC).
Defense Personnel Support Center	Deputy Commander, DPSC.
	Dep Commander, Def Fuel Supply Center.
Defense Training & Performance Data Center	Deputy Dir Defense Manpower Data Center.
Defense Contract Management	Executive Director, Program Integration.
Defense Information Systems Agency	Dep Director for Strategic Plans & Policy.
	Special Assistant for Liaison Activities.
	Chief, Technology & Standards Division.
	Professor of Information Science.
	Special Asst/Infrastructure & Info Assurance.
	Principal Advisor for DII Coe & Shade.
	Deputy Commander Center for Syst Engineering.
	Dir, Joint Electronic Commerce Prog Office.
	Chief Engineer, Information Systems Security.
	Technical Adv, C4I Sys, Prog & Info Assurance.
	Chief, Networks Division.
	Chief, Combat Support Division.
	Deputy Commander, Center for Integration.
	Advisor for Cross Program Integration.
	Dep Commander, Ctr/Applications Engineering.
	Chief Spectrum Anal & Mangnt Division.
Office of the Director	Deputy Manager National Commun Systems.
	Inspector General.
Directorate for Strategic Plans and Policy	Chief Information Officer.
	Tech Adviso, Strategic Plans, Program & Policy.
National Communications System	Chief, Current Network Operations Division.
DISA (Field Activity)	Deputy Commander Center for Standards.
	Dep Comm Ctr for Computer Systems Engineering.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Deputy Commander for OPS, Disa Westhem.
Directorate for C4 & Intelligence Programs	Tech Dir Joint Intero & Eng Comm (JIEO).
	Associate Deputy Director C4I Programs.
	Deputy Dir C4I Integration Support Activity
	Tech Dir Adv Info Tech Services Joint Prog
	Dep Dir for C4I Programs.
	Dep Dir for C41 Modeling, Simulation & Assess.
	Associate Deputy Commander, Ctr for Standards.
	Chief Current Network Operations.
Directorate for Operations	Asst Deputy Dir for Operations.
	Chief Operational Requirement Customer Servic.
	Technical Dir, Space Information Syst Office.
Directorate DISA for Logistics, F & S Projects	Dep Dir for Procurement & Logistics.
	Chief Management Support Operations Disa West.
Directorate for Personnel and Manpower	Dep Dir for Personnel & Manpower.
Directorate for Engineering & Interoperability	Assoc Dir for Technical & Management Support.
Directorate for C4 Modeling, Simulation and Assessment	Assoc Deputy Director for C41 Modeling, S & A.
Directorate for Enterprise Integration	Director, Technical Integration Office.
	Deputy Director for Joint R A & I.
Comptroller Directorate	Comptroller.
Defense Special Weapons Agency	Director for Electronics and Systems.
	Director for Weapons Effects.
	Chief, Weapons Lethality Division.
	Chief, Electronics Technology Division.
	Dir, Acquisition Management.
	Deputy Director, Operations Directorate.
	Deputy Director.
	Chief, Simulation and Test Division.
	Deputy for Nuclear Matters.
	Director for Programs.
	Prog Dir, Hard Target Defeat Program Office.
	Program Director, Special Programs Office.
	Dir for Counterproliferation Programs.
Defense Security Assistance Agency	Chief Information Officer.
Defense Finance & Accounting Service	Deputy Director, Cleveland Center.
Defense Security Service	Dir, Defense Investigative Service.
	Special Asst to the Director.
	Deputy Director for Policy.
	Dir/Investigations Ctrl & Industrial Clearance.
	Chief Operating Officer.
	Dir, Special Asst to the Dir, DSS for ADJ Ref.
	Dir DOD Polygraph Institute.
	Chief Operating Officer.
	Comptroller.
Defense Commissary Agency	Executive Director for Operations.
Department of Air Force:	
Office of Administrative Assistant to the Secretary	Administrative Assistant.
	Dep Admin Assistant.
Office of Small & Disadvantaged Business Utilization	Dir, Ofc of Small & Disadv Bus Utilization.
Office of the Inspector General	Dep Asst Inspector Gen/Spec Investigations.
Office of Asaf for Financial Management & Comptroller	Principal Dep Asst Secry (Financial Mgmt).
ODAS Budget	Deputy for Budget.
	Director of Budget Investment.
	Director of Budget Management & Execution.
ODAS Cost & Economics	Dep Asst Secy (Cost & Economists).
	Dep Asst (Cost & Economists).
Office of Asaf for Acquisition	Principal Das (Acquisition & Mgmt).
Centralized Rfp Support Team Office	Dir, Centralized Rfp Support Team.
ODAS Science, Technology & Engineering	Das (Science, Technology & Engineering).
ODAS Management Policy & Program Integration	Dep Asst Secy (Mgmt Pol & Prog Integration).
ODAS Contracting	Assoc Dep Asst Secy (Contracting).
Air Force Program Executive Office	Program Exec Officer, Info Systems.
	Prog Exec Ofcr, Conventional Strike.
	Prog Executive Officer Logistics Systems.
	Program Executive Officer Space.
Ofc of ASAF for Manpower, Reserve Affairs, Install & Env	Dep for Air Force Review Boards.
Air Force Base Conversion Agency	Dir Air Force Base Conversion Agency.
Office of the Chief of Staff	Air Force Historian.
Test and Evaluation	Deputy Dir Test & Evaluation.
Deputy Chief of Staff, Communications & Information	Director of CIO Support, AFCIC.
Civil Engineer	Deputy Civil Engineer.
Services	Director of Services.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
Maintenance	Associate Director of Maintenance.
Logistics Support & Integration	Director of Plans & Integration.
	Deputy Dir for Global Combat Support System.
Supply	Chief Modification & O&M Programs Division.
	Chief, Combat Support Division.
Field Operating Agencies	Dir AF Center for Environmental Excellence.
Deputy Chief of Staff, Plans & Programs	Asst Deputy Chief of Staff Plans & Programs.
Manpower, Organization & Quality	Deputy Director for Manpower, Org & Quality.
Programs	Associate Director of Programs & Evaluation.
Strategic Planning	Dep Dir of Strategic Planning.
Deputy chief of Staff, Personnel	Asst Deputy Chief of Staff Personnel.
	Dir Civil Personnel Policy & Personnel Plans.
	Dir of Personnel Force Development.
	Dep Dir Personnel Management.
Field Operating Agencies	Dir Air Force Personnel Operations Agency.
Deputy Chief of Staff, Air and Space Operations	Dep Dir of Operational Requirements.
	Assoc Dir Modeling Simulation & Analysis.
	Associate Director for Civil Aviation.
	Associate Director of Operations.
Personnel	Director, Personnel.
Contracting	Deputy Director Contracting.
	Dep Dir Contracting.
Logistics	Deputy Director, Logistics.
Engineering & Technical Management	Director, Engineering & Technical Mgmt.
Financial Management & Comptroller	Dep Director, Financial Mgmt & Comptroller.
Communications & Information	Director, Communications & Information.
Plans & Programs	Deputy Director, Plans & Programs.
Space and Missile Systems Center	Exeuctive Director.
	Director Contracting.
Electronic Systems Center	Executive Director.
	Prog Dir for Air Base Decision Systems.
	Director, Plans & Advanced Programs.
	Prog Dir Strategic & Nuclear Deterrence C2.
Standard Systems Center	Director, Standard Systems Center.
Aeronautical Systems Center	Executive Director.
	Director System Management.
	Dir Financial Management & Comptroller.
Development Planning	Dir Advanced Systems Analysis.
Engineering Directorate	Dir Systems Engineering.
Directors of Engineering	Dir of Engineering F–22.
	Dir of Engineering C–17.
	Director of Engineering Propulsion.
	Director of Engineering Joint Strike Fighter.
Systems Program Offices	Prog Dir Joint Air-to Surface Standoff Miss.
	Program Dir Air to Air Joint Spo.
Human Systems Center	Executive Director.
Air Force Research Laboratory	Executive Director, AFRL.
	Director, Plans & Programs.
	Assoc Dir for Investment Strategy.
	Director, AFRL Washington Office.
	Dir High Perf Computing Modernization.
Air Vehicles Directorate	Assoc Dir for Air Platforms.
Space Vehicles Directorate	Director, Space Vehicles.
	Assoc Dir for Space Vehicles.
Information Directorate	Dir Information.
Directed Energy Directorate	Director Directed Energy.
Materials and Manufacturing Directorate	Director, Materials & Manufacturing.
	Assoc Dir for Manufacturing Tech & Afford.
Sensors Directorate	Director Sensors.
	Associate Director for Sensors.
Propulsion Directorate	Director, Propulsion.
Human Effectiveness Directorate	Director, Human Effectives.
Arnold Engineering Development Center	Executive Director.
Air Force Development Test Center	Executive Director.
Air Force Flight Test Center	Executive Director.
Air Logistics Center, San Antonio	Executive Director.
	Director, Financial Management.
	Product Group Manager, Propulsion Systems.
	Dir, Privatization & Realignment.
Air Logistics Center, Oklahoma City	Executive Director.
	Director, Financial Management.
	Director, Commodities Management.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Director, Contracting.
Air Logistics Center, Warner Robins	Execitive Director.
	Director, Financial Management.
	Director, Technology & Industrial Support.
	Director, Contracting.
Air Logistics Center, Ogden	Executive Director.
	Director, Financial Management.
	Director, Technology & Industrial Support.
	Director Commodities.
	Director, Contracting.
Air Logistics Center, Sacramento	Executive Director.
	Director, Financial Management.
	Director, Contracting.
Air Force Audit Agency	Auditor General of the Air Force.
	Asst Aud Gen (Materiel & Systems Audits).
	Asst Aud Gen (Field Activities).
	Asst Aud Gen (Operations).
	Asst Aud Gen (Financial & Support Audits).
Air Combat Command	Senior Technical Director ASC2 Agency.
Air Education & Training Command	Provost, Air University.
Air Mobility Command	Principal Dep Dir of Operations for Transport.
Air Force Reserve Command	Assistant Vice Commander.
	Director, Plans.
	Air Commander 4th Air Force.
	Air Commander 10th Air Force.
	Air Commander 22nd Air Force.
	Air Commando 22nd AF.
AF Space Command	Sr Scientist & Tech Advisor for AFSPACECOM.
AF Operational Test & Eval Ctr	Technical Director.
U.S. Central Command	Scientific Advisor.
U.S. Strategic Command	Assoc Dir for Strategic Planning.
	Dep Dir Comd Ctrl Comm Computer & Intel Sys.
Department of Army:	
Office of the Secretary	Special Asst to the Under Secretary.
	Dir Single Agency Mgr for Pentgon Info Tech.
Office Deputy Under Secretary of Army (OPS Research)	Spec Asst for Air & Missil Defense.
	Special Asst for Forces & Program Evaluation.
	Asst Dep Under Secy of the Army for Oper Res.
	Special Assistant for Electronic Systems.
	Dir, Test and Evaluation Management Agency.
	Dir, U.S. Army Model I & S Management Agency.
Office Under Secretary of the Army (Intl Affairs)	Dir of International Dev & Security Asst.
Office Administrative Asst to the Sec of Army	Adm Asst to the Secy of the Army.
	Dep Admin Asst to the Secy of the Army.
Office of the General Counsel	Deputy General Counsel (Ethics & Fiscal).
Ofc Asst Secretary Army (Civil Works)	Deputy ASA (Management & Budget).
	Das of the Army (Policy & Legislation).
Ofc Asst Sec Army (Financial Management & Comptroller)	Assistant Deputy ASA for Army Budget.
	Deputy for Cost Analysis.
	Dir of Investment.
	Das of the Army (Financial Operations).
	Spec Adv for Economic Pol & Productivity Prog.
	Director for Business Resources.
Ofc Asst Sec Army (Manpower & Reserve Affairs)	Director for Civilian Personnel Mgmt & OPS.
	Deputy Asst Secy of the Army (ARBA).
Ofc Asst Sec Army (Research, Development & Acquisition)	Deputy Asst Secy of the Army (Procurement).
	Das for Res & Tech/Chief Scientist.
	Dep Asst Secy for Plans & Programs.
	Director for Research.
	Director for Technology.
	Director for Assessment & Evaluation.
HADA Army Acquisition Executive	Dep Prog Mgr for Chem Demiliarization Oper.
	Deputy Peo, Armored Systems Modernization.
	Dep Prog Exec Ofcr, Command & Control Systems.
	Deputy Prog Executive Officer Comm Systems.
	Program Executive Officer Stamis.
	Dep Program Executive Officer for Aviation.
	Dep Peo. Intelligence & Electronic Warfare.
	Prog Exec Ofcr, Tactical Wheeled Vehicles.
	Deputy Prog Executive Ofcr. Missile Defense.
	Program Manager, National Missile Defense.
	Dep Prog Executive Ofcr Tactical Missiles.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Prog Manager for Chemical Demi Operations.
	Dep Prog Executive Officer for Fire Supp Sys.
Ofc of Dir of Info Sys For Comm, Contl, Comms/Computers	Vice Director To the Disc4.
	Dir of Army Information.
Army Audit Agency	The Auditor General.
	Deputy Auditor General.
	Director, Logistical & Financial Audits.
	Dir, Acquisition & Force Mgmt.
	Dir Audit Policy Plans and Resources.
Operations Test & Evaluation Command (OCSA FOA)	Tech Dir, Test & Exper Command.
	Dir Evaluation Analysis Center.
USA Space & Stategic Def Comm Huntsville AL (OCSA FOA)	Prin Assistant Resp for Contracting.
	Assistant Director for Discrimination.
	Dir, Advanced Technology Directorate.
	Director, Weapons Directorate.
	Dir Miss Def Battle Integration Ctr.
Army Center of Military History (OCSA FOA)	Chief Historian.
Office, Assistant Chief of Staff for Installation Mgmt	Dep Asst Chief of Staff for Installation Mgmt.
Office, Deputy Chief of Staff for Logistics	Asst Dir for Maintenance Mgmt.
	Asst Dir for Transportation.
	Director for Resources and Management.
	Executive Director, Strategic Logistics Agcy.
	Chief Aviation Logistics Office.
	Associate Dir for Supply & Mintenance.
Office Deputy Chief of Staff for Operations & Plans	Tech Adv to the DCSOPS.
	Dir, U.S. Army Nuclear & Chemical Agency.
	Director Army Model & Simulation Office.
Office, Dep Chief of Staff for Personnel	Director of Manprint.
Army Research Institute (DCSPER FOA)	Dir, US Army Res Inst & Chief Psychologist.
	Dir, Manp & Pers Res Lab & Assoc Dir, ARI.
U.S. Total Army Personnel Command (DCSPER FOA)	Director Army Declassification Activity.
National Guard Bureau	Program Manager, Res Comp Auto Sys.
Walter Reed Army Institute of Research	Chief Dept of Pharmacology.
Training and Doctrine Command (TRADOC)	Scientific Advisor to CG.
	Asst Deputy Chief of Staff for Resources Mgmt.
	ADCOS for Training Policy Plans and Programs.
	Deputy to the Commanding Gen, CASCOM.
	Asst Dep Chif of Staff for Base OPS Support.
	Asst Dep Chief of Staff for Combat Develop.
	Dep Chief of Staff for Base Operations Supp.
TRADOC Analysis Center	Director.
	Director of Operations.
	Director of Operations.
National Simulations Center	Technical Director National Simulations Ctr.
Military Traffic Mgmt Command	Deputy to the Commander.
	Special Asst for Transportation Engineering.
U.S. Army Forces Command	Deputy Director Resource Management.
	Asst DCS for Pers & Inst Mgmt.
U.S. Army Signal Command	Technical Director/Chief Engineer.
U.S. Army Corps of Engineers	Dir of Real Estate.
	Director of Human Resources.
	Director Resource Management.
	Director, U.S. Army Center for Public Works.
	Principal Asst Responsible for Contracting.
	Dep to the Commander for Prog & Tech Mgmt.
Directorate of Research & Development	Asst to Chf of Eng for R & D & Dir R & D Dir.
	Asst Dir for Research & Dev (Civil Works Prog).
	Asst Dir Research & Dev (Military Prog).
Directorate of Civil Works	Deputy Director, Civil Works.
	Chief, Programs Management Division.
	Chief, Planning Division.
	Chief Engineering Division.
	Chf, Ops, Construction & Readiness Division.
	Chief Policy Review & Analysis Division.
Directorate of Military Programs	Deputy Director, Military Programs.
	Chief Construction Division.
	Chief, Engineering Division.
	Chief, Programs Management Division.
	Chief, Environmental Restoration Division.
Directors of Programs Management	Dir Programs Management, MVD.
	Dir Programs Management, NAD.
	Director of Programs Management.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Director Programs Management.
	Dir Programs Management, POD.
	Dir of Programs Management, SAD.
	Dir Programs Management, SPD.
	Dir Programs Management, SWD.
Directors of Engineering & Technical Services	Director of Engineering & Technical Services.
	Dir Engineering & Technical Services, NWD.
	Dir Engineering & Technical Services NAD.
	Dir Engineering & Technical Services, LRD.
	Dir Engineering & Technical Services, NWD.
	Dir Engineering & Technical Services, LRD.
	Dir Engineering & Technical Services, POD.
	Dir Engineering & Technical Services, SAD.
	Dir Engineering & Techical Services, SPD.
	Dir Engineering & Technical Services, SWD.
Engineer Waterways Experiment Station, COE	Dir Waterways Experiment Station.
	Director, Geotechnical Laboratory.
	Director Hydraulics Laboratory.
	Director Environmental Lab.
	Director, Structures Laboratory.
	Director Coastal Engineering Research Center.
Engineer Topographic Laboratories, C of Engineers	Director.
Construction Engineering Res Lab Champaign, IL	Director.
Cold Regions Research & Engineering Lab Hanover, NH	Director.
Office of DCS for Logistics & Operations	Asst Dep Chief of Staff for Logs & Operations.
Special Analysis Office	Chief Special Analysis Office.
Office Deputy Commanding General	Principal Deputy for Logistics.
	Principal Deputy for Acquisition.
	Principal Deputy for Technology.
Army Research Office (AMC)	Director.
	Dir, Research & Technology Integration.
	Director, Engineering Sciences Directorate.
	Director, Physical Sciences Directorate.
Office of DCS for Research, Dev and Acquisition	ADCS for RDA Science Technology & Engineering.
Office of Deputy Chief of Staff for Ammunition	Asst Deputy Chief of Staff for Ammunition.
Office of DCS for Acquisition	Asst Dep Chief of Staff for Res DAAC & P Mgmt.
Office of Deputy Chief of Staff for Personnel	Deputy Chief of Staff for Personnel.
Office of the Deputy Chief of Staff for Res Management	Deputy Chief of Staff for Resource Management.
	ADCS for Resource Mgmt/Exec Dir for Busin.
USA Security Assistance Command	Deputy.
US Army Industrial Operations Command	Deputy to the Commander.
U.S. Army Chemical & Biological Defense Command	Deputy to the Commander.
US Army C & B Def Command (CBDCOM)-Edgewood RD&E Center.	Director, Engineering Directorate.
	Dir, Res & Technology Directorate.
	Technical Director.
U.S. Army Soldier Systems Command	Deputy to the Commander.
Natick Research Development & Engineering Center	Director, Natick RD & E Center.
	Dir, Individual Protection Directorate.
	Director, Soldier Science Directorate.
US Army Communications Elect Comd (CECOM)	Deputy to the Commander.
	Assoc Dir, CECOM ACQ Center—Washington.
	Director C3I Acquisition Center.
	Dep to CMD Business Mngt & Strategic Planning.
CECOM Research, Development & Engineering Center	Director/Army Systems Engineer.
	Dir, Space & Terrestrial Comm Directorate.
	Dir, I & E Warfare Directorate.
	Dir, Software Engineering Directorate.
	Dir for C4I Log & Readiness Center.
	Assoc Tech Dir Research Devel & Engineering Ctr.
	Director, Command, Ctrl & Syst Integration Dir.
U.S. Army Research Laboratory	Director.
	Director Sensors Directorate.
	Dir, Information Sci & Technology Directorate.
	Dir, Sensors and Electron Devices Directorate.
	Dep Dir Info Sci/Tech/Dir of Atmospherics Res.
	Deputy Director.
Associate for Plans, Programs and Budget	Dir, Associate for Plans, Programs and Budget.
Electronics & Powers Sources Directorate	Director.
Advanced Computing & Information Sciences Directorate	Dir Corporate Information & Computing Ctr.
US Army Weapons Technology Directorate (ARL)	Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
Human Research and Engineering Directorate (ARL)	Director, Human R & E Directorate.
US Army Materials Directorate (ARL)	Director.
U.S. Army Aviation and Missile Command (AMCOM)	Deputy to the Commander.
	Executive Director, Acquisition Center.
	Executive Dir, Integrated Materiel Mgmt Ctr.
	Deputy Executive Director for Tmde.
	Dep to Cmd for Business Mgmt & S P
	Deputy to the Commander.
	Executive Director Acquisition Center.
	Executive Dir Integrated Material Magnt Ctr.
Missile Res Development & Engineering Center (RDEC)	Tech Dir for M & D, Res, Dev & Eng Center.
	Dir for System Engineering & Production.
	Director for Propulsion.
	Dir for Systems Simulation & Development.
	Associate Director for Systems, Missiles.
	Director for Weapons Sciences.
	Dir for Missile Guidance.
Aviation Research, Development and Engineering Center	Techn Dir (Aviation) & ED-US Army Ard & Ec.
	Director of Aviation Engineering.
	Dir of Aeroflight Dynamics.
	Dir of Advanced Syst/Assoc Dir for Technol.
	Assoc Dir for Tech Appl/Dir of Spec Prog.
Tank-Automotive and Armaments Comd (TACOM)	Deputy to the Commander.
	Director of Acquisition Center.
	Director, Integrated Materiel Mgmt Center.
	Dir US Army Armament & Chemical A & L Act.
Tank-Automotive Res, D & E Center (TARDEC)	President/Director.
	Vice President for Research.
	Vice President for Customer Engineering.
	Vice President for Product Development.
US Army Armament Research, D & E Center (ARDEC)	Technical Director for Armament.
	A/Tech/Dir (Systems Concepts & Technology).
	A/Tech/Dir/ (Sys Development & Engineering).
	Assoc Tech Dir (Producib & Process Technol).
Warleads, Energetics & Combat Support Armaments Center	Dir, We & Combat Support Armaments Center.
Fire Support Armaments Centers	Dep Director Fire Support Armaments Center.
Close Combat Armaments Center	Deputy Director, Close Combat Armament Ctr.
US Army Simulation, Training & Instrumentation Command	Deputy to the Commander.
US Army Test and Evaluation Command, (TECOM)	Tech Dir & Chf Sci.
	Director, Technical Mission.
	Dir, Joint Prog Ofc for Test & Evaluation.
US Army Materiel Systems Analysis Activity	Director.
	Chief, Combat Integration Division.
	Chief, Combat Evaluation Division.
Headquarters, US Army, Europe	Asst Dep Chf of Staff, Personnel (Civ Pers).
	Asst Dep Chief of Staff Eng for Eng & Housing.
	Assistant Deputy Chief of Staff Res Mangnt.
	Asst Dep Chf Staff for Eng (Intl Affairs).
U.S. Army Special Operations Command	Dir of Force Development & Integration.
National Defense University	Dir, Information Resources Management College.
U.S. Southern Command	Spec Asst for Technology & Requirements Integ.
Department of Navy:	
Office of the Under Secretary of the Navy	Assistant for Administration.
Office of the Auditor General	Auditor General of the Navy.
Naval Audit Service	Eastern U.S. Audit Services Facilitator.
	Director, Plans and Policy.
	Dir, Naval Audit Service Western Region.
	Dir, Naval Audit Service Capital Region.
	Dir Program & Financial Audits Directorate.
Naval Criminal Investigative Service	Dir Naval Criminal Invest Service.
	Asst Dir of Counterintelligence.
	Special Agent in Charge Norfolk Field Ofc.
	Special Agent in Charge.
	Deputy Director, NCIS.
Ofc of the Asst Secy of Navy (Manpwr & Res Affs)	Dir, Human Resources Operations Center.
	Associate Director (OCPM–20).
	Assist Gen Coun (Manpower & Reserve Affairs).
	Director, Plans, Programs & Diversity.
	Dep A/S of the Navy (Civilian Persnl P/EEO).
OAS of Navy (Installations & Environment)	Asst General Counsel (Install & Environment).
OAS of the Navy (Research, Dev & Acquisition)	Asst Gen Coun (Res, Dev & Acquisition).
	Director, Navy Acquisition R&S Improvement.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Director, Procurement Policy.
	Head, Contract Policy.
	Dir, Intl Agreements, TTSARB & Special Proj.
	Director, Acquision Career Management.
	DASN Plann & Programming & Resource.
	Dep Dir Navy International Programs Office.
Program Executive Officers	Chief Systems Engineer, Theater Air Defense.
	Dep Program Executive Officer Surface Combata.
	Director, Plans & Programs Division.
	Chf Engr.
	Asst for Fire Control & Guidance Systems.
	Branch Head, Reentry Systems Branch.
	Dep P/E Officer for Unmanned Aerial Vehicles.
	Dep Prog Exec Officer for Theater Air Defense.
	Technical Plans Officer.
	Head, Res Branch & DE Dir, Plans & Progs Div.
	Assistant for Missile Engineering Systems.
	Dep P/E Officer for Cruise Missiles Program.
	Prog Manger for Comm Satellite Programs.
	Dep Prog Officer Submarines.
	Program Executive Officer, Undersea Warfare.
	Asst for Systems Integration & Compatibility.
	Dep Prog Exec Ofcer for ASW, A/S Mission Prog.
	Dep Prog Exec Ofcer for Tactical Air Programs.
	Deputy PEO, Mine Warfare.
	Dep Prog Exe Ofc for Unmanned Aerial Vehicles.
	Prog Exec Officer for Space Comms & Sensors.
	AEGIS Deputy Program Manager.
	Prog Exec Officer Asw Assault & Spec Miss Pro.
	Chief Engineer, Peo, Scs.
	Program Manager Ship Self Defense.
Ofc of the Asst Secy of Navy (Fin Mgmt Comptroller)	Assoc Dir, Budget & Reports/Fiscal Manag Div.
	Asst General Counsel (Financial Management).
	Dir, Investment & Dev Div.
	Dir, Financial Mgmt Pol & Systems Division.
	Dir, Budget Evaluation Group.
	Dir Resource Allocation & Analysis Division.
	Director, Financial Management Division.
	Director, Civilian-Contractor Manpower Div.
Naval Center for Cost Analysis	Dir Naval Center for Cost Analysis.
Office of the Naval Inspector General	Deputy Naval Inspector General.
Office of the General Counsel	Special Counsel for Litigation.
Chief of Naval Operations	Asst Dep Chf of Naval Operations (Logistics).
	Dep Dir of Naval Training.
	Asst Dep Chief Naval Oper Res Warfare.
	Asst Dep Chf of Naval Oper Manpower/Personnel.
	Head, Studies & Analysis Branch.
	Associate Director, Assessment Division.
	Tech Dir, Submarine & Ssbn Security Program.
	Technical Director.
	Advisor for Research & Development Programs.
	Dep Dir, Supportability, M & M Division.
	Deputy Director for Programming.
	Head Assessment & Affordability Branch.
	Assoc Dir, Expeditionary Warfare Division.
	Dir Naval History/Dir, Naval Historical Ctr.
	Head Deep Submergence Systems Branch.
	Exe Director, Shore Installation Mgmt Div.
	Dep Dir Envir Protection Safety Occp Heal Div.
	Director Strategic Sealift Division.
Bureau of Naval Personnel	ACNP for MPN Financial Management.
Bureau of Medicine & Surgery	Dep Commander for Fin Mgmt & Comptroller.
Military Sealift Command	Counsel.
	Comptroller.
	Asst Dep Comdr for Business Operations.
Naval Meteorology & Oceanography Comm, Stennis Sc, MS	Technical/Deputy Director.
Ofc of Commander in Chf/Allied Forces/Southern Eur	Dir Joint Train Analysis & Simulation Ctr.
	Dep Dir Fleet Maintenance.
	Deputy Director Shore Activities Readiness.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Dir Command Control Communication Computer Sy.
	Dir Warfare Programs & Readiness.
Ofc of the Commander-in-Chief, U.S. Pacific Command	Chief, Research & Analysis.
CINCPACFLT	Deputy Director Fleet Maintenance.
	Deputy Director Shore Installation Management.
	Executive Director, Planning & Resources.
Ofc of the Chief of Naval Education and Training	Comptroller.
Naval Air Systems Command Headquarters	Standards Improvement Executive.
	Executive Dir, Corporate Operations.
	Federal Quality Consultant.
	Deputy Commander for Acquisition & Operations.
	Executive Director for Logistics.
	Executive Director for Contracts.
	Deputy Comptroller.
	Counsel, Naval Air Systems Command.
	Assoc Director Weapons Sys Eng Division.
	Deputy Head, Avionics Dept.
	Deputy Head Air Vehicle Dep.
	Dep Head Logistics Management.
	Head, Tactical A&M Contracts Department.
	Head Aircraft Support Dept.
	Head Cost Department.
	Deputy Acquisition Executive.
	Executive Director for Engineering.
	Dir Industrial Operations.
	Head Concepts Analysis Evaluation Plan Dept.
	Head Propulsion & Power Systems Dept.
	Dep Head Aircraft Sys Engineering Department.
	Head Logistics Support Department.
	Deputy Commander, Naval Air Sys Command.
	Head, Cruise M & U Aerial Vehicles Dept.
	Dir Budget Formulation Justification Exe Div.
	Deputy Counsel, Navair.
	Executive Dir for Industrial Capabilities.
	Dir Naval Aviation Science & Tech Office.
	Asst Commander for Corporate Operations.
	Dir, Technology Maturation Directorate.
	Head Air ASW Assault & Special Mission Prog.
	Special Asst for Navy Test & Evaluation.
Naval Air Warfare Center Aircraft Division Lakehurst	Director, Engineering & Research.
	HD Supp Equip Aircraft Launch & Recovery Dept.
Naval Air Warfare Center Aircraft Division	Exec Dir, T & E Group NAWC—Aircraft Div.
	Head, Air Vehicle Department.
	Head, Avionics Department.
	Dir of Atlantic Ranges & Facilities Dept.
	Dep Commander, NAWC—Aircraft Division.
Naval Air Warfare Center Weapons Div, China Lake, CA	Head, Res and Technology Division
	Head, Pacific Ranges & Facilities Depart.
	Head, Avionics Dept.
	Head Test Evaluation Engineering Department.
	Head, Syst Engineering Department.
	Director for Test & Evaluation.
	Head Weapons Engineering Dept.
	Dir, Aircraft Weapons Systems Directorate.
	Dir For Eng, NAWC—Weapons Division.
	Director of Corporate Operations.
	Head, Threat/Target Syst Depart.
Naval Training Systems Center	Executive Director.
	Dir of Acq, Analysis, Engineering & Research.
Space & Naval Warfare Systems Command	Exec Dir, Contracts.
	Deputy Comptroller.
	Counsel Space & and Naval Warfare Systems Com.
	Technical Director.
	Chief Eng Comms Sys Program Directorate.
	Chief Engineer Command Sys Prog Directorate.
	Executive Dir, Space Tech Systems Prog Dir.
	Dep Executive Dir for Corporate Operations.
	Exec Dir, Undersea Surveillance Prog Dir.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Exe Dir, Intelligence S & R System Prog Dir.
	Dir of Tech Head Engineering Tech Group.
	Dir Naval Space & Electronic Warfare/C4ISR.
	Prog Dir Command C & C System Program Dir.
	Executive Director, NWSAED.
	Prog Dir, I & E Warfare Syst Program Dir.
	Asst Comdr for Pol, OPS & ACQ Support Direct.
	Deputy Commander.
	Deputy Chief Engineer.
	Dir Strategic Corporate Plann & Devel Office.
	Exec Dep Dir Info Supp Sys Progr Directorate.
Space and Naval Warfare Systems Center	Head Intelligence S & R Department.
	Executive Director.
	Head Navigation & Applied Sciences Dept.
	Head, Command and Control Department.
	Dep Exec Dir Sci Tech Engineering.
	Head Communication & Information Sys Dept.
Space and Naval Warfare Center, Charleston	Executive Director.
Naval Facilities Engineering Command	Senior Executive for Public Works Support.
	Director Navy Crane Center.
	Counsel Naval Facilities Engineering Command.
	Deputy Comptroller.
	Director for Contracts Support.
	Chief Engineer.
	Dir of Real Estate Support.
	Dir of Base Closure.
	Director of Environment.
Naval Sea Systems Command	Executive Director.
	Counsel Naval Sea Systems Command.
	Asst Dep Commander for Contracts.
	Executive Director/Deputy Comptroller.
	Prog Mgr, Mine Warfare Ship Program.
	Director, Reactor Materials Divisions.
	Director, Secondary Plant Components Division.
	Head, Advanced Reactor Branch.
	Director, Hydrodynamics Group.
	Dep Dir Surface Ship Design & Sys Eng Group.
	Dir Cost Engineering & Industrial Analysis.
	Dir, Shipbuilding Contracts Division.
	Assistant Deputy CDR for Industrial OPS.
	Executive Director, Surface Ship Directorate.
	Exec Dir Submarine Directorate.
	Dep Commander for Warfare Systems.
	Director, Corporate Operations.
	Chief Information Officer.
	Executive Director for Logistics, M & I OPS.
	Dep Prog Mgr/Techn Dir, New Attack Submarines.
	Dep Prog Mgr for S & A Submarine Program.
	Dep Program Manager, Aircraft Carrier Prog Ofc.
	Director Environmental & Auxiliary Syst Group.
	Dir Reactor Plant Components Auxil Equip Div.
	Dep Dir/Advanced Submarine Reactor S&SF Mgmt.
	Dir Surface Ship Systems Division.
	Deputy Director, Nuclear Components Div.
	Dir, Reactor Plant Safety & Analysis Division.
	Dir. Ship S & S Integrity Group.
	Dir Power Systems Group.
	Director, Materials Engineering Office.
	Exec Dir, Ship Design & Engrng Directorate.
	Prog Mgr, Amphibious W & S Sealift Program.
	Program Manager for Commissioned Submarines.
	Command Asst for Human Resources Prog & Dir.
	Dir, Surface Systems Contracts Division.
	Assoc Director for Regulatory Affairs.
	Dep CDR SSD/Dep PEO for CLW & Auxiliary Ships.
	Director, Office of Resource Management.
	Dir, Reactor Refueling Divison.
	Deputy Counsel, Naval Sea Systems Command.
	Dir Environmental Protection Office.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Deputy Dir Environmental Health & Safety.
	Dir, Combat Systems Design & Eng Group.
	Program Manager, Strategic Sealift Prog Ofc.
	Assistant Deputy CDR for Maintenance P & P.
	Asst. Deputy CDR Fleet Logistics Support.
Naval Ordnance Center	Deputy Commander, Naval Ordnance Center.
Norfolk Naval Shipyard	Naval Shipyard Nuclear Engineering & Plan Mgr.
	Navl Shipyard Nuclear Eng Mgr Puget Nal Ship.
Naval Surface Warfare Center	Technical Director.
Naval Undersea Warfare Center	Technical Director.
Naval Surface Warfare Center, Crane Division	Executive Director.
Naval Undersea Warfare Center Div, Keyport, WA	Executive Director.
Naval Surface Warfare Center, Pt. Hueneme Division	Executive Director.
Naval Surface Warfare Center, Indian Head Division	Director.
Coastal Systems Station	Executive Director.
	Head, Coastal Sci, Technology & Analysis Dept.
	Head, Coastal Warfare Systems Department.
Naval Surface Warfare Center, Carderock Division	Director.
	Assoc Dir for Hydromechanics/Head, HD.
	Assoc Dir for Syst/P & H Ship S/P Directorate.
	Assoc Dir for Ship A/E S/H S/Directorate.
	Assoc Dir for SS & M/HSS & M Directorate.
	Assoc Dir for Mise/HMIS Eng Directorate.
Naval Surface Warfare Center, Dahlgren Division	Exec Director.
	Head, Weapons Systems Department.
	Head, Combat Systems Department.
	Deputy Executive Director.
	Head Strategic & Strike Systems Dept.
	Head, Systems Res & Technology Department.
	Head Joint Warfare Applications Dept.
	Head Warfare Analysis & Systems Dept.
Naval Undersea Warfare Center Division, Newport, RI	Head, Submarine Sonar Department.
	Executive Director.
	Head Test and Evaluation Dept.
	Director for Submarine Combat Systems.
	Director, Submarine Warfare Systems.
	Director, Surface Undersea Warfare.
	HD, Submarine Electromagnetic Sys Dept.
	Head Combat Control Systems Department.
	Head Combat Systems Analysis Department.
	Head Torpedo Systems Technology Dept.
Naval Supply Systems Command Hdqtrs	Dir Plans Programs & Resources.
	Executive Director.
	Asst Dep Commander for Fin Mgmt/Comptroller.
	Counsel.
	Dir, Defense Printing Serv/Dep Comdr, Navsup.
	Competition Advocate Gen/Adc, Contracting Mgr.
	Executive Director Office of Special Projects.
	Assistant Commander for Fleet Logistics Ops.
	Joint Eng Data Mgmt I & C Syst Prog Manager.
	Executive Director.
Naval Inventory Control Point	Executive Dir, Acquisition & Strategic Plnng.
	Vice Commander.
Navy Fleet Material Support Office	Executive Director.
U.S. Marine Corps Headquarters Office	Dep Dir Facilities & Services Division.
	Dir Contracts Division.
	Counsel for the Commandant.
	Deputy Counsel for the Commandant.
	Director of Administration and Resources.
	Asst Dep Chf for Prog & Resourc Fiscal Div.
	Asst Dep Chf of Staff for Installations & Log.
	Asst to the Dep Chf of Staff for M & R Affs.
	Asst Dep Chf of Staff for Requirements & Prog.
Marine Corps Systems Command	Director, C4I.
	Executive Director.
	Deputy for Financial Management.
Marine Corps Logistics Base Albany GA	Deputy Commander for Logistics Operations.
Office of Naval Research	Dir, Ship Structures & Systems S&T Div.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Dir, Mechanics & Energy Conversion S&T Div.
	Director, Marine Corps Science & Technology.
	Executive Director/Technical Director.
	Head Special Programs Department.
	Executive Dir for Acquisition Management.
	Dir Financial Management Comptroller.
	Patent Counsel.
	Counsel, Office of Naval Research.
	Head Engineering.
	Dir Strike Technology Division.
	Dir Math Computer & Information Science Div.
	Dir Oas S & T Processes & Prediction Division.
	Dir Science & Technology Directorate.
	Dir Oas at Sensing & Systems Division.
	Head Industrial Programs Department.
	Director, Physical Sciences S&T Division.
	Dep Dir Science & Technology Directorate.
	Dir Cognitive & Neural Science & Tech Div.
	Head Personnel Optimization Bio Sci & Tec Dep.
	Dir, Biomolecular & Biosyst Sci & Techn Div.
	Head Info Electronics & Surveil Sci Tech Dept.
	Dir of Surveillance Communications Electronic.
	Director, Electronics Division.
	Head Ocean Atmosphere Space Sci Tech Dept.
	Associate Technical Director.
	Dir Reliance SCI Opportunities Prog Intell.
	Dir Materials SCI and Techology Division.
	Assoc for Integration OAS St Sensing Sys Div.
Naval Research Laboratory	Superintendent, Chemistry Division.
	Superintendent, Optical Sciences Div.
	Supt Materials SCI and Tech Division.
	Superintendent, Plasma Physics Div.
	Supt Condensed Matter & Radiation SCI Div.
	Assoc Dir of Res for Matl SCI & Comp Technol.
	Superintendent, Info Technol Div.
	Chf SCI, Lab for Structure of Matter.
	Dir of Research.
	Superintendent Space Science Div.
	Supt, Radar Div.
	Supt, Acoustics Div.
	Superintendent Electronics Technology Div.
	Supt. Tactical Electronic Warfare Div.
	Chief Scientist Lab for Compt Phy Fluid Dynam.
	Chf Scientist & Head, Solar Physics Program.
	Superintendent, Remote Sensing Division.
	Assoc Dir of Res for Business Operations.
	Chief SCI & Head, Beam Physics Program.
	Superintendent, Marine Meteorology Division.
	Mgr, Joint Space System Technology Programs.
	Assoc Dir Res for Ocean & Atmospheric SCI Tec.
	Superintendent Ctr Bio/Molecular Science Eng.
	Head Elect Warfare Strategic Planning Org.
	Assoc Dir of Res for Warfare Sys & Senors Res.
	Superintendent, Space Syst Development Dep.
	Superintendent, Oceanography Division.
	Superintendent, Spacecraft Engineering Dep.
	Dir, Naval Center for Space Technology.
	Superintendent, Marine Geosciences Division.
Defense Nuclear Facilities Safety Board:	
Defense Nuclear Facilities Safety Board	Dep Gen Counsel for Pol & Litigation.
	Deputy General Manager.
	Tech Adv for Hazards Anal & Health Physics.
	Technical Advisor for Technical Studies.
	Technical Advisor for Chemical Processing.
	Technical Advisor for Standards.
	Technical Lead for Engineering Programs.
Department of Education:	
Ofc of the Chief Financial and Chief Information OFCR	Director, Grants and Contracts Service.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Dep Chf Fin OFCR/DIR Financal Services.
	Director, Fin Rep & Systems Operations.
	Dir Financial Management Operations.
Office of Management	Dir Admin Resource Management Service.
	Chairperson, Education Appeal Board.
	Dir Human Resources Group.
Office of Inspector General	Assistant Inspector General for Audits.
	Dep Asst Insp Gen for Audit Operations.
	Dep Asst Inspector Gen for Techn Audit Svc.
	Associate Inspector General.
	Counsel to the Inspector General.
	Deputy Inspector General.
	Asst Inspector General for Operations.
	Asst Inspec General for Operations East Area.
	Asst Inspec Gen for Investigation Services.
	Asst Inspector General for Audit Services.
Office of the General Counsel	Asst Gen Coun for Busin & Adm Law.
	Asst General Counsel for Educational Equity.
	Asst Gen Counsel for Regulations.
	Asst Gen Coun for Div of Legislative Counsel.
	Asst Gen Coun for Postsecondary Ed & Ed Res.
National Center for Education Statistics	Assoc Commr/Surveys & Cooperative Syst Group.
	Assoc Commr for Data D & L Studies Group.
	Assoc Comr for Stat Std & Methodology Div.
	Assoc Commissioner Educ Assessment Division.
Department of Energy:	
Office of Chief Financial Officer	Dir Ofc of Budget.
	Dep Dir Ofc of Budget.
	Director, Budget Analysis Division.
	Director, Capital Accounting Center.
	Director, Budget Operations Division.
	Dir Ofc of Dep Accounting & Fin Sys Dev.
	Dir Ofc of Financial Policy.
	Dir Ofc Compliance and Audit Liaison.
	Deputy Controller.
	Controller.
Asst Secy for Defense Programs	Assoc Dep Asst Secy for Military Application.
	Nuclear Weapons Complex Project Manager.
	Assoc Das for Human & Administrative Res.
	Assoc Das for Program A & F Management.
Office of Economic Impact & Diversity	Dir of SM and Disadv Bus Utilz.
Asst Secy for Energy Efficiency & Renewable Energy	Assoc Dep Asst Secretary for Utility Tech.
	Manager, Golden Field Office.
Asst Secy for Environment, Safety & Health	Dir Nuclear Operations & Analysis.
	Dir Office of Environmental Compliance.
	Deputy Director Ofc of ES&H Evaluations.
	Dir Office of Enforcement & Investigations.
	Dir Ofc of Nuclear Safety Policy & Standards.
	Dir Occupational Safety & Health Policy.
Energy Information Administration	Dir. Ofc of Oil and Gas.
	Dir Ofc of Coal Nucl Elec & Altern Fuels.
	Director, Ofc of Energy Markets & End Use.
	Director Economics & Statistics Division.
	Dir Ofc of Statistical Standards.
	Director Quality Assurance Division.
	Dir Reserves and Natural Gas Division.
	Director, Petroleum Division.
	Dir, Ofc of Integration Nal & Forecasting.
	Dir, Energy Supply & Conversion Div.
	Dir, Analysis & Systems Div.
	Dir, Energy Markets & Contingency Info Div.
	Dir Survey Mgmt Div.
	Director, Information Technology Group.
Asst Secy for Environmental Management	Director, Office of Research & Development.
	Assoc Das for Oversight & Self-Assessment.
	Director, Office of Acquisition Management.
Office of Energy Research	Dir Chem Sci Div.
	Dir Adv Egy Proj Div.
	Chf Processes and Tech Br.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Dir High En Physics Div.
	Director, Human Health & Assessment Div.
	Deputy Dir for Management.
	Dir, Health Effects & Life Sci Research Div.
	Deputy Dir for Nuclear Safety Safeguard.
	Dir, Office of Assessment & Support.
	Assoc Dir Ofc of Computational & Tech Researc.
Office of Fossil Energy	Director, Ofc of Resource Management.
Office of Field Management	Dir, Ofc of Resource Management & Services.
Albuquerque Operations Office	Director, Weapons Surety Division.
	Dir Transportation Safeguards Div.
	Dir, Production Assurance & Ops Division.
	Dir, Weapons Programs Div.
	Dir of Emergency Plans & Operations.
	Asst Manager for Management & Administration.
	Carlsbad Area Office Manager.
	Chief Financial Officer.
	Director, Ops Management Division.
Chicago Operations Office	Acquisition & Asst Group Manager.
	Area Manager Batavia Area Office.
	Asst Mgr for Laboratory Management.
	Chief Financial Officer.
Idaho Operations Office	Assistant Manager for Administration.
	Chief Financial Officer.
	Asst Mgr Ofc of Program Execution.
	Asst Manager for Applied E & T Transfer.
Nevada Operations Office	Chief Counsel.
	Assistant Manager for Administration.
	Asst Manager for Business & Financial Service.
Ohio Field Office	Manager Ohio Field Ofc.
	Deputy Manager, Ohio Field Office.
Oakland Operations Office	Field Chf Fin Officer and Business Manager.
	Assoc Manager for Site Management.
Oak Ridge Operations Office	Asst Manager for Administration.
	Chief Financial Officer.
Rocky Flats Office	Manager, Rocky Flats Field Office.
	Deputy Manager, Rocky Flats Field Office.
	Asst Manager for Government Operations.
	Dep Asst Mgr for Matl Stabilization & Disp.
Richland Operations Office	Asst Mgr Business Mgmt & Chief Fin Ofcr.
	Source Evaluation Board Advisor.
Savannah River Operations Office	Asst Manager for Business & Logistics.
Office of Hearings & Appeals	Dep Dir for Legal Analysis.
	Dep Dir for Financial Analysis.
	Dep Dir for Econ Analysis.
Asst Secy for Human Resources & Administration	Dir Hq Personnel Operations Div.
	Dir Ofc of Admin Svcs.
	Associate Dir, Office of Resource Mgmt.
	Dep Dir of Administrative Services (Wash, DC).
	Dep Dir of Personnel.
	Dir Ofc Policy.
	Dir Ofc of Mgnt Sys (Competition Advocate).
	Director Ofc Contract & Resource Management.
	Executive Assistant to the Director.
	Dir. Headquarters & Executive Personnel Serv.
Office of Inspector General	Asst Inspector General for Investigations.
	Manager, Western Regional Audit Office.
	Director, Audit Policy, Plans & Programs.
	Manager, Eastern Regional Audit Office.
	Dir Capitol Regional Audit Office.
	Deputy Asst Inspector Gen for Investigations.
	Spec Asst for Policy and Planning.
	Counsel to the Inspector General.
	Dir, Office of Contractor Employee Protection.
	Asst Inspector General for Resource Mgmt.
	Prinicpal Deputy Inspector General.
	Assistant Inspector General for Audits.
	Deputy Inspector General for Inspections.
	Deputy Inspector General for Audits.
	Director for Financial Audits.
Office of Fissile Materials Disposition	Deputy Director.
Office of Nuclear Energy, Science & Technology	Dir Advanced Submarine Systems Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Dir Instrumentation & Control Div.
	Asst Program Manager for Surface Ships.
	Deputy Director for Naval Reactors.
	Senior Naval Reactors Rep (Pearl Harbor).
	Director Nuclear Technology Div.
	Dir Reactor Engineering Division.
	Head, Core Manufacturing Branch.
	Dep Director Reactor Materials Division.
	Director, Fiscal Division.
	Asst Manager for Operations.
	Program Manager for Shipyard Matters.
	Dir Nuclear Components Division.
	Senior Naval Reactors Representative.
	Manager, Idaho Branch Office.
	Program Manager Submarie Technology Develop.
	Assoc Dir, ISOTOPE Production & Distribution.
	Asst Manager for Operations.
	Prog Mgr for Analysis & Regulatory Matters.
	Director Acquisition Division.
	Director for Submarine Refuelings.
	Senior Naval Reactors Representatiave.
	Dep Program Mgr for Commissioned Subs.
	Program Mgr Prototype & Moored Training Ship.
	Dir Regulatory Affairs.
Office of Nonproliferation and National Security	Special Asst to the Ast Secretary.
	Dir Ofc of Classification & Technology.
	Dir Ofc of Security Affairs.
	Dep Dir Ofc of Security Affairs.
Western Area Power Administration	Asst Admr for Mgmt Svcs.
	Chief Administrative Officer.
	Chief Financial Officer.
Environmental Protection Agency:	
Office of the Chief Financial Officer	Deputy Chief Financial Officer.
Office of the Comptroller	Dir Office of the Comptroller.
	Dir., Financial Mgmt Div.
	Deputy Comptroller.
	Director, Annual Planning & Budget Division.
	Dir Annual Planning & Budget Division.
Office of Planning, Analysis & Accountability	Director, Office of Planning Analy & Account.
Ofc of the Asst Admr for Admin & Resources Management	Director, Ofc of Pol & Resource Mgmt.
	Principal Dep Asst Admr for Amd & Res Mgmt.
Office of Administration	Dir Ofc of Administration.
	Deputy Dir Ofc of Administration.
	Dir, Facilities & Support Services Division.
	Dir, Sfty, Health & Environmental Mgmt Div.
Office of Information Resources Management	Dir Ofc of Information Resources Management.
	Dep Dir Ofc of Information Resources Magnt.
Ofc of Administration & Resources Mgmt—Cincinnati OH	Dir Ofc of Admin and Resources Management.
Office of Administration & Resources Mgmt—Rtp, NC	Director Office of Administration & Res Mgmt.
Ofc of Human Resources and Organizational Services	Dir Office of Human Resources & Org Services.
	Dep Dir Ofc of Human Resources & Org Services.
	Assoc Director for Reengineering & Automation.
	Dir Exec Resources & Special Programs Staff.
	Director, Org & Management Consulting Serv.
	Dir Strategic Planning & Policy Systems.
Office of Acquisition Management	Dir, Superfund/Rcra Regl Procurement Ops/Div.
	Director, Office of Acquisition Management.
	Dep Dir, Office of Acquisition Management.
Office of Grants and Debarment	Dir, Grants Admin Div.
	Director, Office of Grants & Debarment.
	Dep Dir Ofc of Grants and Debarment.
Office of the Asst Admr for Enf & Comp Assurance	Director, Ofc of Environmental Justice.
Office of Federal Activities	Dir, International Enforcement Program Div.
Office of Regulatory Enforcement	Director, Office of Regulatory Enforcement.
	Dep Dir, Office of Regulatory Enforcement.
Office of Criminal Enforcement, Forensics & Training	Dir Natl Enforcement Training Institute.
	Dir Ofc of Criminal Enforce Forensics Train.
Office of Compliance	Director, Office of Compliance.
	Dir, Enforcement Planning, T & D Division.
	Dep Dir, Enforcement Planning, T & D Division.
	Dir, Manufacturing, E & T Division.
	Deputy Director, Office of Compliance.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Dir Import Export Program.
Office of Site Remediation Enforcement	Director, Ofc of Site Remediation Enforcement.
	Dep Dir, Ofc of Site Remediation Enforcement.
Federal Facilities Enforcement Office	Dir Federal Facilities Enforcement Office.
Office of the Inspector General	Deputy Inspector General.
Office of Investigations	Assist Inspector Gen for Investigations.
	Dep Asst Inspector General for Investigations.
Office of Audit	Asst Inspector General for Audits.
	Prin Dep Asst Inspector Gen for A & F Audits.
	Dep Asst Inspector General for External Audits.
	Dep Asst Inspector General for Internal Audit.
Office of Management	Assistant Inspector General for Management.
Office of Wastewater	Director, Municipal Support Division.
	Deputy Director, Municipal Support Division.
Office of Science and Technology	Dir, Standards & Applied Science Division.
	Dir, Health & Ecological Criteria Division.
Office of Wetlands, Oceans and Watersheds	Dir, Assessment & Watershed Protection Div.
	Dir, Oceans & Coastal Protection Division.
	Director, Wetlands Division.
Office of Ground Water & Drinking Water	Dir, E & P Implementation Division.
	Director, Standards & Risk Mgmt Division.
	Dir Implementation & Assistance.
Office of Solid Waste	Dir Hazardous Waste Identification Division.
	Dir Permits & State Prog Division.
Office of Air Quality Planning and Standards	Dir, Emission Standards Division.
	Dir Air Quality Strategies & Standards Div.
	Dir Emissions Monitoring & Analysis Division.
	Deputy Dir Ofc of Air quality Planning & Stds.
Office of Mobile Sources	Dir Advanced Technology Support Division.
	Dir Fuels & Energy Division.
Office of Radiation & Indoor Air	Director, Indoor Environments Division.
Office of Atmospheric Programs	Director, Acid Rain Division.
Office of the Asst Admr for Prevention P & Substances	Dir Ofc of Program Management Operations.
Office of Pesticide Programs	Dir-Registration Division.
	Dir, Biological & Economic Analysis Division.
	Dir, Spec Review & Reregistration Division.
	Dir Envir Fate and Effects Division.
	Dir Policy & Special Projects Staff.
	Dir Antimicrobials Division.
	Dir Field & External Affairs Division.
	Dir Inf Resources & Services Division.
Office of Pollution Prevention and Toxics	Director, Environmental Assistance Division.
	Dir Economics Exposure and Technology Div.
	Director, Chemical Control Division.
	Director, Information Management Division.
	Dir, Pollution Prevention Div.
	Dir Chemical Management Division.
	Dir Health Effects Division.
	Director, of Risk Assessment Division.
Office of Resources Management and Administration	Dir Ofc of Resources Mgnt & Admin.
Office of Science Policy	Director, Office of Science Policy.
National Health & Environmental Effects Res Lab (RTP)	Dir Natl Health & Envir Effects Res Lab (RTP)
	Assoc Dir for Health Nheerl (RTP).
	Associate Director for Ecology Nheerl (RTP).
Western Ecology Division—Corvallis	Dir Western Ecology Division Corvallis.
Gulf Ecology Division—Gulf Breeze	Dir Gulf Breeze Ecology Division.
National Exposure Research Laboratory (RTP)	Dir Natl Exposure Res Laboratory (RTP).
	Dep Dir for Management Nerl (RTP).
	Assoc Dir for Ecology Nerl (RTP).
Environmental Sciences Division—Las Vegas	Dir Environmental Sciences Division.
Ecosystems Research Division—Athens	Dir Ecosystems Res Div Athens.
National Risk Mgmt Research Laboratory (Cincinnati)	Dir Natl Risk Mgmt Lab (Cinn).
	Dep Dir for Mgmt Nrml (Cinn).
	Assoc Dir for Health Nrml (Cinn).
Air Pollution Prevention and Control Division—RTP	Dir Air Pollution Prevention & Control Div.
Subsurface Processes and Systems Division—ADA	Dir Sub-Surface Process & Systems Division.
National Center for Environmental Assessment	Dir Natl Ctr for Environmental Assessment.
	Associate Director for Health, NCEA.
	Associate Director for Ecology NCEA.
National Center for Environmental Assessment—Washington	Dir Natl Ctr Environ Assessment.
National Center for Environmental Assessment—RTP	Dir Natl Ctr Environ Assessment.
National Center for Environmental Assessment—Cincinnati	Dir Natl Ctr for Environmental Assessment.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
Natl Center for Environmental Res & Quality Assurance	Deputy Dir for Mgmt (NCERQA).
	Dir Environmental Engineer Research Division.
	Associate Director for Science (NCERQA).
	Dir Natl Ctr for Env Res & Quality Assurance.
Region I—Boston	Regional Counsel.
	Dir Ofc of Ecosystem Protection.
	Dir Ofc of Site Remediation Restoration.
	Asst Regional Administrator.
	Dir, Ofc of Administration & Resources Mgmt.
	Special Assistant to Regional Administrator.
Region II—New York	Asst Regl Admr for Policy and Management.
	Regional Counsel.
	Dir, Office of Emergency & Remedial Response.
	Dir, Div of Environmental Plnng & Protection.
	Dir, Div of Enforcement & Compliance Asst.
	Dir, Div of Environmental Science & Assessment.
Region III—Philadelphia	Director, Water Management Division.
	Regional Counsel.
	Director, Hazardous Waste Mgmt Div.
	Asst Reg Admin for Policy & Management.
	Dir, Air Management Division.
	Dir Chesapeake Bay Program Office.
	Director, Science & Ecosystem Support Div.
Region IV—Atlanta	Dir Water Management Division.
	Asst Regional Admin for Policy and Mgmt.
	Regional Counsel.
	Director Waste Management Division.
Region V—Chicago	Director Air Management Division.
	Director Water Management Division.
	Director, Resources Management.
	Regional Counsel.
	Dir Waste Pesticides & Toxics Division.
	Dir Great Lakes Natl Prog Ofc.
	Director Superfund Division.
Region VI—Dallas	Asst Regional Admr for Management.
	Regional Counsel.
	Director, Compliance A & E Division.
	Dir Superfund Division.
	Dir Water Quality Protection Division.
	Dir Multimedia Plann & Permitting.
Region VII—Kansas City	Regional Counsel.
	Asst Regional Admin for Policy & Management.
	Dir Superfund Division.
	Dir Air RCRA and Toxics Division.
	Dir Water Wetlands & Pesticides Division.
Region VIII—Denver	Dir Ecosystems Protection & Remediation.
	Dir Ofc of Pollution Prevention State Tribal.
	Dir Ofc of Tech & Mgnt Services.
	Regional Counsel.
Region IX—San Francisco	Director, Water Management Division.
	Director, Air Management Division.
	Regional Counsel.
	Asst Regional Admr for Policy & Management.
	Dir, Strategic Planning & Emerging Issues.
	Dir Superfund Division.
Region X—Seattle	Regional Counsel.
	Asst Reg Admr for Environmental Cleanup Ofc.
	Asst Regl Admr for Policy & Management.
Equal Employment Opportunity Commission:	
Office of the Chairman	Inspector General.
Office of Program Operations	District Director (Baltimore).
	Dist Dir (New York).
	Dist Dir (Atlanta).
	Dist Dir (Houston).
	District Director (Detroit).
	Dist Dir (San Francisco).
	Dist Dir (Dallas).
	Dist Dir (Chicago).
	Dist Dir—(St Louis).
	Dist Dir (Miami).
	Dist Dir—(Indianapolis).
	Dist Dir (Memphis).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Program Manager (Los Angeles).
	Dist Dir—(Denver).
	Dist Dir—(Birmingham).
	Dist Dir—(New Orleans).
	Dist Dir—(Phoenix).
	District Dir—(San Antonio).
	Dist Dir—(Charlotte).
	District Director (Cleveland).
Field Management Programs	Director Field Management Programs.
	District Director (Seattle).
	Dist Dir—(Philadelphia).
	District Director (Milwaukee).
	Program Manager.
Field Coordination Programs	Director, Field Coordination Programs.
Federal Communications Commission:	
Office of Inspector General	Inspector General.
Office of the Managing Director	Assoc Managing Director/Human Resources Mgmt.
Office of Engineering & Technology	Assistant Bureau Chief for Technology.
Compliance and Information Bureau	Chief Enforcement Division.
Common Carrier Bureau	Chief, Competitive Pricing Division.
	Chief Accounting & Audits Division.
Mass Media Bureau	Chief Audio Services Division.
	Chief Video Services Division.
	Chf, Enforcement Div.
Federal Emergency Management Agency:	
Office of the Director	Chief of Staff.
Office of Financial Management	Chief Financial Officer.
	Deputy Chief Financial Officer.
	Senior Procurement Executive.
Office of Human Resources Management	Director, Ofc of Human Resources Management.
Office of Inspector General	Deputy Inspector General.
	Asst Director General for Auditing.
	Asst Inspector General for Investigations.
Mitigation Directorate	Sr Policy Advisor to the Associate Director.
Preparedness, Training and Exercises Directorate	Div Dir, State & Local Preparedness Division.
Response & Recovery Directorate	Div Dir, Human Services Support Division.
	Div Dir, Infrastructure Support Division.
Federal Insurance Administration	Deputy Administrator.
Federal Energy Regulatory Commission (DOE):	
Ofc of Chief Accountant	Deputy Chief Accountant.
	Director, Division of Accounting Systems.
	Director, Division of Gas and Oil Operations.
	Dir, Div of Planning & Policy Development.
Ofc of Hydropower Licensing	Dir Div of Dam Safety & Inspections.
Federal Labor Relations Authority:	
Office of the Chair	Solicitor.
	Chief Counsel.
Office of Member	Chief Counsel.
Office of Member	Chief Counsel.
Federal Service Impasses Panel	Exec Director FSIP.
Ofc of the Executive Director	Executive Director.
Ofc of the General Counsel	Deputy General Counsel.
	Director of Operations & Resources Management.
Regional Offices	Regional Director—Washington, D.C.
	Regional Director—Boston.
	Regional Director—Atlanta.
	Regional Director—Dallas.
	Regional Director, Chicago Illinois.
	Regional Director, San Francisco.
	Regional Director, Denver.
Federal Maritime Commission:	
Office of the Secretary	Secretary.
Office of the General Counsel	Dep Gen Cnsl for Reports Opinions & Decisions.
Office of the Managing Director	Dep Managing Dir.
	Deputy Managing Director.
Bureau of Tariffs, Certification and Licensing	Prog Mgr (Dir Bur of Tariffs C & L).
Bureau of Administration	Dir, Bureau of Administration.
Bureau of Economics & Agreement Analysis	Prog Manager (Dir Bur of E & A Analysis).
	Deputy Director Bureau of Enforcement.
Bureau of Enforcement	Dir Bureau of Enforcement.
Federal Retirement Thrift Investment Board	Director of Investments.
	Director of Contracts & Administration.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Director of Automated Systems.
	Director of Benefits and Program Analysis.
	Director of Accounting.
	Director of Communications.
	Deputy General Counsel.
	Associate General Counsel.
Federal Trade Commission:	
Office of the Inspector General	Inspector General.
Ofc of Executive Director	Deputy Exec Dir for Management.
	Chief Information Officer.
General Services Administration:	
Office of Management and Workplace Programs	Director of Human Resources.
	Dir of Management Services.
Office of Governmentwide Policy	Deputy Associate Admin for Acquisition Policy.
	Director, Governmentwide Information System.
	Deputy Assoc Administrator for Real Property.
	Director of Intergovernmental Solutions.
Office of Inspector General	Deputy Inspector General.
	Asst Inspector Gen for Auditing.
	Deputy Asst Inspector General for Auditing.
	Counsel to the Inspector General.
	Asst Inspector Gen for Investigations.
	Dep Asst Inspector General for Investigations.
Office of the Chief Financial Officer	Director of Finance.
	Director of Budget.
	Chief Financial Officer.
	Dir of Financial Management Systems.
Public Buildings Service	Assistant Commr for Fed Protective Service.
	Dept Asst Commissioner for Property Management.
	Asst Comm for Portfolio Management.
	Dep Asst Comr for Special Projects.
	Asst Comr for Property Acq & Realty Services.
	Asst Commr for Business Development.
	Assist Commr for Property Disposal.
	Assistant Commissioner for Property Devel.
	Asst Commissioner for Strategic Innovations.
	Asst Commissioner for Financial & Info System.
Federal Technology Service	Assistant Commissioner for Serv Development.
	Assistant Reg Admin for Fed Tech Service.
	Assistant Commisioner for Service Delivery.
	Asst Commr for Info Technology Integration.
	Assistant Commissioner for Regional Services.
	Asst Commissioner for S P & Business Dev.
	Asst Commissioner for Acquisition.
	Senior Executive Blue Pages Project.
Office of the Chief Information Officer	Assistant Chief Information Officer.
	Assistant Chief Information Officer.
Federal Supply Service	Asst Commissioner for Acquisition.
	Asst Comr for Transportation & Property Mgt.
	Asst Comm for Bus Management & Marketing.
	Asst Comm for Distribution Mgt.
	Dep Asst Commissioner for Acquisition.
	Asst Chief Information Officer.
	Ast Comm for Vehicle Acquisition & Leasing Svc.
New England Region	Asst Reg Admr for Public Bldg Service.
Northeast & Caribbean Region	Assist Reg Admr for Public Blds Service.
	Asst Reg Admr for Federal Supply Service.
Mid-Atlantic Region	Asst Reg Admr for Public Blds Service.
	Asst Regl Admr Federal Supply Service.
National Capital Region	Assistant Regional Administrator, PBS, NCR.
Southeast Sunbelt Region	Asst Reg Admr for Public Blds Service.
	Asst Reg Admr for Federal Supply & Services.
Great Lakes Region	Asst Reg Admr for Public Blds Service.
The Heartland Region	Asst Reg Admr for Public Blds Service.
Greater Southwest Region	Asst Reg Admr for Public Blds Service.
	Asst Regional Admin for Federal Tech Service.
	Asst Reg Admr for Federal Supply Service.
Rocky Mountain Region	Asst Reg Admr for Public Blds Service.
Pacific Rim Region	Asst Regl Admr for Public Buildings Services.
	Asst Reg Admr for Federal Supply Service.
	Senior Advisor.
Northwest/Arctic Region	Asst Regional Administrator, PBS Region 10.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
Department of Health and Human Services:	
ODAS for Budget	Dir Div of Integrity & Organ Review.
ODAS for Finance	Dep, Asst Sec Finance.
	Dir, Office of Financial Policy.
ODAS for grants & Acquisition Management	Dep Asst Secy, OGAM.
OAS for Planning and Evaluation	Dep to Deputy Asst Secry for Plann & Evaluat.
OAS for Public Health and Science	Dir Div of Research Investigations.
	Dir Ofc of HIV/AIDS Policy.
	Dep Dir Ofc of Management.
	Reg Health Administrator.
	Director, Office of Research Integrity.
Associate General Counsel Divisions	Assoc Gen Coun, Business & Adm Law Division.
	Dep Assoc Gen Counl, Bus & Adm Law Div.
Office of the Inspector General	Principal Dep Inspector General.
	Deputy Inspector General for Mgmt & Policy.
	Dep Inspector General for Legal Affairs.
ODIG for Investigations	Dep Insp Gen for Investigations.
	Asst Insp General for Criminal Investigations.
	Asst Insp Gen for Civil & Adm Remedies.
	Asst Insp Gen for Investigation P&O.
	Dep Insp General for Enforcement & Compliance.
ODIG for Audit Services	Dep Inspector General for Audit Services.
	Asst Insp Gen for Adm of C/F & Agin Audits.
	Asst Inspector Gen for Health Care Fin Audits.
	Asst Inspector Gen for Audit Pol & Oversight.
	Asst Insp Gen for Public Health Serv Audits.
ODIG for Evaluation & Inspections	Dep Insp Gen for Evaluation & Inspections.
Program Support Center	Dir Program Support Center.
	Dep Dir of Operations.
Office of Financial Management Service	Director, Financial Management Service.
Office of Program Support	Dir Ofc of Financial Management.
Health Care Financing Administration	Director, Ofc of Internal Customer Support.
Office of the Actuary	Dir, Ofc of the Actuary (Chief Actuary).
Center for Medicaid and State Operations	Director, Ofc of Medicare & Medicaid Cost Est.
Office of Informations Services	Dep Dir Ofc of Info Services.
Office of Financial Management	Deputy Director, Ofc of Financial Management.
	Dir Ofc of Financing Management.
	Dep Dir Ofc Financial Management.
	Dir Program Integrity Group.
	Dir Financial Services Group.
Substance Abuse & Mental Health Services Administration	Assoc Admin for Policy & Prog Coordinator.
Center for Substance Abuse Prevention	Director, Division of Workplace Programs.
	Dir, Div of State & Community Systems Dev.
Center for Mental Health Services	Chief Retrovirus Branch.
	Dir Div of Syste & Community Systems Develop.
Centers for Disease Control & Prevention	Director, Financial Management Office.
	Senior Advisor for Minority Health Education.
Center for Infectious Diseases	Asst Dir for Laboratory Science.
Natl Institute for Occupational Safety & Health	Assoc Director for Management & Operations.
Center for Env Health & Injury Control	Dir Div of Environmental Health Lab Sciences.
Center for Chronic Disease Prevention & Hlth Promotion	Director, Office on Smoking and Health.
Center for Prevention Services	Dir Div of STD/HIV Prevention.
National Center for Health Statistics	Assoc Dir for Analysis & Epidemiology.
	Associate Dir, Ofc of P&E Programs.
	Assoc Dir for Research & Methodology.
	Assoc Dir, Ofc of Vital & Health Stats Syst.
	Assoc Dir for Internal Statistics.
Food and Drug Administration	Senior Advisor.
	Deputy for Scientific & Medical Affairs.
	Deputy Chief Counsel for Program Review.
Center for Biological Evaluation & Research	Dir, Div of Biostatistics & Epidemiology.
	Dir Ofc of Compliance.
	Dir Ofc of Therapeutics Research & Review.
	Dir Ofc of Blood Research & Review.
Center for Drug Evaluation & Research	Dir, Center for Drug Evaluation & Research.
	Director, Office of Management.
	Assoc Dir for Med Pol Dir Ofc of Drug Eval I.
	Dir, Div of Neuropharmacological Drug Prod.
	Dir, Div of Medical Imaging S & D Products.
	Director, Office of Generic Drugs.
	Associate Director for Drug Monograph.
	Dir, Ofc of Over-the-Counter Drug Evaluation.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Dir, Office of Epidemiology & Biostatistics.
	Dep Dir, Ofc of Epidemiology & Biostatistics.
	Director, Office of Compliance.
	Dir, Div of Scientific Investigations.
	Director, Division of Biopharmacentics.
	Dep Ctr for Pharmaceutical Science.
	Dir Ofc of Drug Evaluation V.
Center for Food Safety & Applied Nutrition	Director, Office of Seafood.
	Director, Office of Toxicological Sciences.
	Associate Dir for Laboratory Investigations.
	Dir Ofc of Premarket Approval.
	Dir Ofc of Field Programs.
	Dir, Ofc of Plant & Dairy Foods & Beverages.
	Director, Office of Food Labeling.
	Dir, Ofc of Pol, P & S Initiatives.
Center for Devices & Radiological Health	Dir Office of Device Evaluation.
	Dir, Div of Surgical & Rehabilitation Devices.
	Dir, Division of Cardiovascular Devices.
	Dir, Div of General & Restorative Devices.
	Dir Office of Compliance.
	Dir, Office of Science and Technolgy.
	Dir Div of Reproductive Abdominal Ear Throat.
	Dir Ofc of Sys & Management.
Center for Veterinary Medicine	Director, Office of Science.
	Director, Office of Surveillance.
	Dir, Ofc of New Animal Drug Evaluation.
Office of Regulatory Affairs	Assoc Comr for Regulatory Affairs.
	Dep Assoc Comr for Regulatory Affairs.
	Regl Food & Drug Director, NE Region.
	Regl Food & Drug Director Mid-Atlantic Region.
	Regl Food & Drug Director, Southeast Region.
	Regl Food & Drug Director, Midwest Region.
	Regl Food & Drug Director, Southwest Region.
	Regl Food & Drug Director, Pacific Region.
	Dir Ofc of Criminal Investigations.
National Center for Toxicological Research	Director, Div of Biometry.
Office of Health Affairs	Director Med Staff. Ofc of Health Affairs.
Office of Management and Systems	Director, Office of Financial Mgmt.
Office of Management	Dir, Parklawn Computer Center.
Bureau of Health Resources Development	Dep Dir, Bureau of Health Resources Dev.
Office of the Director	Director, Div of Financial Management.
	Director, Division of Contracts & Grants.
	Associate Director for Extramural Affairs.
	Associate Director for Disease Prevention.
	Dir, Ofc of Medical Applications of Research.
	Associate Director for Administration.
Nat'l Heart, Lung, & Blood Institute	Dir Div of Lung Diseases.
	Dir. Div of Blood Diseases & Resources.
	Director, Division of Extramural Affairs.
	Assoc Dir for International Programs.
	Dir Ofc of Biostatics Research.
	Dep Dir Div of Heart Vascular Diseases.
	Dep Dir Div of Epidem & Clinical Application.
Intramural Research	Chf Lab of Biochemical Genetics.
	Chf Lab of Biochemistry.
	Chief Lab of Biophysical Chemistry.
	Chief Macromolecules Section.
	Chf, Intermediary M & B Section.
	Chf, Lab of Kidney & Electrolyte Metabolism.
	Chief Lab of Cardiac Energetics.
	Chief, Metabolic Regulation Section.
National Cancer Institute	Assoc Dir for Intramural Management.
	Assoc Director for Extramural Management.
Division of Cancer Biology, Diagnosis and Centers	Dir. Div of Cancer Biology Diagnosis & Ctrs.
	Dep Dir, Div of Cancer Biology Diag & Centers.
	Chf, Microbial G & B Section, Lab of Biochem.
	Chief, Lab of Biochem Intramural Res Prog.
	Assoc Dir, Extramural Research Program.
	Chief Dermatology Br, Intramural Res Prog.
	Chief, Cell Mediated Immunity Section.
	Chief, Lab of Tumor & Biol Immunology, IRP.
	Assoc Dir, Ctrs Training & Resources Prog.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
Division of Cancer Etiology	Dir, Div of Cancer Etiology.
	Chief Lab of Biology.
	Chief Laboratory of Molecular Carcinogenesis.
	Chf Lab of Experimental Pathology.
Division of Cancer Prevention & Control	Dep Dir, Div of Cancer Prevention & Control.
	Associate Dir, Surveillance Program, DCPC.
	Assoc Dir, Early D & C Oncology Program.
Division of Extramural Activities	Dir, Div of Extramural Activities.
Division of Cancer Treatment	Chf—Radiation Oncology Br.
Natl Institute of Diabetes & Digestive & Kidney Dis	Dir Div Kidney Urologic & Hematlogic Diseases.
	Dir Division of Extramural Activities.
	Chf, Lab of Molecular & Cellular Biology.
	Dep Dir for Management & Operations.
Intramural Research	Chief Section on Biochemical Mechanisms.
	Chf Sect on Metabolic Enzymes.
	Chf Sect on Physical Chemistry.
	Chief, Section on Molecular Structure.
	Chief Theoretical Biophysics Section.
	Chief, Laboratory of Bio-Organic Chemistry.
	Chief Oxidation Mechanisms Section L B C.
	Chief Laboratory of Biochemistry & Metabolism.
	Clinical Dir & Chief, Kidney Disease Section.
	Chief, Section on Molecular Biophysics.
	Chf, Sec Carbohydrates Lab of Chemistry/NIDDK.
	Chief, Laboratory of Neuroscience, NIDDK.
	Chief Epidemiology & Clinical Research Branch.
	Chf, Laboratory of Medicinal Chemistry. Chief, Morphogenesis Section.
Natl Inst of Arthr & Musculoskeletal & Skin Diseases.	Director, Extramural Program.
	Deputy Dir.
National Library of Medicine	Dep Dir. Natl Lib of Medicine.
	Dep Dir for Res and Education.
	Associate Director for Library Operations.
	Dep Dir Lister Hill Natl Ctr for Biomed Comms.
	Director, Information Systems.
	Dir Natl Ctr for Biotech Info.
	Assoc Dir for Health & Info Prog Development.
Natl Inst of Allergy & Infectious Diseases	Dir, Div of Allergy/Immunology/Transplantatn.
	Chf, Lab of Parasitic Diseases.
	Dir, Div of Microbiology/Infectious Diseases.
	Chief, Lab of Immunogenetics.
	Dir, Div of Extramural Activities.
	Ch, Labor of Microbial Structure and Function.
	Chief Lab of Molecular Microbiology.
	Dir, Div Acquired Immunideficiency Syndrome.
	Chief, Biological Resources Branch.
	Head, Lymphocyte Biology Section.
	Chief, Laboratory of Infectious Diseases.
	Dep Dir Div of Acquired Immunodeficiency.
	Head Epidemiology Section.
	Chief, Laboratory of Malaria Research.
	Dir Div of Intramural Research.
	Dep Chief Lab of Imm & Head Lymp Biol Section.
Natl Inst on Aging	Scientific Director Gerontology Rsch Ctr.
	Clin Director and Chief Clin Physiology Br.
	Assoc Dir Biology of Aging Program.
	Assoc Dir, Office of Extramural Affairs.
	Assoc Dir, Epidemi, Demo, & Biometry Program.
	Assoc Dir, Ofc of Plnng, A & I Activities.
	Assoc Dir Neurosci & Neuropsych of Aging Prog.
Natl Inst of Chief Health & Human Development	Chief, Laboratory of Molecular Genetics.
	Chf, Endocrinology & Reproduction Research Br.
	Director Ctr Forres for Mothers & Children.
	Director, Cntr for Population Research.
	Chief, Section on Growth Factors.
	Assoc Dir for Prevention Research.
	Chief, Laboratory of Mammalian Genes & Develop.
	Chief, Section on Molecular Endocrinology.
	Chief Section Neuroendocrinology.
	Chief Section on Microbial Genetics.
	Associate Director for Administration.
	Dir, Natl Center for Medical Rehab Research.
Natl Inst of Dental Research	Chief, Laboratory of Immunology.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Dir, Extramural Program.
Natl Inst of Environmental Health Sciences	Chf Lab of Pulmonary Pathobiology.
	Head Mutagenesis Section.
	Head Mammalian Mutagenesis Section.
	Senior Scientific Advisor.
	Associate Director for Management.
	Chief Lab of Molecular Carcinogenesis.
	Dir Natl Inst of Environmental Health Science.
	Dir Environmental Toxicology Program.
Natl Inst of General Medical Sciences	Dep Dir Natl Institute of General Med Sci.
	Dir Genetics Program.
	Assoc Dir for Program Activities.
	Dir Bio Phys Sciences Program Branch.
	Dir, Minority Opportunities in Res Prog Br.
Natl Inst of Neurological Disorders and Stroke	Dir. Div of Fundamental Neurosciences.
	Director, Division of Stroke & Trauma.
	Associate Director for Administration.
	Dir. Basic Neurosci Prog/Chf/Lab of Neurochem.
	Chf, Lab of Molescular & Cellular Neurobiology.
Intramural Research	Chief Lab of Central Nervous System Studies.
	Chf. Dev & Metabolic Neurology Branch.
	Deputy Chief, Lab or Central Nervous Sys Stud.
	Hd Cellular Neuropathology Section.
	Chief, Neuroimaging Branch.
	Chief, Laboratory of Neurobiology.
	Chief, Laboratory of Neura Control.
	Chief Brain Structural Plasticity Section.
	Chief Stroke Branch.
Natl Eye Institute	Chief Laboratory of Retinal Cell & Mol Biolog.
	Chief, Lab of Molecular & Dev. Biology.
	Chief, Laboratory of Sensorimoto Research.
Natl Inst on Deafness & Other Communication Disorders	Director, Division of Human Communication.
	Chief Laboratory of Cellular Biology.
NIH Clinical Center	Associate Director for Planning.
	Assoc Chf, Position Emission T & R.
	Deputy Director for Management and Operations.
Division of Computer Research & Tech	Chief, Computer Center Branch.
	Chief, Physical Sciences Lab.
	Deputy Director.
	Assoc Dir Ofc of Computing Resources Services.
John E Fogarty Intl Center	Assoc Dir for Intl Advanced Studies.
National Center for Research Resources	Dir, Natl Center for Research Resources.
	Dir. Gen. Clinical Res Ctr for Res Resources.
	Dep Dir, Natl Center for Research Resources.
Division of Research Grants	Associate Director for Referral and Review.
	Assoc Dir for Statistics & Analysis.
National Center for Nursing Research	Director National Cntr for Nursing Research.
National Center for Human Genome Research	Deputy Director.
	Dir Div Intramural Res Natl Ctr H G R.
	Chief Diag Devel Br Natl Ctr Human Gen Res.
	Chf, Lab of Genetic Dis Res Natl Ctr for HGR.
National Institute on Drug Abuse	Assoc Dir for Planning & Resources Management.
	Dir, Office of Extramural Program Review.
	Director Division of Clinical Research.
	Dir, Medications Development Division.
	Chief, Neuroscience Research Branch.
National Institute of Mental Health	Associate Director for Special Populations.
	Associate Director for Prevention.
	Exec Ofcr, Natl Institute of Mental Health.
	Dir, Ofc of Legislative Analysis & Coord.
	Dir. Div. of Neuroscience & Behavioral Sci.
	Director, Division of Extramural Activities.
	Chief, Neuropsychiatry Branch.
	Chief, Child Psychiatry Branch.
	Chief, Biological Psychiatry Branch.
	Chief, Laboratory of Clinical Science.
	Chief, Section on Histopharmacology.
National Institute on Alcohol Abuse & Alcoholism	Dir, Natl Institute on Alcohol A & A.
	Director, Division of Basic Research
Agency for Health Care Policy & Research	Dir Ctr for Outcomes & Effectiveness Research.
	Dir, Ctr for Gen Health Serv Intramural Res.
	Dir, Ctr Gen Health Svce Extramural Research.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Dir, Ofc of Sci & Data Dev/Agcy for Hcp & Res.
Department of Housing and Urban Development:	
Office of the General Counsel	Assoc Gen Coun for Program Enforcement.
Office of the Inspector General	Deputy Inspector General.
	Asst Inspector General for Investigations.
	Assistant Inspector General for Audit.
	Asst Inspector General for Management & Pol.
	Deputy Asst Inspector Gen for Audit Operation.
	Dep Asst Inspector Gen for P & O.
	Dep Asst Inspector General for Investigation.
	Counsel to the Inspector General.
Office of the Chief Financial Officer	Dir, Ofc of Budget.
	Assoc Dep Chief Financial Officer for Account.
	Dep Chief Financial Officer for Accounting.
	Dep Chief Financial Officer for Finance.
	Deputy Chief Financial Officer.
Office of the Enforcement Center	Chief Counsel.
Assistant Secretary for Administration	Deputy Director, Office of Human Resources.
	Director Ofc of Procurements & Contracts.
	Special Advisor / Comptroller.
Assistant Secy for Housing	Director Office of Financial Services.
	Dir Ofc of Multifamily Asset Management Dispo.
	Housing/Fed Housing Adm Comptroller.
	Dir of Multifamily Housing Development.
	Housing-FHA Deputy Comptroller.
	Program Systems Project Officer.
Asst Secy for Fair Housing and Equal Opportunity	Director, Office of Investigations.
	Dir, Ofc of Fair Housing I & V Programs.
	Director, Office of Enforcement.
	Director, Office of Programs.
Office of Departmental Equal Employment Opportunity	Dep Dir Ofc of Equal Employment Opportunity.
	Dir, Ofc of Departmental Equal Employment.
Asst Secy for Community Planning and Development	Director, Office of Economic Development.
	Director, Ofc of Community Viability.
	Comptroller.
Government National Mortgage Association	Vice President for Finance.
	Vice President, Ofc of Pol. P & R Management.
	Vice President Ofc of Customer Service.
	VP Office of Multifamily Programs.
Asst Secy for Public and Indian Housing	Gen Dep Asst Secy for Public & Indian Housing.
	Public & Indian Housing-Comptroller.
	Dep Asst Secry for Public & Asst Housing Oper.
	Deputy Public & Indian Housing Comptroller.
	Dir, Ofc of Public Housing Partnership.
	Director Office of Troubled Agency Recovery.
Department of Interior:	
Office of the Inspector General	Assistant Inspector General for Auditing.
	Asst Inspector General for Investigations.
	General Counsel.
	Deputy Asst Inspector General for Audits.
Office of Special Trustee for American Indians	Special Assistant (Special Projects Officer).
Office of the Solicitor	Deputy Assoc Solicitor, General Law.
	Asst Solicitor Bureau of Parks and Recreation.
	Deputy Associate Solicitor-Mineral Resources.
	Associate Solicitor for Administration.
	Dep Assoc Solicitor Land & Water Resources.
	Dep Associate Solictor-Indian Affairs.
Assistant Secretary—Policy, Management and Budget	Asst Dir for Economics.
	Manager, Science and Engineering.
	Natural Resource Damage Assessment Prog Mgr.
	Dir, Ofc of Fin Mgmt & Dep Chf Fin Officer.
	Chief Div of Budget & Program Review.
	Chief Div of Budget Admin.
	Deputy Agency Ethics Staff Officer.
National Park Service	Park Manager-Grand Canyon.
Field Offices	Park Manager-Yosemite (Superintendent).
	Park Manager Everglades.
	Park Manager-Yellowstone (Superintendent).
	Asst Dir, Design & Construction (Mgr, Dsc).
	Park Manager-Independent Natl Historic Park.
Field Offices	Executive Dir Regional Ecosystem Office.
Field Offices	Research Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Director, Technical Services Center.
	Spec Asst to the Dir. Reclamation Serv Center.
	Project Manager/Arizona Project Office.
	Director, Management Services Office.
U.S. Geological Survey	Assoc Chief Geologist for Operations.
	Associate Chief Geologist for Science.
	Regional Geologist Western Region.
	Regional Geologist, Eastern Region.
National Mapping Division	Chief, National Mapping Division.
	Assoc Chief Programs & Finances.
	Associate Chief for Operations.
Field Offices	Chief, Eros Data Center.
	Chief Mid-Continent Mapping Center.
	Chief Rocky Mountain Mapping Center.
	Chief Mapping Applications.
Water Resources Division	Chief Hydrologist.
	Assoc Chief Hydrologist.
	Asst Chf Hydrologist for Operations.
	Chief, Natl Water Quality Assessment (NAWQA)
	Asst Chief Hydrologist for Tech Support.
	Asst Chief Hydrologist for Water Information.
	Chf, Ofc of Hydrologic Research.
	Chf, National Water Data Exchange Program.
Field Offices	Regional Hydrologist Center Region.
	Regl Hydrologist Southeastern Region.
	Regional Hydrologist, Western Region.
	Regional Hydrologist, Northeastern Region.
Geologic Division	Chief Geologist.
	Chief, Ofc of Scientific Publications.
	Assoc Chf Geologist.
	Chf Ofc of Mineral Resources.
	Assistant Chief Geologist for Programs.
Biological Resources Division	Asst Dir. Budget and Administration.
	Asst Dir For Information & Technology Service.
Field Offices	Spec Asst to The Reg Dir Research & Develop.
	Assistant Directror for Inventory & Monitoring.
Bureau of Land Management	Director National IRM/Center.
	International Tech Asst Program Manager.
	Helium Program Administrator.
Office of Surface Mining	Regional Director.
	Regional Director.
	Regional Director.
Minerals Management Service	Associate Dir For Policy and Mgmt Improvement.
	Assistant Assoc Dir For Offshore Minerals Mgt.
	Special Assistant to the Director.
Field Offices	Regional Director, Gulf of Mexico OCS Region.
	Regional Director, Alaska OCS Region.
	Regional Director, Pacific OCS Region.
	Dir Program Reengineering Office.
	Dep Assoc Dir for Audit.
	Dep Assoc Dir for Valuation & Operations.
	Deputy Assoc Director for Administration.
	Deputy Assoc Dir for Rolalty Mgmt.
Bureau of Indian Affairs	Dep to the Dir Indian Education Programs.
International Development Cooperation Agency:	
Office of the General Counsel	Deputy General Counsel.
	Asst General Counsel for Ethics & Adm.
Office of the Inspector General	Asst Inspector General for Security.
	Asst Inspector General for Investigations.
	Counsel to the Inspector General.
	Deputy Inspector General.
Office of Equal Opportunity Programs	Dir Ofc of Equal Opportunity Progams.
Bureau for Global Programs, Field Support and Research	Assoc Asst Admr Center for Economic Growth.
	Senior Deputy Assistant Administrator.
	Dep Asst Admr Ctr for Pop, H/N BFGP, FS/RES.
	Associate Assistant Administrator.
Bureau for Europe and the New Independent States	Deputy Asst Administrator.
Bureau for Management	Deputy Asst Admr Bureau for Management.
	Chf Fin Ofcr, Office of Financial Management.
	Dep Director, Office of Financial Management.
	Dir Office of Information Resource Management.
	Deputy Director Ofc of Procurement.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Deputy Director, Ofc of Procurement.
	Deputy Director, Office of Human Resources.
	Dir. Ofc of Admin Services.
Department of Justice:	
Office of the Attorney General	Counsel on Professional Responsibility.
	Dep Counsel on Professional Responsibility.
Ofc of the Legal Counsel	Special Counsel.
	Special Counsel.
Office of the Inspector General	Deputy Inspector General.
	Asst Inspector General for Inspections.
	Assistant Inspector General for Audit.
	Assistant Inspector General for Investigation.
	Asst Inspector Gen for Management & Planning.
	General Counsel.
	Dir, Special Investigation Review.
Office of the Deputy Attorney General	Director, Office of Legal Education.
	Correctional Prog Ofcr/Sr Dep Asst Dir Prd.
Justice Management Division	Asst Attorney General for Administration.
	Deputy Asst Attorney General.
	Dep Asst Attorney Gen Human Res/Admin.
	Dir, Security & Emergency Plnng Staff.
	Dir Library Staff.
	Dir, Facilities and Administrative Svc Staff.
	Dir Telecommunications Services Staff.
	Director Management and Planning Staff.
	Director, Budget Staff.
	Senior Policy Advisor.
	Dep Asst Attorney General, Info Res Mgt.
	Dir Procurement Services Staff.
	Dir, Systems Technology Staff.
	General Counsel.
	Dir, Equal Employment Opportunity Staff.
	Senior Counsel.
Office of the Controller	Dep Asst Attorney General; Controller.
	Dir Finance Staff.
	Dep Asst Atty Gen for Debt Collection.
	Asst Dir, Management & Planning Staff.
Office of Human Resources and Administration	Director Personnel Staff.
	Director, Ofc of Atty Pers Mgmt.
Office of Info & Admin Services	Director, Computer Services Staff.
	Director, Information Mgmt & Security Staff.
Executive Office for Immigration Review	Chief Immigration Judge.
	Assistant to the Director.
	Chairman, Board of Immigration Appeals.
	General Counsel.
	Chief Admin Hearing Officer.
Antitrust Division	Senior Litigator.
	Executive Officer.
	Chief Computers and Finance Section.
	Senior Litigator.
Office of Litigation	Dep Dir of Operations.
	Chief, Competition Policy Section.
Civil Division	Director of Management Programs.
	Deputy Director, Commercial Litigation Branch.
	Appellate Litigation Counsel.
Commercial Litigation Branch	Spec Litigation Counsel (Foreign Litigation).
	Spec Litigation Coun, C/L Branch.
	Deputy Branch Director/Commercial Litigation.
	Deputy Branch Dir Civil Frauds.
Federal Programs Branch	Special Litigation Counsel (Federal Programs).
	Deputy Branch Director.
Torts Branch	Spec Litigation Counsel.
	Spec Litigation Counsel.
	Deputy Branch Director.
	Deputy Branch Director.
	Deputy Branch Director.
	Director Office of Consumer Litigation.
Civil Rights Division	Special Litigation Counsel.
Environment and Natural Resources Division	Executive Officer.
Office of Environmental Resources	Senior Litigation coun Attorney-Examiner.
	Dep Chf, Environmental Enforcement Section.
	Principal Deputy Chief Environ Enforce Sec.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
Tax Division	Chief Civil Trail Section Southwestern Region.
	Executive Officer.
Deputy Assistant Attorney General–I	Special Litigation Counsel.
	Sr Trial Attorney.
	Special Litigation Counsel.
	Spec Litigation Counsel.
Immigration and Naturalization Service	Asst Commissioner for Detention & Deportation.
	Asst Commissioner for Adjudication & Natural.
	Assistant Commissioner for Border Patrol.
	Director of Internal Audit.
	Director of Security.
	Asst Comr, Budget.
	Regional Director Central Region.
	Asst Commissioner Administration.
	Chief Patrol Agent.
	District Director.
	Chief Patrol Agent.
	District Dir. Western Reg, Pheonix District.
	Asst Commissioner Data Systems.
	Deputy General Counsel.
Associate Commissioner for Examinations	Asst Comm for Inspections.
Associate Commissioner for Enforcement	Assistant Commissioner for Investigations.
Executive Associate Commissioner for Management	Assistant Comr, Human Resources & Development.
Regional Offices—INS	District Director Newark District.
	District Director, Newark, District.
Ofc of the Associate Attorney General	Executive Officer (Principal Assoc Director)
Exective ofc for U.S. Attorneys	Dir Ofc of Mgnt Information Systems Support.
	Dir, Office of Administration & Review.
	Dep Dir for Operations.
	Deputy Director, Financial Management Staff.
Criminal Division	Deputy Chief, Fraud Section.
	Dir Ofc of Asset Forefeiture.
	Senior Appelleate Counsel.
	Senior Counsel.
	Executive Officer.
	Dir Intl Criminal Invest Train Asst Program.
	Chief, General Litigation & Legal Advice Sect.
	Senior Counsel for Natl Security Matters.
	Dep Chief Terrorism & Violent Crime Section.
	Chf of International Training & Dev Programs.
Ofc of Senior Counsels	Sr Counsel for Litigation.
Ofc of Deputy Asst Attorney General I	Counsel to the Office Fraud Section.
Ofc of Deputy Asst Attorney General II	Chf Public Integrity Section.
	Deputy Chief Public Integrity Section.
Federal Bureau of Prisons	Asst Dir For Planning and Development.
	General Counsel.
	Assoc. Commr, Fed Prisons Industries, Unicor.
	Dep Assoc Commr Fed Prison Industries.
	Warden Ft Worth Texas.
	Warden Marianna FL.
	Asst Director for Human Res Mgmt.
	(Warden) Miami, FL.
	Senior Deputy Asst Dir Health Services Div.
	Regional Director Mid Atlantic Division.
	Asst Dir., Community Corrections & Detention.
	Asst Dir, Info, Pol. & Public Afrs Div.
	Gen Counsel, Fed Prison Industries (UNICOR).
	Warden, Allenwood, Pennsylvania.
	Sr Mgt Counsel, (Federal Bureau of Prisons).
	(Warden) Fort Dix, NJ.
	(Warden) FCC, Floren, CO.
	Correctional Inst Admr (ARD) SCR, Dallas, TX.
	Corrl Inst Admr (SDAD), CC & Div. Wash, DC.
	Warden, USP, Florence, CO.
	CIA (Warden) Fed Medical Center Carswell, TX.
	CIA (Warden) U.S. Penitentiary, Allenwood, Pa.
	(Warden) FTC, Oklahoma, OK.
	Senior Dep Asst Dir (Administration).
	CIA (Warden) Fed Cortl Inst/El Reno, OK.
	CIA (Warden) Fed Medical Center/Miami, FL.
	Correctional Prog Offcr/Sr Dep Regl Dir.
	Correctional Inst Admr (Warden) FCI.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Correctional Program Officer.
	Correctional Prog Officer (WFCI, Estill, SC).
	Correctional Prog Officer (Warden Fed CI, SC.
	Correctional Institution Admin (W, FMC, FTD, MA).
	Correctional Institution Administrator.
	Correctional Institution Admr (Warden).
Office of Correctional Programs	Asst Dir Correctional Programs Div.
Northeast Region	Regional Director, Northeast Region.
	Warden, Lewisburg, PA.
	Warden, McKean, PA.
	(Warden), Oakdale, LA.
	Correctional Institution Admr (Warden).
Southeast Region	Regional Director, Southeast Region.
	Warden Atlanta.
	Warden, Lexington Kentucky.
	Warden Butner North Carolina.
North Central Region	Regional Director, North Central Region.
	Warden Leavenworth Kansas.
	Warden Springfield MO.
	Warden Marion IL.
	Warden Terre Haute, IN.
	Correctional Institution Admr.
South Central Region	Regional Director, South Central Region.
	Warden El Reno Okla.
Western Region	Regional Director, Western Region.
	Warden, LOMPOC, CA.
	Warden Phoenix AZ.
	Warden Federal Correctional Institution.
	Correctional Institution Admr (Warden).
Ofc of Justice Programs	Director of Administration.
	Dep Director, National Institute of Justice.
	General Counsel.
	Comptroller.
Bureau of Justice Statistics	Depty Dir, Bureau of Justice Statistics.
	Supervisory Statistician.
U.S. Marshals Service	Assistant Director for Human Resources.
	Assoc Director for Operational Support.
	Senior Management Advisor.
	Assistant Director for Prisoner Services.
	Assistant Director for Business Services.
	Assistant Director for Mgmt and Budget.
	Assistant Director for Executive Service.
	Assistant Director for Investigative Servs.
	Assistant Director for Judicial Security.
	Asst Director for Organizational Development.
	Assistant Director for Training.
Department of Labor:	
Ofc of the Inspector General	Deputy Inspector General.
	Asst Inspector General for Investigations.
	Asst Inspector Gen for Audit.
	Deputy Assistant Inspector General for Audit.
	Asst Inspector Gen for Labor Racketeering.
	Asst Inspector Gen for Mgmt & Counsel.
	Asst Inspector Gen/Analysis Complaints/Eval.
Office of the Solicitor	Deputy Solicitor (Regional Operations).
	Assoc Solicitor for Labor-Management Laws.
	Assoc Solicitor for Plan Benefits Security.
	Assoc Solicitor for Civil Rights.
	Assoc Solicitor for Occupational Safety & Hlt.
	Assoc Solicitor for Mine Safety & Health.
	Assoc Solicitor for Fair Labor Standards.
	Assoc Solicitor for Employee Benefits.
	Assoc Sol for Spec Appel & Sup Court Lit.
	Dep Solicitor for Planning and Coordination.
	Associate Solicitor for Black Lung Benefits.
Regional Solicitors	Regional Solicitor.
	Regional Solicitor Region IV—Atlanta.
	Regl Solicitor Boston.
	Regl Solicitor New York.
	Regional Solicitor Philadelphia.
	Regl Solicitor Dallas.
	Regl Solicitor Kansas City.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Regl Solicitor San Francisco.
Chief Financial Officer	Deputy Chief Financial Officer.
OAS for Administration and Management	Das for Admin & Mgmt/Chf Information Ofcr.
	Director of Human Resources.
	Director of Information Technology.
	Dir, Administrative & Procurement Programs.
	Director Office of Budget.
	Dir Ofc of Fin Integrity.
	Deputy Assistant Secy for Budget.
	Director Business Operations Center.
	Director of Civil Rights.
	Dir of Program Devel for Human Resources.
	Dir Div of Agency Programs.
Office of Management, Administration and Planning	Dir Ofc of Mgmt, Administration and Planning.
Ofc of Federal Contract Compliance Programs	Director Division of Programs Operations.
Wage and Hour Division	Asst Admin for Policy Planning & Review.
	Dep Wage & Hour Admin.
	Dep Natl Ofc Program Administrator.
Ofc of Workers Compensation Programs	Dir Federal Employees Compensation.
	Dir Coal Mine Workers Compensation.
Pension & Welfare Benefits Administration	Dir of Regulations & Interpretations.
	Dep Asst Secy for Program Operations.
	Director of Exemption Determinations.
	Senior Policy Advisor.
	Regional Director.
	Regional Director.
	Regional Director.
	Regional Director.
	Dir of Enforcement.
Bureau of Labor Statistics	Deputy Commissioner.
	Associate Commissioner for Field Operations.
	Assoc Commr for Publications & Spec Studies.
	Asst Commr for Consumer Prices/Price Indexs.
	Asst Commr for Fedl/State Coop Stat Programs.
Data Analysis	Assoc Commissioner for Employment Projections.
	Assoc Comr for Prices and Living Conditions.
	Assoc Commr Productivity & Technology.
	Assoc Commissioner/Survey Methods Research.
	Assoc Comm for Employment & Unempl Statistics.
	Asst Commr for Consumer Prices & Price Indexes.
	Asst Commr for Indust Prices & Price Indexes.
	Assistant Commissioner for Economic Research.
	Asst Commissioner for Federal-State Programs.
	Asst Commissioner for Current Employ Analysis.
	Asst Comr for Compensation Levels & Trends.
	Asst Comr for Safety, H & W Conditions.
	Assoc Comr Compensation & Working Conditions.
	Asst Comm for Survey Methods Research.
	Asst Comm for International Prices.
Administrative and Internal Operations	Associate Commissioner for Administration.
	Director of Survey Processing.
	Dir of Technology & Computing Svcs.
	Asst Comr for Technology & Survey Processing.
	Dir Quality & Info Management.
Office of Financial & Administrative Management	Comptroller.
	Admr, Ofc of Financial & Administrative Mgmt.
	Dir, Ofc of Information Resources Management.
Administrative Programs	Dir, Adm Progs.
Health Standards Programs	Dir Health Standards Programs.
Safety Standards Programs	Director Safety Standards Programs.
Federal/State Operations	Director, Federal/State Operations.
Technical Support	Director, Technical Support.
Mine Safety and Health Administration	Chf of Standards, Regulations & Variances.
	Director of Administration and Management.
	Director of Technical Support.
	Director of Prog Evaluation & Info Resources.
Merit Systems Protection Board:	
Office of the General Counsel	Deputy General Counsel.
Office of the Clerk of the Board	Clerk of the board.
Office of Policy and Evaluation	Director, Office of Policy & Evaluation.
Office of Planning & Resource Management Services	Director, Office of Administration.
Office of Regional Operations	Director, Office of Regional Operations.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
Atlanta Regional Office	Regional Director, Atlanta.
Central Regional Office	Regional Director, Chicago.
Northeastern Regional Office	Regional Director, Philadelphia.
Washington Office	Regional Director, Washington, D.C.
Western Regional Office	Regional Director, San Francisco.
National Aeronautics and Space Administration:	
National Aeronautics and Space Administration	Dummy.
	Deputy Manager Microgravity Research Program.
Office of the Chief Financial Officer/Comptroller	Deputy Chief Financial Officer.
	Director, Financial Management Division.
	Director, Resources Analysis Division.
	Deputy Dir., Financial Management Division.
Office of Headquarters Operations	Chief, Information Syst & Technol Office.
	Director Headquarters Acquisition Division.
Office of Equal Opportunity Programs	Director, Discrimination Complaints Division.
	Director, Multicultural Prog & Support Div.
Office of Human Resources & Education	Associate Administrator for Human Resources.
	Director, Education Division.
	Director, Personnel Division.
	Director, Management Systems Division.
	Dep Assoc Adm for Human Res & Education.
	Special Asst to the Associate Admr.
Office of Procurement	Asst Admr for Procurement.
	Director, Program Operations Divisions.
	Director, Procurement Policy Division.
	Dep Assistant Administrator for Procurement.
	Dir Contract Management Division.
	Director Analysis Division.
Office of External Relations	Dep Assoc Admin for External Relationships.
Defense Affairs	Director, Space Flight Division.
Policy Coordination	Manager, International Technol Transfer Pol.
Office of Management Systems & Facilities	Special Assistant to the Assoc Administrator.
Environmental Management	Dir Environmental Management Division.
Security, Logistics & Industrial Relations	Dir, Logistics & Security Division.
Aircraft Management	Director, Aircraft Management Office.
Information Resources Management	Director, Information Resources Mgmt Division.
Facilities Engineering	Deputy Director, Facilities Engineering Div.
	Director Environmental Management Division.
	Director, Facilities Engineering Division.
Office of Small & Disadvantaged Business Utilization	Assoc Admr for S & D Business Utilization.
Office of Legislative Affairs	Dep Assoc Admin.
	Dep Assoc Admin for Programs.
Office of Space Flight	Spec Asst to Dep Assoc Adm for Space Shuttle.
	Director, Advanced Project Office.
	Senior NADA Representative.
	Dep Assoc Administrator for Space Flight Dev.
	Deputy Assoc Admr for Space Communications.
Institutions	Deputy Associate Admr for Business Mgmt.
	Techn Asst to the Dep Assoc Adm for Bus Mgmt.
Chief Engineer	Tech Asst to the Chief Engineer.
	Deputy Chief.
	Senior Engineer.
Mission Director	Asst Mission Dir MIR.
Space Shuttle Program	Manager Space Shuttle Syst Integration.
	Mgr, Natl Space Trans Syst Integration & Ops.
	Manager, Safety & Obsolescence.
Space Station Program	Manager Stragetic Utilization & Ops Office.
	Deputy Director, Space Station Program.
	Senior Engineer Space Station Program.
Center Operations Directorate	Director, Information Systems Services Office.
	Dir Evironmental Engineering & Mgnt Office.
Johnson Space Center	Chief Financial Officer.
	Director of Human Resources.
	Dir of Tech Transfer & Commercialization.
	Chief Information Officer.
	Deputy Chief Information Officer.
	Manager, Phase One Program Office.
	Associate Director (Technical).
	Assistant Director, Space Operations.
	Manager Advanced Communications Operations.
	Technical Assistant for External Reviews.
	Associate Director (Management).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Manager EVA Project Office.
	Business Manger.
Space Operations Office	Manager, Space Operation Mgmt Office.
	Manager, Space Ops Engineering Office.
	Director, Space Operations Office.
	Deputy Dir. Space Operations Office.
	Director Space Operations.
Space Station Program Office	Space Station Program Manager.
	Space Station Vehicle Manager.
	Director, Management Operations.
	Deputy Space Station Vehicle Manager.
	Manager International Partners Office.
	Tech Asst to the Mgr. Space Station Program.
	Dep Progaram Manager for Business Management.
	Deputy Program Mgr for Technical Development.
	Manager, Research Programs.
Space Shuttle Program Office	Mgr, Space Shuttle Vehicle Engineer OFC.
	Mgr, Space Shuttle Mgmt Integration Office.
	Manager, Shuttle Projects Office (MSFC).
	Mgr, Launch Integration (KSC).
	Director, Space Shuttle Operations.
	Mgr, Space Shuttle Business Office.
	Asst Manager Space Shuttle Prog Space Flight o/c.
	Asst Manager Space Shuttle Program.
Mission Operations	Director, Mission Operations.
	Chief Flight Director Office.
	Deputy Director, Mission Operations.
	Asst Dir for Operations.
	Chief Integrated Planning System Office.
	Chief Simulator & Operations Technology Div.
Flight Crew Operations	Chief, Aircraft Operations Division.
	Dep Dir, Flight Crew Operations.
Engineering	Deputy Director, Engineering.
	Chief Structures and Mechanics Division.
	Chief, Crew & Thermal Systems Division.
	Chief, Automation, R&S Division.
	Director, Engineering.
	Chief Engineer Space Station Program.
	Chief Avionic Systems Division.
	Assistant to the Director, Engineering.
	Deputy Chief, Avionic Systems Division.
	Chief, Aeroscience & Flight Mechanics Div.
	Manager, Advanced Development Office.
	Deputy Mgr, Advanced Development Office.
	Asst Mgr, Advanced Development Office.
	Deputy Manager for Exploration.
	Special Assistant for Program Planning.
	Chief, Energy Systems Division
Space and Life Sciences	Chief, Medical Sciences Division.
	Assistant Director for Engineering.
	Assistant to the Director for Russian Progs.
	Chief, Flight Crew Support Division.
	Associate Director, Space & Life Sciences.
	Deputy Director, Space and Life Sciences.
	Manager Science Payloads Management Office.
	Chief, Solar System Exploration Division.
Information Systems	Director, Business Manager.
	Director, Information Systems.
	Manager Management Configuration Office.
	Dep Dir Information Systems.
Business Management	Procurement Officer.
	Assistant Director, Business & Info Systems.
	Special Assistant to the Director.
	Manager Space Station Business Office.
	Asst Dir Business Management.
Center Operations	Special Assistant for Facility Management.
	Dir Center Operations.
	Deputy Director, Center Operations.
	Deputy Director Center Operations.
Safety, Reliability & Quality Assurance.	Dir, Safety, Reliability & Quality Assurance
	Dep Dir, Safety, Reliability & Qual Assurance.
	Deputy Director for Russian Projects.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Deputy Director SR&QA.
White Sands Test Facility	Manager, NASA White Sands Test Facility.
Kennedy Space Center	Dir Public Affairs.
	Deputy Director Logistics Operations.
	Associate Director.
	Manager Spacelab Carrier Prog.
	Assdir for Advanced Devel & Shuttle Upgrades.
	Dir, Space Station Hardware Integration Ofc.
	Director, Safety Assurance.
	Deputy Director for Planning and Projects.
	Manager Launch Integration (KSC).
Shuttle Management & Operations	Dir of Shuttle Operations.
	Deputy Manager Launch Integration.
	Director Process Integration.
	Deputy Dir of Shuttle Processing.
	Director Process Engineering.
Safety and Mission Assurance	Director, Quality Assurance.
Engineering Development	Dir, Mechanical Engineering.
	Director, Electronic Engineering.
Installation Operations	Director, Installation Operations.
	Director, Facilities Engineering.
	Deputy Dir, of Installation Mgmt & Operations.
Payload Processing	Director, Expendable Vehicles.
	Director Logistics Operations.
	Deputy Director, of Payload Processing.
	Dir Inter Space Station Launch Site Support.
Procurement	Director, Procurement.
Biomedical Office	Director, Biomedical Office.
Marshal Space Flight Center	Chief Financial Officer.
	Director, Safety & Mission Assurance Office.
	Associate Director.
	Assistant to the Center Dir for Space Station.
	Associate Director, MSFC.
	Associate Director (Technical).
	Manager, Space Transportation Prog Office.
	Manager X–34 Program.
	Assistant to the Manager, X–34 Program.
Microgravity Research Office	Deputy Manager for Space Station Research.
Program Development	Deputy Director, Program Development.
	Deputy Manager, Technology Transfer Office.
	Dir, Research & Technology Office.
Science & Engineering	Director, Space Sciences Lab.
	Director, Propulsion Laboratory.
	Director, Syst Anal & Integration Laboratory.
	Dep Dir Structures & Dynamics Laboratory.
	Deputy Dir, Material & Processes Laboratory.
	Dep Dir, Mission Operations Laboratory.
	Dep Dir, Syst Anal & Integration Laboratory.
	Deputy Director, Propulsion Laboratory.
	Dir Astronics Laboratory.
	Dir Structures Dynamics Laboratory.
	Deputy Director, Structures & Dynamics Lab.
	Chief Engineer Space Shuttle Main Engine Proj.
	Asst Director Science & Engineering.
	Manager Space Station Furnace Facility.
	Director, Mission Operations Laboratory.
	Dep Manager Super Lightweight External Tank.
	Director, Science & Engineering.
	Deputy Director, Space Sci Laboratory.
	Chf Eng, Reusable Launch Vehicle Project.
	Assistant Director, Science & Engineering Dir.
Center Operations Directorate	Dir Center Operations.
	Director, Procurement Office.
	Dep Dir, Institutional & Program Support.
	Director, Facilities Office.
	Director Center Operations.
Space Shuttle Projects	Manager, External Tank Project.
	Mgr Solid Rocket Booster Project.
	Manager Space Shuttle Main Engine Projects.
	Manager, Reusable Solid Rocket Motor Project.
	Chief Engineer Space Shuttle Main Engine Prog.
Global Hydrology Research Office	Manage, Global Hydrology Research Office.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Dep Dir Science & Engineering.
	Dir, Materials & Processes Laboratory.
	Manager Microgravity Projects
	Manage Microgravity Research Program Office.
Observatory Projects	Manager, Observatory Projects Office.
	Dep Mgr, Observatory Projects Office.
Space Transportation Programs Office	Director, Advanced Transportation Syst Office.
	Dep Manager Space Transportation Prog Ofc.
	Manager X–33 Program.
Technology Transfer	Director, Technology Transfer Office.
	Mgr Earth & Space Sciences Projects.
Customer and Employees Relations Directorate	Director, Customer and Employee Relations.
	Deputy Dir. Customer and Employee Relations.
Stennis Space Center	Director Center Operations & Support Director.
	Deputy Director, NASA Stennis Space Center.
	Dep Dir NASA Stennis Space Center.
	Assoc Director for Institution.
	Director, Propulsion Test Directorate.
	Deputy Director, Propulsion Test Directorate.
	Manager, Test Management Support.
	Dir Commercial Remote Sensing Program Office.
Office of Space Communications	Chief, Communications Systems Branch.
Ground Networks	Assistant Associate Administrators (Plans).
Communications & Data Systems	Dep Dir, Ground Network Division.
Office of Public Affairs	Senior Public Affairs Advisor.
Office of Safety & Mission Assurance	Dep Assoc Adm for Safety & Mission Quality.
	Director, Programs Assurance Division.
	Mgr. Intl Sp Stn Indep A & O Act.
	Technical Advisor for SR M QA Initiatives.
	Dir. Human E & D of Space (Heds) Indep Assur.
Safety & Risk Management	Director, Safety & Risk Management Division.
Payloads & Aeronautics	Dir, Enterprise Safety & Mission Assurance.
Engineering & Quality Management	Director, Quality Management Office.
Office of Aeronautics	Dep Assoc Admin for Aeronautics Mgmt.
	Dir Space Transportation Division.
	Senior Engineer.
	Director, Inter-Enterprise Operations.
Resources & Management Systems	Director, Resources Management Office.
High Performance Aircraft	Assistant Director for Program Evaluation.
High Speed Research	Director, Alliance Development Office.
National Aero-Space Plane	Assistant Dir for Aircraft Certification Serv.
Ames Research Center	Chief Financial Officer.
	Dir., National Rotorcraft Technology Center.
	Deputy Director of Information Systems.
	Manager, NASA Consolidated Supercomputing Ops.
	Deputy Director Ames Research Center.
	Assistant Director For Planning.
	Deputy Director for Space.
	Chief Systems Engineering Division.
Aerospace Systems	Dep Dir Flight Projects Office.
	Chief Aeronautical T & S Division.
	Chief Flight Mgmt & Human Factors Division.
	Associate Director for Aeronautics.
	Deputy Director of Aeronautics.
	Chief, Applied Aerodynamics Division.
Flight Operations	Deputy Chf, Airborne Science & Flight Res Div.
	Chief, Flight Operations Office.
Aerophysics	Dir Software Independent Verification Facility.
	Chief, Space Technology Division.
Space Research	Chief, Information Sciences Division.
	Director of Space.
	Chief, Life Sciences Division.
Administration	Deputy Director of Center Operations (ADM).
	Chief, Airborne Science & Flight Res Div.
	Dep Director, Center Operations Directorate.
Dryden Flight Research Center	Asst Chief, Flight Operations Division.
	Director, Intercenter Aircraft Operations.
	Asst Dir for Program Integration.
	Assistant Director of Research Facilities.
	Chief Information Officer.
Flight Operations	Chf, Flight Operations Division.
Aerospace Projects	Dir Aerospace Projects Directorate.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
Langley Research Center	Chief Atmospheric Sciences Division.
	Dir Independent Prog Assess Office.
	Dir of Education Programs.
	Assistant Director for Planning.
	Special Assistant for Outreach.
	Manager, Hyper-X Phase One Program.
	Dep Dir Indep Progr Assessment Office.
	Associate Director.
	Director.
Aeronautics	Chief, Aeronautics Systems Analysis Div.
	Deputy Director, Airframe Systems Prog Office.
Space & Atmospheric & Sciences	Deputy Dir, S & A Sciences Program Group.
	Dir, Aerospace Transportation Program Office.
	Chief, Space Systems and Concepts Division.
Research & Technology	Director.
	Chief Structures Division.
	Chief Information & Electromagnetic Tech.
	Chf, Flight Dynamics & Controls Division.
	Chief, Fluid Mechanics Division.
	Deputy Dir, Research & Technology Group.
	ChiefAerodynamics Division.
	Chief, Power & On-Board Propulsion Techn Div.
	Director, Research & Technology Group.
	Chief, Aero & Gas Dynamics Division.
	Chief, Materials Division.
Technology Applications	Manager Space Technologies Thrust Office.
Internal Operations	Deputy Dir, Internal OPS Group (FE&O)
	Chief, Simulation and Research Aircraft Div.
	Chief Experimental Testing Technology Div.
	Special Asst, Internal Operations Group.
	Special Assistant.
	Procurement Officer.
	Chief Aerospace Mechanical Systems Division.
	Director, Internal Operations Group.
	Chief, Simulation and Research Aircraft Div.
High-Speed Research Project	Director for High-Speed Res Project Office.
	Chief Engineer, High-Speed Research.
Aerospace Transportation Technology Office	Dep Dir Aerospace Trans Technol Office.
	Dep Dir Aerospace Transportation Tech Ofc.
	Dir Aerospace Transport Technology Office.
Safety, Environmental & Mission Assurance	Dir, Ofc of Safety, E & M Assurance.
Comptroller	Chief Financial Officer.
Lewis Research Center	Chief, Turbomachinery & Propulsion Syst Div.
	Chief, Materials Division.
	Chief Microgravity Division.
	Special Assistant to the Director for Policy.
	Chief Financial Officer.
	Deputy Director for Operations.
	Chief, Systems Engineering Division.
Aeronautics	Chf, Internal Fluid Mechanics Division.
	Chf, Aeropropulsion Analysis Office.
	Deputy Director of Aerospace Technology.
	Chief, High-Speed Systems Office.
	Chief, Subsonic Systems Office.
Aerospace Technology	Chief, Space Propulsion Technology Division.
	Chief, Structures Division.
	Chief, Space Communications Division.
	Chief, Interdisciplinary Technology Office.
Space Flight Systems	Chief, Space Experiments Division.
	Deputy Director of Space Flight Systems.
	Chief Power Systems Project Office.
	Senior Advisor for Advanced Concepts.
Engineering	Chf, Electronics & Control Systems Division.
	Director of Engineering & Technical Services.
	Chief Engineer.
Technical Services	Deputy Dir of Engineering & Tech Services.
Administration & Computer Services	Chief, Computer Services Division.
	Dir, Adm & Computer Services Directorate.
External Programs	Director, External Programs.
Mission Safety & Assurance	Dir, Ofc of Sfty, Environml & Mission Assur.
Office of Space Science	Special Ast to the Deputy Assoc Admin.
	Asst Associate Admr for Technology.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
Solar System Exploration	Science Program Director.
	Director, Mission & Payloa Development Div.
	Senior Program Executive for JPL Programs.
	Dir, Advanced Technol & Mission Studies Div.
Space Physics	Senior Program Executive for GSFC/APL Progs.
	Science Program Dir, Sun-Earth Connection.
	Sr Sci Prog Executive for Review & Evaluation.
	Director, Research Program Management.
Technology & Information Systems	Sr Sci Program Executive for Information Syst.
Astrophysics	Science Program Director, Galaxy & Universe.
	Deputy Dir Astrophysics Division.
	Asst Assoc Admr for Education & Outreach.
	Science Prog Dir, Origins & Planetary Systems.
Office of Live & Microgravity Sciences & Applications	Dir, Space Processing Division.
Microgravity Science & Applications	Dir, Microgravity Sciences & Applications Div.
Life & Biomedical Sciences	Manager, Life Sciences and Technology.
	Dir Life & Biomedical Science & Applics Div.
Flight Systems	Chief Mission Management Branch.
Office of Inspector General	Assist Inspector General for Investigation.
	Assistant Inspector General for Auditing.
	Asst Insp Gen for Partnerships & Alliances.
	Dir for Program Asst & Review.
	Manager, Advanced Technology Programs.
Office of Space Access & Technology	Manager Systems Integration.
	Manager, Communications Experiments.
	Director Commercial Dev & Technol Transfer.
	Manager for Propulsion Technology.
	Special Assistant for Special Projects.
Office of Earth Science	Dep Assoc Admr for Mission to Planet Earth.
	Senior Science Advisor for Intl Programs.
	Director, Mission to Planet Earth.
	Senior Engineer, Program Integration.
	Dir Applications & Outreach Division.
Science	Director Science Division.
Goddard Space Flight Center	Dir of University Programs.
Human Resources	Director of Human Resources.
Comptroller	Chief Financial Officer/Comptroller.
Management Operations	Dep Dir for of Management Operations.
	Associate Director for Acquisition.
Flight Assurance	Director of Flight Assurance.
	Dep Dir of Flight Assurance.
Flight Projects	Deputy Director of Flight Projects.
	Project Mgr, Opns & Ground Systems.
	Project Mgr. Earth Observing Syst AM Project.
	Assoc Dir of Flt Proj Hubble Space Telescope.
	Geostationary OPL Environmental Satellite PM.
	Dir of Flight Projects.
	Proj Mgr Hubble Spc Telescope Syst & Serv.
	Tracking & Data Relay Satellite TDRS Proj Mgr.
	Assoc Dir for Earth Sci Data & Info System.
	Proj Mgr, EOS–PM Proj Flight Proj Direct.
	Project Manager Explores Project.
	Project Mgr, Earth Sci D & I Syst Project.
	Dep Dir Flight Projects for Plan & Bus Mgnt.
	Associate Director of Flight Projects for EOS.
Applied Engineering & Technology Directorate	Chief, NASA Communications Division.
	Assoc Dir of Mission Operations & Data Syst.
	Deputy Dir Applied Engineering & Technology.
	Chief, Networks Division.
	Chief, Flight Dynamics Division.
	Chief Information Systems Center.
	Deputy Director of Applied Eng & Technology.
	Chief Information Systems Center.
Systems, Technology and Advanced Concepts	Dep Dir of Systems, Tech & Advanced Concepts.
Space Sciences	Chief, Lab for Astronomy and Solar Physics.
	Chief, Lab for Extraterrestrial Physics.
	Director of Space Sciences.
	Chief, Goddard Institute for Space Studies.
	Chief Laboratory for High Energy Astrophysics.
	Deputy Director of Space Sciences.
Engineering	Dir, of Applied Engineering & Technology.
	Chief, Electrical Engineering Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Chief Engineer.
	Associate Director of Flight Projects.
	Chief, Mechanical System Center.
	Chief, Systems Engineering Division.
	Chief Technology Commercialization Office.
Suborbital Projects & Operations	Deputy Director, Mission to Planet Earth.
Earth Sciences	Chief Lab for Hydrospheric Processes.
	Chief, Space Data and Computing Division.
	Associate Dir for Mission to Planet Earth.
	Asst Dir of Earth Sci for Projects Eng.
	Chf, Laboratory for Atmospheres.
	Deputy Director for Earth Sciences.
	Director for Earth Sciences.
	Chief Laboratory for Terrestrial Physics.
	Deputy Assoc Dir for Earth Sci D&I Syst.
	Asst Dir of Mission to P/E Prog for Globe.
Office of Policy and Plans	Director of Special Studies.
	Director of Special Projects.
National Archives & Records Administration:	
Archivist of US Dep Archivist of the US/Chf of Staff	Deputy Archivist of the United States.
Office of Administrative Services	Assistant Archivist for Administrative Serv.
Office of the Federal Register	Director of the Federal Register.
Office of Regional Records Services	Asst Archivist for Regional Records Services.
Office of Human Resources and Information Services	Asst Archivist for Human Resources & Info Ser.
Office of Records Services—Washington, DC	Asst Archivist for Records Services.
	Senior Policy Advisor.
Office of Presidential Libraries	Asst Archivist for Presidential Libraries.
	Director, Lyndon B. Johnson Library.
National Capital Planning Commission:	
National Capital Planning Commission Staff	Executive Director.
	Associate Executive Director (Management).
	Deputy Executive Director.
	Assistant Executive Director for Regl Plnng.
	General Counsel.
National Endowment for the Arts:	
National Endowment for the Arts	Director of Guidelines & Panel Operations.
	Director of Administration.
National Endowment for the Humanities:	
National Endowment for the Humanities	Dir, Office of Planning & Budget.
National Labor Relations Board:	
Ofc of the Board Members	Executive Secy.
	Deputy Executive Secretary.
	Inspector General.
Div of Enforcement Litigation	Deputy Assoc. Gen. Counsel Appellate Court Br.
	Director, Office of Appeals.
Div of Advice	Associate Gen Counsel, Div of Advice.
	Deputy Assoc Gen Counsel.
Div of Administration	Director of Administration.
	Deputy Director of Administration.
	Chief Information Technology Branch.
Div of Operations Management	Assoc General Counsel, Div of Operations-Mgmt.
	Dep Asso Gen Counsel, Div of Operations-Mgmt.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
	Asst to the General Counsel.
Regional Offices	Regl Dir Reg 1 Boston.
	Regional Director, Reg. 2, New York.
	Regional Director, Reg. 3, Buffalo.
	Regl Dir Reg 4 Philadelphia.
	Regional Director, Reg. 5, Baltimore.
	Regional Director, Reg. 6, Pittsburgh.
	Regl. Dir. Region 7, Detroit Mich.
	Regional Director, Reg. 8, Cleveland.
	Regional Director, Reg. 9, Cincinnati.
	Regl Dir Reg 10, Atlanta.
	Regl. Dir., Reg. 11, Winston Salem.
	Regional Director, Reg 12, Tampa.
	Regional Director, Reg 13, Chicago
	Regl Dir Reg 14 St Louis.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Regl Dir Reg 15 New Orleans.
	Regl Dir Reg 16 Ft Worth.
	Regl Dir Reg 17 Kansas City.
	Regl Dir Reg 18 Minneapolis.
	Regl Dir Reg 19 Seattle.
	Regional Dir, Reg 20, San Francisco.
	Regional Director, Reg. 21, Los Angeles.
	Regional Director Reg 22 Newark.
	Regional Director Reg 24 Hato Rey Puerto Rico.
	Regl Dir, Reg 25, Indianapolis.
	Regl Dir Reg 26 Memphis.
	Regl Dir Reg 27 Denver.
	Regl. Dir. Reg. 28 Phoenix.
	Regl Dir Reg 29 Brooklyn.
	Regl Dir Reg 30 Milwaukee.
	Regl. Dir., Reg 32, Oakland.
	Regional Director, Reg. 33 Peoria, Ill.
	Regl Dir Reg 31 Los Angeles.
	Regional Director Reg 34 Hartford.
National Science Foundation:	
Office of the Director	Executive Asst & Special Counsel.
Office of Integrative Activities	Senior Staff Associate.
	Senior Science Advisor.
Office of the General Counsel	Deputy General Counsel.
Organization Abolished	Senior Advisor.
Office of Polar Programs	Head Polar Research Support Section.
Office of the Inspector General	Inspector General.
	Assistant Inspector General for Oversight.
	Dep Inspector Gen & Senior Legal Advisor.
	Asst Inspector General for Audit.
Directorate for Geosciences	Senior Science Assoc for Spatial Data Info.
Division of Atmospheric Sciences	Head, Upper Atmosphere Section.
	Head Lower Atmosphere Section.
Division of Earth Sciences	Head Major Projects Section.
	Head, Research Grants Section.
Division of Ocean Sciences	Head Ocean Sciences Research Section.
Division of Engineering Education & Centers	Deputy Division Director (Education).
	Senior Staff Associate.
	Senior Engineering Advisor.
Division of Design, Manufacture & Industrial Innovation	Senior Advisor, Technology Integration.
	Senior Advisor.
Division of Civil and Mechanical Systems	Senior Advisor.
Directorate for Biological Sciences	Deputy Assistant Director.
Division of Environmental Biology	Deputy Division Director.
Division of Molecular & Cellular Biosciences	Deputy Director.
Directorate for Mathematical and Physical Sciences	Executive Officer.
	MPS Coordinator.
	Special Assistant to the Assistant Director.
Division of Physics	Executive Officer.
Division of Astronomical Sciences	Executive Officer.
Division of Mathematical Sciences	Executive Officer.
Division of Materials Research	Executive Officer.
	Senior Staff Scientist.
Directorate for Education & Human Resources	Deputy Assistant Director.
	Dep Asst Dir for Integrative Activities.
Division of Research, Evaluation & Communication	Senior Advisor for Research.
Division of Undergraduate Education	Senior Staff Associate.
Directorate for Social, Behavioral and Economic Sciences	Executive Officer.
Division of International Programs	Deputy Division Director.
	Senior Staff Associate.
	Senior Staff Associate.
Division of Social, Behavioral & Economic Research	Senior Division Director.
Directorate for Computer & Info Science & Engineering	Deputy Assistant Director.
	Chief Science & Technology Officer.
Division of Computer-Communications Research	Dep Division Director.
Office of Budget, Finance and Award Management	Director, BFA and CFO
Budget Division	Division Director.
Division of Financial Management	Division Director and Deputy CFO.
Division of Grants & Agreements	Division Director.
	Deputy Director.
Division of Contracts, Policy & Oversight	Division Director.
Office of Information and Resource Management	Deputy Director, OIRM and Deputy CIO.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
Division of Information Systems	Dep Dir, Div of Information Systems.
Division of Human Resource Management	Division Director.
Division of Administrative Services	Division Director.
National Transportation Safety Board:	
Office of the Managing Director	Deputy Managing Director.
	Chief Technical Advisor.
	Assoc Managing Dir Safety & Development.
	Assoc Managing Director for Quality Assurance.
Office of Administration	Dir Office of Administration.
Office of Aviation Safety	Director Ofc of Aviation Safety.
	Dep Dir, International Aviation Safety Affairs.
	Deputy Director.
Office of Research & Engineering	Dir Ofc of Research and Engineering.
	Deputy Dir Ofc of Research and Engineering.
Office of Finance	Chief Financial Officer.
Office of Safety Recommendations and Accomplishments	Dir Ofc of Safety Recommendations & Accomplis.
Nuclear Regulatory Commission:	
Nuclear Regulatory Commission	Dir Division of Budget and Analysis.
Atomic Safety and Licensing BRD Panel	Chief Administrative Judge.
	Deputy Chief Administrative Judge (Executive).
Office of the Chief Information Officer	Dir, Applications Development Division.
	Dir, Information Technology Infrastructure.
	Director, Information Mgmt Division.
	Director, Planning & Resource Mgmt Division.
Office of Chief Financial Officer	Deputy Chief Financial Officer.
	Dir Division of Accounting and Finance.
	Special Assistant for Internal Controls.
Office of the Inspector General	Asst Inspector General for Audits.
	Deputy Inspector General.
	Assistant Inspector Gen for Investigations.
Deputy GC for Licensing & Regulation	Deputy Assistant GC/Legislative Counsel.
Dep GC for Hearings, Enforcement & Administration	Deputy Assistant GC for Administration.
Assistant GC for Hearings and Enforcement	Dep Asst. GC for Mtrls, Antitrust & SP.
	Deputy Assistant General Counsel.
	Deputy Assistant GC for Mtrls, Antitrust & SP.
	Chief Nuclear Waste Management Branch.
Office of Commission Appellate Adjudication	Director OFC of Comm Appellate Adjudication.
Division of Operational Assessment	Deputy Director, Div Incident Response.
	Special Assistant to the Director.
Division of Safety Programs	Chief Reactor Analysis Branch.
	Chf Reliability & Risk Assessment Branch.
Office of Administration	Director Div of Contracts & Prop Mgmt.
	Director, Div of Security.
	Dir, Div of Administrative Services.
Ofc of Small and Disadv Bus Utilization/Civil Rights	Director.
Office of Nuclear Reactor Regulation	Proj Dir Project Directorate II 1.
Division of Inspection and Support Programs	Dir, Inspection & Support Programs.
	Chf, Inspection Program Branch.
	Chf, Special Inspections Branch.
Division of Reactor Projects I/II	Project Dir, Project Directorate I–1.
	Project Director, Project Directorate I–2.
	Project Director, Project Directorate I–4.
	Proj Dir Project Directorate II 2.
	Proj Dir Project Directorate II 2.
	Project Dir Project Directorate II 3.
	Deputy Dir, Div of Reactor Project I/II.
Division of Reactor Projects III/IV	Chf, Technical Specification Branch.
	Proj Dir Project Directorate III 1.
	Proj Dir Project Directorate III 2.
	Proj Director Project Directorate III 3.
	Proj Dir, Project Directorate IV–1.
	Chf, Events A & G Communications SP Insp Brch.
	Proj Dir, N–P Reactor, D & E Proj Directorate.
	Project Dir, Proj Directorate IV–2.
	Chief, Generic Issues & Envir Proj Branch.
Division of Engineering	Chief, Materials & Chemical Engineering BR
	Chf, Mechanical Engineering Branch.
	Chief Civil Eng & Geosciences Branch.
	Chief Electrical Engineering Branch.
Division of Systems Safety & Analysis	Chf, Plant Systems Branch.
	Chf, Reactor Systems Branch.
	Chief Probabilistic Safety Assessment Branch.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
Division of Reactor Controls and Human Factors	Chief Containment Sys & Severe Accident Brch.
	Chf, Human Factors Assessment Branch.
	Chf, Operator Licensing Branch.
	Chf, Instrumentation & Control Branch.
	Chf, Quality Assur & Maint Branch.
Division of Reactor Program Management	Project Dir Project Directorate I–3.
	Chf, Emergency P & R Protection.
	Chf, Safeguards Branch.
	Project Dir, Standardization Proj Directorate.
	Proj Dir License Renewal & Environmental Rev.
Office of Nuclear Material Safety and Safeguards	Deputy Director, Spend Fuel Project OFC.
	Chief Transportation & Storage Safety.
Division of Fuel Cycle Safety & Safeguards	Chief, Operations Branch.
	Chief, Regl & Intl Safeguards Branch.
	Chief Special Projects.
	Chief, Licensing Branch.
Div of Industrial & Medical Nuclear Safety	Chief, Operations Branch.
	Chief, Medical, Acad & Com Use Sfty Branch.
Division of Waste Management	Deputy Dir. Prog Mgmt Policy Devel & Analysis.
	Chf, High Level Waste & Uranium Recovery Proj.
	Chief, Perf Assess & Hydrology Branch.
	Chief, Engineering & Geosciences Branch.
	Chf, Low Level Waste & Decommissioning Proj.
Ofc of NUC Regulatory Research	Director: Fin Mgt, Procurement & Admin Staff.
	Director for Inspector Special Projects.
	Special Assistant to the Director.
Division of Engineering Technology	Chief, Generic Safety Issues Branch.
	Chief, Elect, M & M Engineer Branch.
	Chief, Structural & Geological Eng Branch.
Division of Regulatory Applications	Chief Regulation Development Branch.
	Chief Waste Management Branch.
Division of Systems Technology	Chief Accident Evaluation Branch.
	Chf, Probabilistic Risk Analysis Branch.
	Chf, Radiation Protection & Health Effects Br.
	Chief, Reactor and Plant Systems Branch.
	Chief Control Instry & Human Factors Branch.
Region I	Deputy Regional Administrator.
	Dir, Div of Nuclear Materials Safety.
	Dep Dir, Div of Nuclear Materials Safety.
	Director Division of Reactor Safety.
	Dep Dir, Div of Reactor Safety.
	Director, Division of Reactor Projects.
	Deputy Director, Division of Reactor Projects
Region II	Deputy Regional Administrator Region II.
	Dir, Div of Nuclear Materials Safety.
	Director, Division of Reactor Projects.
	Deputy Director, Division of Reactor Projects.
	Director, Division of Reactor Safety.
	Dep Dir, Div of Reactor Safety.
Region III	Dep Regional Administrator Region III.
	Director, Division of Reactor Safety.
	Dep Dir, Div of Reactor Safety.
	Director, Division of Reactor Projects.
	Deputy Director Division of Reactor Projects.
	Dir, Div of Nuclear Materials Safety.
	Dep Dir, Nuclear Materials Safety.
Region IV	Deputy Regional Administrator Region IV.
	Director Div of Reactor Projects.
	Deputy Director, Div of Reactor Projects.
	Dir, Div of Nuclear Materials Safety.
	Dir, Division of Reactor Safety.
	Dep Dir, Division of Reactor Safety
Office of Government Ethics:	
Office of Government Ethics	Deputy Director.
	Deputy Dir., for Government R & S Projects.
	Senior Assoc Director for Agency Programs.
Office of management and Budget:	
Office of the Director	Deputy Associate Dir for Economic Policy.
	Staff Assistant.
	Senior Advisor to the Dep Dir for Management.
	Dep Assistant Director for Administration.
Legislative Reference Division	Asst Dir Legislative Reference.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Chief, Labor, Welfare, Personnel Branch.
	Chief, Economics, Science & Govt. Branch.
	Chief, Resources-Defense-International Branch.
	Associate General Counsel for Budget.
Office of Federal Procurement Policy	Dep Admin for Procurement Law & Legislation.
Office of Information and Regulatory Affairs	Chief, Information Policy & Technology Branch.
	Chief, Human Resources and Housing Branch.
	Chief, Commerce and Lands Branch.
	Chief Statistical Policy Branch.
	Chief, Natural Resources Branch.
Office of Federal Financial Management	Chief Management Integrity Branch.
	Deputy Controller.
	Chief Federal Financial Systems Branch.
Budget Review Division	Asst Dir for Budget Review.
	Dep Asst Dir for Budget Analysis & Systems.
	Chief Budget Analysis Branch.
	Dep Chief Budget Analysis Branch.
	Dep Asst Dir for Budget Review & Concepts.
	Chief, Budget Concepts Branch.
	Chief, Budget Systems Branch.
International Affairs Division	Dep Assoc Dir for Internatl Affairs.
	Chief, State-USIA Branch.
	Chief, Economic Affairs Branch.
National Security Division	Dep Assoc Dir for National Security.
	Chief, Command, Ctrl, Comms & Intellig Branch.
	Chief, Force Structure & Investment Branch.
	Chief Operations Sup Branch.
Associate Director for Educ, Income Maintenance & Labor	Associate Director for Human Resources.
	Chief, Labor Branch.
	Chief, Education Branch.
	Dep Assoc Dir for Ed, Income Maint & Labor.
	Chf, Income Maintenance Branch.
Transportation, Commerce, Justice & Services Division	D/A for Transp Commerce, Justice & Services.
	Chief Commerce Branch.
	Chief Transport Branch.
	Chief, Justice/GSA Branch.
Housing, Treasury and Finance Division	Deputy Assoc Dir for Housing Treasury Finance.
	Chief, Treasury Branch.
	Senior Advisor for Cash & Credit Mgmt.
	Chief, Financial Institutions Branch.
	Chief, Housing Branch.
Assoc Dir for Natural Resources, Energy, and Science	Senior Advisor.
Natural Resources Division	Dep. Associate Dir. for Natural Resources.
	Chief, Agricultural Branch.
	Chief, Environment Branch.
	Chief, Interior Branch.
Energy and Science Division	Dep. Assoc. Dir. for Energy & Science.
	Chief, Water and Power Branch.
	Chief, Science and Space Programs Branch.
	Chief, Energy Branch.
Health Division	Deputy Associate Director for Health.
	Chief, Health Programs & Services Branch.
	Chief, Health & Financing Branch.
VA/Personnel Division	Chf Veteran Affairs Branch.
	Deputy Assoc Director for VA & Personnel.
	Chief, Personnel, Portal, EXOP Branch.
Office of Personnel Management:	
Office of the Chief Financial Officer	Chief Financial Officer.
	Dep Chf Fin OFC/Asst Dir for Financial Mgnt.
Office of the Inspector General	Deputy Inspector General.
	Asst Inspector General for Audits.
	Assistant Inspector Gen for Investigations.
	Deputy AIG for Audits.
Retirement and Insurance Service	Asst Dir for Retirement Programs.
	Director, Office of Actuaries.
	Asst Dir for Insurance Program.
	Senior Advisor.
Employment Service	Director, Personnel Res & Development Center.
	Director, Staffing Automation.
	Senior Advisor.
	Special Assistant for Field Coordination.
Office of Workforce Relations	Asst Dir for Classification.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Director, Office of Workforce Relations.
	Dir Ctr for Partnership/Labor Mgmt Relations.
	Assistant Dir for Human Resources Development.
Investigations Service	Director, Fed Investigation Systems.
Office of the Chief Information Officer	Chief Information Officer.
Office of Contracting and Administrative Services	Director of Contracting & Administrative Serv.
Office of Merit Systems Oversight and Effectiveness	Asst Dir for Merit Systems Oversight.
Office of Executive Resources	Asst Director for Executive Resources.
Office of Special Counsel:	
Headquarters, Office of Special Counsel	Assoc Spec Counsel (Investigation).
	Assoc Special Counsel (Prosecution).
	Deputy Associate Spec Counsel for Prosecution.
	Director for Management.
	Assoc Special Counsel Planning and Oversight.
	Associate Special Counsel for Plan & Advice.
Railroad Retirement Board:	
Board Staff	Chief of Technology Service.
	Director of Hearing and Appeals.
	Chief Actuary.
	Director of Field Service.
	Director of Administration.
	Deputy General Counsel.
	Asst Inspector General for Investigations.
	Chief Financial Officer.
	Assistant Inspector General for Audit.
	Director of Taxation.
	General Counsel.
	Director of Programs.
	Chief Information Officer.
	Dir of Operations.
	Dir of Policy & Systems.
Securities and Exchange Commission:	
Office of the Chief Accountant	Dep Chf Accountant.
Office of the Executive Director	Associate Executive Director (Finance).
	Associate Executive Director (Administration).
Div of Corporation Finance	Associate Director (Operations).
	Associate Director (Legal).
Small Business Administration:	
Office of the Inspector General	Asst Inspector General for Auditing.
	Asst Inspector General for Investigations.
	Deputy Inspector General.
	Asst Inspector General for Magnt Legal Cousl.
	Assistant Inspector Gen/Inspection & Eval.
Office of the General Counsel	Associate General Counsel for General Law.
	Assoc Gen Counsel Litigation.
	Associate General Counsel for Financial Law.
Office of Equal Employment O & C Rights Compliance	Asst Admr for Equal Employ O & C Right Compl.
Office of Hearings and Appeals	Asst Administrator for Hearings and Appeals.
Office of the Chief Financial Officer	Deputy Chief Financial Officer.
Office of Economic Development	Dep to the Admin for Capital Accss.
Office of Financial Assistance	Assoc Administrator for Financial Assist.
	Dep Assoc Admr for Financial Assistance.
	Asst Admr for Borrower and Lender Servicing.
Office of Surety Guarantees	Assoc Administrator for Surety Guarantees.
Office of Government C & M Enterprise Development	Deputy to the ADA for Entrepreneurial Dev.
Office of Minority Enterprise Development	Assoc Admin for Minority Small Bus Cap Owners.
Office of Information Resources Management	Chief Information Officer.
	Deputy Chief Information Officer.
Office of Human Resources	Asst Administrator for Human Resources.
District Directors	District Director.
	District Director.
	District Director.
	District Director.
	District Director.
	District Director.
	District Director.
	District Director.
	District Director.
Social Security Administration:	
Office of the Inspector General	Deputy Inspector General.
	Counsel to the Inspector General.
Office of Investigations	Asst Inspector General for Investigations.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Dep Asst Inspector General for Investigations.
Office of Audits	Asst Inspector Gen for Social Security Audits.
	Dep Asst Inspector General for Audits.
Office of Actuary	Chief Actuary.
	Deputy Chief Actuary (Long-Range)
	Deputy Chief Actuary (Short-Range)
Office of Human Resources	Dir Ofc Labor-Management Employee Relations.
Office of Quality Assurance and Performance Assessment	Senior Financial Executive.
Office of Financial Policy and Operations	Assoc Comr, Office of Fin Policy & Operations.
	Dep Assoc Comm Financial Policy & Operations.
Office of Acquisition and Grants	Assoc Commissioner for Acquisition & Grants.
Office of Systems	Deputy Associate Commissioner for T&SO.
Office of Telecommunications	Assoc Comm for Telecommunications & Sys Oper.
	Dep Assoc Commr for T & S Ops (Telecomm).
Division of General Law	Associate General Counsel for General Law.
Department of State:	
Bureau of Administration	Director, Office of Acquisitions.
Office of the Inspector General	Assistant Inspector General for Audits.
	Asst Inspector General for Investigations.
	Counsel to the Inspector General.
	Dep Asst Inspector General for Audits.
	Asst Insp Gen for Policy, Plng and Management.
	Dep Asst Inspector Gen for Inspections.
	Dep Asst Insp Gen for Ofc of Secur Oversight.
	Deputy Inspector General.
	Asst Inspector Gen for Security Oversight.
Bureau of Personnel	Director, Ofc of Civil Service Personnel Mgmt.
International Boundary & Water Commission	Supervisory Civil Engineer, Operations.
Department of Transportation:	
Office of Inspector General	Senior Counsel.
	Associate Deputy Inspector General.
Assistant Inspector General for Auditing	Asst Insp General for Auditing.
	Dep Asst Inspector General for Auditing.
Office of Finance, Economic and Information Technology	Deputy Asst Inspector General.
Office of Aviation	Dep Asst Inspector General.
Office of Surface Transportation	Deputy Asst Inspector General.
Assistant Inspector General for Investigations	Asst Inspector General for Investigations.
	Dep Asst Inspector General for Investigations.
Assistant Inspector General for Evaluations	Deputy Asst Inspector General.
Asst Secretary for Budget & Programs	Deputy Chief Financial Officer.
Asst Sec for Administration	Asst Secy for Administration.
Office of Acquisition & Grant Management	Director Ofc of Acquisition & Grant Mgnt.
Assoc Adm'r for Safety	Assoc Admr for Safety.
Office of Safety Enforcement	Director, Office of Safety Enforcement.
Associate Administration for Pipeline Safety	Assoc Admr for Pipeline Safety.
Office of Shipyard Revitalization	Dir Ofc of Shipyard Revitalization.
Ofc of Assoc Admr for Ship Financial A & C Preference	Assoc Admr for Ship Fin A & C Preference.
Office of the Administrator	Senior Advisor.
Federal Highway Administration	Executive Director.
Office of Fiscal Services	Dir Ofc of Budget & Finance.
Associate Administrator for Safety & System App	Assoc Admr for Safety & System Applications.
Office of Highway Safety	Dir, Office of Highway Safety.
Office of Motor Carrier Standards	Dir Ofc of Motor Research & Standards.
Office of Motor Carrier Safety Field Operations	Director Ofc of Motor Carrier Field Operation.
Office of Environment & Planning	Chief Environmental Operations Division.
Office of Real Estate Services	Dir Ofc of Real Estate Services.
Associate Administrator for Safety Assurance	Associate Administrator for Safety Assurance.
Ofc of Defects Investigation	Dir Ofc of Defects Investigation.
Ofc of Vehicle Safety Comp	Dir Ofc of Vehicle Safety Compliance.
Office of the Chief of Staff	Director of Finance and Procurement.
Surface Transportation-Board	Director of Economics, Environmental A & A.
Office of Proceedings	Deputy Director—Legal Analysis.
Department of Treasury:	
Assistant Secretary (International Affairs)	Dir Ofc of Foreign Exchange Operations.
Fiscal Assistant Secretary	Fiscal Assistant Secretary.
	Assistant Fiscal Assistant Secretary.
	Dep Asst Secretary Accounting Operations.
Financial Management Service	Commr of Financial Management Service.
	Dep Com Financial Management Service.
	Dir, Regional Financial Center (Chicago).
	Director, Regl Fin Ctr (San Francisco).
	Director, Regl Fin Ctr (Austin).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Comptroller.
	Director Platform Services Directorate.
	Asst Commissioner, Information Resources.
	Assistant Commissioner, Federal Finance.
	Director Operations Group.
	Asst Comr, Management (Chief Fin Ofcr).
	Director Systems 90 Implementation.
	Dir, Fin Information Management Directorate.
	Director, Systems Management Directorate.
	Assistant Commissioner, Financial Information.
	Assistant Commissioner (Agency Services).
	Deputy, Chief Information Officer.
	Assistant Commissioner Debt Management Sercs.
Bureau of the Public Debt	Commissioner.
	Dep Commr of the Public Debt.
	Asst Commissioner (Savings Bond Operations).
	Asst Commr (Financing).
	Asst Commr (Administration).
	Government Securities Act Program Director.
	Government Securities Policy Advisor.
	Asst Commr/Securities & Accounting Services.
	Asst Commissioner (Automated Info Systems).
	Asst Commissioner (Public Debt Accounting).
Assistnat Secretary (Enforcement)	Dep Dir, Financial Crimes Enforcement Network.
	Director FINCEN.
	Assoc Dir, Ofc of Mgmt/Chf Fin Ofcr, Fincen.
	Dir Exc Ofc for Asset Forfeiture.
Bureau of Alcohol, Tobacco and Firearms	Associate Director (Enforcement).
	Special Agent in Charge (NY Field Division).
	Special Agent in Charge (Miami District Ofc).
	Spec Agen in Charge (Washington Field Div).
	Assistant Director (Inspection).
	Dep Asst Dir (Liaison & Public Information).
	Dep Assoc Dir Reg Enforcement Field Operation.
	SAC, Chicago Field Division.
	Dep Assoc Dir (Criminal Enforcement Programs).
	Spec Agent in Charge (Los Angeles Field Div).
	Deputy Asst Director (Inspection).
	Dep Asst Dir Criminal Enforcement Field Oper.
	Deputy Asst Dir (CE Field Operations)—East.
	Deputy Asst Dir (CE Field Operations)—West.
	Asst Dir (Science & Technology).
	Asst Dir (Field Operations).
	Deputy Asst Dir (Field Operations).
	Dep Asst Dir (Liaison & Public Information).
	Deputy Asst Dir (Science & Technology).
	Director Laboratory Services.
	Deputy Director.
	Asst Dir (Firearms Explosives & Arson).
	Asst Dir (Alcohol & Tobacco).
	Deputy Asst Director (Alcohol & Tobacco).
	Dep Asst Dir (Firearms Explosives Arson).
	Asst Dir (Liaison & Public Information).
Chief Counsel	Assistant Chief Counsel (Chicago).
	Associate Chief Counsel (Admin & Ethnics).
US Customs Service	Deputy Asst Commissioner (Investigations).
	Asst Commissioner for Internal Affairs.
	Dir, International Trade Compliance Division.
	Dir Ofc of Regulatory Audit.
	Special Agent in Charge, Miami.
	District Director, Laredo.
	Director, Investigative Operations Division.
	Dir, Applied Technology.
	Special Agent in Charge—New York.
	Special Agent in Charge—Los Angeles.
	Dir Customs Management Center New York.
	Area Dir, Newark.
	Dir Customs Management Center N Atlantic.
	Asst Commissioner, Field Operations.
	Dir Customs Management Center Gulf.
	Dir Customs Management Center Mid-America.
	Dir Customs Management Center—S. Texas.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Dir. Customs Management Center—Mid Pacific.
	Project Executive.
	Asst Commissioner, Regulations & Rulings.
	Dir Strategic Trade Center Chicago.
	Area Director, JFK Airport.
	Asst Commissioner Chief Information Officer.
	Dir Customs Management Center South Florida.
	Special Agent in Charge (New Orleans).
	Dep Dir, Ofc of Regulatory Audit.
	Asst Commissioner, Investigations.
	Director Strategic Trade Center—Plantation.
	Dir Laboratories & Scientific Services.
	Project Executive.
	Chief Operations Officer.
	Special Agent in Charge—Boston.
	Director Budget.
	Exec Dir the Interdiction Committee.
	Assistant Commissioner, Finance.
	Project Executive.
	Dir Tariff Classification Appeals Division.
	Dir Strategic Trade Center Long Beach.
	Processes and Policy Executive.
	Dir Strategic Trade Center Dallas/Ft Worth.
	Special Agent-in-Charge (Seattle, Wash).
	Director, Ofc of Air Interdiction.
	Special Agent in Charge (Houston).
	Dir Customs Management Center—S California.
	Dir Office of Planning.
	Director, Strategic Trade Center Operations.
	Dir Customs Management Center East Texas.
	Executive Director Customs Management Center.
	Dir Customs Management Center South Pacific.
	Project Exec (Dir Intervention Management).
	Director, Administration Policy & Planning.
	Asst Commissioner, Strategic Trade.
	Special Agent-in-Charge (San Diego).
	Technology Manager.
	Asst Commissioner, Human Resources Mgmt.
	Director, Ofc of Automated Commercial Systems.
	Special Agent-in-Charge (Chicago).
	Special Agent-in-Charge Dallas.
	Deputy Chief Financial Officer.
Customs Chief Counsel	Miami Regl Counsel.
	Chicago Regl Counsel.
	New York Regl Counsel.
	Associate Chief Counsel Enforcement.
	Assoc Chief Counsel (Trade Tariff & Leg).
	Regional Counsel (Southwest Region).
	Assoc Chief Counsel (Administration).
	Regional Counsel (Pacific Region).
Secret Service	Asst Director, Investigations.
	Special Agent in Charge, New York Office.
	Director of the Secret Service.
	Deputy Director U.S. Secret Service.
	Asst Dir (Protective Operations).
	Asst Dir (Protective Research).
	Assistant Director, Administration.
	Assistant Director Inspection.
	Dep Asst Dir (Protective Operations).
	Spec Agent in Charge-Presidential Protective.
	Special Agent in Charge, Chicago.
	Special Agent in Charge, Los Angeles Office.
	Dep. Asst. Dir. (Protective Research).
	Assistant Director—Training.
	Asst Director—Govt Liaison and Publc Aff.
	Spec Agent in Charge—VP Protect Div.
	Spec Agent in Charge—Tech Sec Div.
	Spec Agent in Charge—Intelligence Div.
	Spec Agent in Charge—Washington Field Office.
	Spec Agent in Charge—Philadelphia Field Office.
	Spec Agent in Charge, Detroit.
	Spec Agent in Charge, Dallas Field Office.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Deputy Asst Dir Investigations.
	DAD—Administration.
	Deputy Special Agent in Charge Pres Prot Div.
	DAD (Uniformed Forces, F&E Dev), Ofc Trng.
	Dep Special Agent in Charge—PPD White House.
	Special Agent in Charge—Houston Field Ofc.
	Deputy Asst Director Office of Inspection.
	Spec Agent in Charge—Miami Field Office.
	Deputy Special Agent in Charge—VP Prot Div.
	Dep Asst Dir Protective Operations.
	Chf, Info Resources Management Division.
	Special Agent in Charge/Dignitary Prot Div.
	Special Agent in Charge—Boston Field Office.
	Spec Agent in Charge—Atlanta Field Office.
	Deputy Asst Dir Protective Operations.
	Special Agent in Charge.
Ofc of the Inspector General	Dep Asst Inspector Gen for Audit (Fin Mgmt).
	Senior Advr to the Ofc of the Inspector Gen.
	Dep Insp Gen Investigation (DAIGI) Tid.
	Assistant Inspector General for Resources.
	Assistant Inspector General for Audit.
	Dep Asst Inspect General for Audit Prog Audit.
	Dep Ass Inspector Gen for Investigations.
	Sr Technical Advisor to the Inspector General.
	Asst Inspector General for Investigations.
Office of the General Counsel	Chief Counsel.
Assistant Secretary (Economic Policy)	Asst Dir for Economic Forecasting.
	Sr Economist.
Assistant Secretary (Tax Policy)	Dir (Economic Mod & Computer Applications).
Assistant Secretary (Management)	Director, Office of Procurement.
	Deputy Chief Financial Officer.
	Dep to the Chf Fin Ofcr for Pol & Planning.
United States Mint	Assoc Director, Chief Operating Officer.
	Dep Assoc Dir for Finance & Dep Chief Fin Ofc.
	Associate Director for Marketing.
	Assoc Dir for Pol & Mgmt Chf Fin Officer.
Internal Revenue Service	Regional Dir of Appeals North Atlantic Region.
	Regional Director of Appeals-Western Region.
	Natl Dir, Equal Employ Opportunity & Diversity.
	Deputy Commissioner.
	Asst Deputy Commissioner (Modernization).
	Taxpayer Advocate.
	Regional Director of Appeals.
	National Director of Appeals.
	Chief Compliance.
	Chief Communications and Liaison.
	Deputy National Dir of Appeals.
	Director of Practice.
	Asst to the Senior Dep Commissioner.
	Program Executive for TT&SI.
Northeast Region	Regional Commissioner, Northeast.
	Dir Service Ctr Cincinnati.
	Service Center Dir, Philadelphia.
	Service Center Director, Andover, Mass.
	Srvc Ctr Dir, Brookhaven.
	District Director, New Jersey.
	District Dir, Manhattan.
	District Dir, Brooklyn.
	District Director, New England.
	District Director, Michigan.
	District Director, Connecticut-Rhode Island.
	District Director, Upstate NY.
	District Director, Ohio.
	District Director, Virginia-West Virginia.
	Asst Dist Dir, Brooklyn.
	Assistant District Director Manhattan.
	Asst District Director, New England.
	Assistant District Director, Delaware-Maryland.
	District Director, Delaware-Maryland.
	Asst District Director Buffalo.
	Regional Chief Customer Service, Northeast.
	Asst Service Center Director, Philadelphia.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
Southeast Region	Director of Support Services, Northeast. Chief Compliance, Northeast. District Director, Pennsylvania. Asst Director Detroit Computing Center. Asst District Dir, Connecticut-Rhode Island. Field Information Systems Officer, Northeast. Asst District Director, Ohio. Assistant District Director, Michigan. Regional Commissioner, Southeast. Srvc Ctr Dir, Atlanta. District Director, N Florida. District Director, Georgia. District Director, North-South Carolina. District Director, Indiana. District Director, Kentucky-Tennessee. District Director, Gulf Coast. Assistant District Director, Georgia. Assistant District Director, Gulf Coast. Director of Support Services, Southeast. Asst District Director, Kentucky-Tennessee. Assistant District Dir, North-South Carolina. Regional Chief Customer Service, Southeast. Field Information Systems Officer, Southeast. District Director, S Florida. Asst Dist Dir, Virginia-West Virginia. Assistant District Director, Indiana. Assistant Service Center Director, Atlanta. Assistant District Director, S Florida.
Midstates Region	Srvc Ctr Dir, Kansas City. District Director, Illinois. District Director, S Texas. District Director, N Texas. District Director, Kansas-Missouri. District Director, N Central. District Director, Arkansas-Oklahoma. District Director, Midwest. Assistant District Director, Illinois. Assistant District Director, N Texas. Assistant District Director, S Texas. Field Information Systems Officer Midstates. Assistant Service Center Director, Austin. Director of Support Services, Midstates. Assistant District Director, Midwest. Assistant District Director, Houston. District Director, Houston. Regional Chief Customer Service, Midstates. Regional Commissioner, Midstates. Regional Director of Appeals Midstates. Regional Chf Compliance, Midstates.
Western Region	Service Center Dir, Ogden. District Director, Los Angeles. District Director, N California. District Director, Pacific-Northwest. District Director, Southwest. District Director, Rocky Mountain. Asst District Dir, Los Angeles. Assistant District Director, N California. District Director, Cheyenne. District Director, Central California. Field Information Systems Officer Western. Assistant District Director, S California. Assistant District Dir, Central California. Regional Chief Customer Service, Western. Assistant District Dir, Pacific-Northwest. Asst District Director, Rocky Mountain. Chief Compliance, Western. District Director, S California. Regional Commissioner, Western. Director of Support Services, Western.
Chief Compliance Officer	Asst Comr (Employee P & E Organizations). Asst Commissioner (Taxpayer Service). Asst Commr (Criminal Investigation).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Dir Exempt Organizations Technical Division.
	D/Employee Plans Tech & Actuarial Division.
	Director, Statistics of Income Division.
	Dep Asst Commr (Criminal Investigation).
	Project Director.
	Director of Investigations, Eastern Area Ops.
	Dir of Investigations.
	Dir of Investigations (Tax Refund Fraud).
	Dir of Investigations, Southern Area of Ops.
	Director, Office of National Operations.
	Dir of Investigations, Central Area of Ops.
	Asst Commissioner (Collection).
	Natl Director Corporate Examinations.
	Assistant Commissioner (International).
	Asst Comr (Forms & Submission Processing).
	National Director, Compliance Specialization.
	National Director Specialty Taxes.
	Chief Compliance Officer.
	National Dir, Electronic Program Operations.
	Executive for Submission Process Outsourcing.
	National Dir, Collection Field Operations.
	National Director Compliance Research.
	Deputy Asst Commissioner (International).
	Director, Business Systems Requirements.
	Asst Commr (Examination & Govntl Liaison).
	Natl Director, Electronic Prog Enhancement.
Chief, Taxpayer Services	Service Center Director, Memphis.
	Service Center Director, Austin.
	Asst Comr (Electronic Tax Administration).
	Asst Service Center Dir Brookhaven.
	Assistant Service Center Director.
	Assistant Service Center Director, Ogden.
	National Dir, Customer Service Operations.
	Deputy Chief, Taxpayer Service.
	Deputy Executive Officer for Customer Service.
	Natl Dir, Submission Processing Division.
	Executive Ofcr for Service Center Operations.
	Project Director, Customer Service Site.
	National Dir, Customer Serv Planning & Syst.
	Customer Service Transition Executive.
	Chief Taxpayer Services.
	National Dir, Multimedia Production Division.
	Executive Officer for Customer Service.
	Service Center Director, Fresno.
Chief Financial Officer	Chief Financial Officer.
	Controller National Dir for Financial Mgmt.
	Deputy Assistant Commissioner (Procurement).
	National Director for Financial Analysis.
	Director, Support & Services Division.
	National Director for Systems & Account Stds.
	Asst Comr (Procurement).
	National Director for Budget.
Chief, Management & Administration	Special Asst to Chief Mgmt & Administration.
	Exec Asst to the Natl Dir Ofc of Quality.
	Dean School of Information Technology.
	Dean School of Professional Development.
	Dir Ofc of Media Relations.
	Project Dir Disciplinary Action Review.
	Natl Dir Real Estate Planning & Management.
	National Director Personnel.
	National Director of Education.
	Project Director.
	Dean School of Taxation.
	Chief Human Resource Officer.
	Asst Commisioner (Support Services).
	Chief Management and Administration.
Chief Information Officer	Dir Martinsburg Computing Center.
	Dir, IRS Data Center Detroit.
	Director, Technical Contract Support Division.
	Director, Submission Processing Division.
	Director, Government Program Management Ofc.
	Privacy Advocate.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Deputy Chief Information Officer (Operations).
	Dir, Customer Serv Compliance & Mgmt Sys Div.
	Asst Dir, Government Prog Management Ofc.
	Project Director.
	Director, of Systems Life Cycle S & E.
	Director, Systems Support Division.
	Director, Tennessee Computing Center.
	Project Director.
	Director, Product Assurance Division.
	Dir Program Management & Control Division.
	Dir, Architecture, Eng & Infrastructure Div.
	Dep Chief Info Officer (Info Resources Mgmt).
	Deputy Dir Systems Standards & Evaluation Ofc.
	Director Performance Management Office.
	Chief Information Officer.
	Director National Office Operations Division.
	Dir Office of System Standards & Evaluation.
	Project Director.
	Project Director.
	Project Director.
	Director, Corporate Processing Division.
	Director, Information Systems Services Div.
	Project Director.
	Asst Dep Chief Information Officer.
	Deputy Chief Information Officer (System Dev)
	Project Director.
	Project Director.
Chief, Strategic Planning & Communications	Director, Tax Forms & Publications Division.
	Director, Legislative Affairs Division.
	Natl Director, Strategic Planning Division.
	National Director of Quality.
Chief, Headquarters Operations	Chief Headquarters Operations.
Chief Inspector	Chief Inspector.
	Dep Chief Inspector.
	Assistant Chief Inspector (Int Audit).
	Assistant Director Internal Audit Division.
	Asst Chief Inspector (Internal Security).
	Asst Dir, Internal Security Division.
	Regional Inspector, North Atlantic.
	Regional Inspector, Western Region.
	Regional Inspector, Southwest Reg.
	Regional Inspector, Southeast.
	Natl Dir for Communication Education Quality.
Chief Counsel	Asst Chief Counsel (General Litigation).
	Asst Chief Counsel (Criminal Tax).
	Asst Chief Counsel (General Legal Services).
	Asst Chief Counsel (Disclosure Litigation).
	Assistant Chief Counsel (International).
	Assistant Chief Counsel (Corporate).
	Dep Asst Chf Coun (Income Tax & Accounting).
	Dep Asst Chf Coun (Passthroughs/Spec Indust).
	Asst Chief Counsel (Field Service).
	Asst Chf Coun (Passthroughs/Spec Industries).
	Deputy Asst Chief Counsel (Corporate).
	Dep Assoc Chief Counsel (Fin & Management).
	Dep Asst Chief Counsel (Field Service).
	Dep Asst Chief Coun (Financial Inst & Prod).
	Dep Assoc Chf Coun (Enforcement Litigation).
	Deputy Assoc Chief Counsel (International).
	Asst Chf Coun (Fin Institutions & Products).
	Dep Asst Chief Coun (Income Tax & Accounting).
	Dept Assoc Chief Counsel (EBEO).
	Asst Chief Counsel (Income Tax & Accounting).
	Assoc Chief Counsel (Enforcement Litigation).
	Assoc Chief Coun (Emp Benefits Exempt Org).
	Special Counsel (Modernization & Strat Plnng).
	Deputy Chief Counsel.
	Asst Chief Counsel (EBEO).
	Dep Assoc Chief Counsel (Domestic) (Technical).
	Associate Chief Counsel (International).
	Assoc Chf Counsel (Finance & Management).
	Dep Assoc Chief Coun (Domesic) (Field Serv).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Assoc Chief Counsel (Domestic).
Regional Counsels	Regional Counsel Se Region.
	District Counsel, New England.
	District Counsel-Los Angeles.
	District Counsel, Ohio.
	District Counsel, Pennsylvania.
	District Counsel, New Jersey.
	District Counsel, Illinois.
	District Counsel, Manhattan.
	District Counsel, N Texas.
	District Counsel, N California.
	District Counsel, S California.
	District Counsel, S Florida.
	Regional Counsel, Western.
	Deputy Regional Counsel, Northeast.
	Regional Counsel, Midstates.
	Regional Counsel, Northeast.
	Deputy Regional Counsel (Southeast).
	Deputy Regional Counsel, Western Region.
	District Counsel, Pacific Northwest.
	District Counsel, Delaware—Maryland.
	District Counsel, Brooklyn.
	District Counsel, Georgia.
	Deputy Regional Counsel, Midstates.
	District Counsel, Houston.
	District Counsel, Rocky Mountain.
Regional Operations	Assistant Commissioner, Regional Operations.
U S Arms Control and Disarmament Agency:	
Intelligence, Verification & Information Mgmt Bureau	Chief, Intelligence, Technol & Analysis Div.
Ofc of Administration	Director of Administration.
Strategic and Eurasian Affairs Bureau	Chief, Strategic Neg & Implementation Div.
	Chf, Theater & Strategic Defenses Division.
	Chief, Stategic Transition Division.
Non-Proliferation and Regional Arms Control Bureau	Chief Scientist.
	Chief Nuclear Safeguards & Technology Div.
	Chief, Nuclear Safeguards & Testing Div.
	Chf, International Nuclear Affairs Divisions.
Multilateral Affairs Bureau	Chief Intl Security & Nuclear Policy Division.
	Chf, C & B Pol Div Bur of Multilateral Affs.
	Chief Sci & Technological Division.
United States Information Agency:	
Bureau of Management	Director, Office of Personnel.
	Director, Office of the Comptroller.
	Director, Office of Technology.
International Broadcasting Bureau	Dir Engineering and Technical Operations.
	Deputy for Engineering Resource Control.
	Deputy for Projects Management.
	Deputy for Network Operations.
	Director for Spectrum Management.
Office of Information Resources	Director, Ofc of Information Resources.
Ofc of the Gen Counsel	Deputy General Counsel.
U S International Trade Commission:	
Office of Industries	Dir Ofc of Industries.
Office of Investigations	Dir, Ofc of Investigations.
Department of Veterans Affairs:	
Office of the Secretary and Deputy	Director, Office of Edca.
Office of the Inspector General	Dep Inspector General.
	Assistant Inspector General for Auditing.
	Asst Inspector General for Investigations.
	Asst Inspector Gen for Dept Rev & Magnt Sup.
	Dep Asst Inspector General for Investigations.
	Counselor to the Inspector General. Asst Inspector General for Healthcare Inspect.
	Dep Asst Inspector General for Auditing.
Board of Veterans Appeals	Vice Chairman.
	Deputy Vice Chairman
Office of Financial Management	Dep Asst Secy for Financial Management.
	Assoc Dep Asst Secy for Financial Operations.
	Executive Director/Chief Operations Officer.
	Dir, Austin Finance Center, Austin, TX.
Office of Information Resources Management	Dir, VA Automation Ctr, Austin, TX.
	Assoc Dep Asst Secy for Telecommunications.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1998—Continued

Agency/Organization	Career reserved positions
	Assoc Dep Asst Secy for Pol & Prog Assistance.
Office of Acquisition and Materiel Management	Dep Asst Sec for Acquisition & Materiel Mgmt.
	Assoc Dep Assistant Secy for Acquisitions. Assoc Dep Asst Secy for Prog Mgmt & Oper.
Ofc Asst Secy for Policy and Planning	Chief Acturay.
Office of Human Resources Management	Assoc Dep Asst Secy for Human Res Management.
	Assoc Dep Asst Secy for Human Res Management.
Office of Security and Law Enforcement	Dep Asst Secy for Security & Law Enforcement.
Veterans Benefits Administration	Deputy Chief Financial Officer.
	Dep Dir Compensation & Pension Service.
	Chief Financial Officer.
Veterans Health Administration	Director, Resource Formulation Office.
	Dir, Office of Real Property Management.
	Dir VA/DOD Medical Sharing Office.
	Dir, Medical Care Cost Recovery Office.
	Dir Emergency Medical Preparedness Office.
	Deputy Director Emergency Medical Prep Ofc.
	Chief Financial Officer.
	Director, Western Area Office.
	Director, Eastern Area Office.
	Director, Facilities Quality Office.
	Dir Consulting Support Office.
	Director, Financial Management Office.
Veterans Integrated Service Network Directors	Dir Canteen Service.

[FR Doc. 99–4112 Filed 2–22–99; 8:45 am]

BILLING CODE 6325–01–M

federal register

Tuesday
February 23, 1999

Part III

Office of Personnel Management

Proposed Laboratory Personnel Management Demonstration Project; Department of the Navy, U.S. Naval Research Laboratory, Washington, DC; Notice

OFFICE OF PERSONNEL MANAGEMENT

Proposed Laboratory Personnel Management Demonstration Project; Department of the Navy (DoN), U.S. Naval Research Laboratory (NRL), Washington, DC

(Authority: 5 U.S.C. 4703)

AGENCY: Office of Personnel Management.

ACTION: Notice of intent to implement demonstration project.

SUMMARY: Title VI of the Civil Service Reform Act, 5 U.S.C. 4703, authorized the Office of Personnel Management (OPM) to conduct demonstration projects that experiment with new and different personnel management concepts to determine whether such changes in personnel policy or procedures would result in improved Federal Personnel Management.

Section 342 of the National Defense Authorization Act for fiscal year 1995 (Pub. L. 103–337, October 5, 1994) permits the Department of Defense (DoD), with the approval of the OPM, to carry out personnel demonstration projects at DoD laboratories designated as Science and Technology (S&T) Demonstration Project Reinvention Laboratories. The legislation requires that most requirements of 5 U.S.C. 4703 shall apply to the Demonstration Project. Section 4703 requires OPM to publish the proposed project plan in the **Federal Register**. This notice meets that requirement.

DATES: *Comment date:* Written comments will be considered if received no later than April 9, 1999. *Hearing date:* A public hearing will be held by OPM on the proposed project plan on March 25, 1999 at the Best Western, Oxon Hill, MD at 12:30 p.m., until testimony is completed.

ADDRESSES: *Comment address:* Send written comments to Judy White, U.S. Office of Personnel Management, 1900 E Street, NW, Room 7460, Washington, DC 20415–6000.

FOR FURTHER INFORMATION CONTACT: (1) on proposed demonstration project: Ms. Betty A. Duffield, Director, Strategic Workforce Planning, Code 1001.2, 4555 Overlook Avenue, SW, Washington, DC 20375–5320, 202–767–3421; (2) on proposed demonstration project and public hearings: Judy White, U.S. Office of Personnel Management, 1900 E Street, NW, Room 7460, Washington, DC 20415–6000, 202–606–1526.

SUPPLEMENTARY INFORMATION: The DoD has submitted a proposed demonstration project entitled ''Naval Research Laboratory Personnel Management Demonstration Project'' for consideration under Chapter 47 of 5 U.S.C.

The purpose of this project is to demonstrate a flexible and responsive personnel system that will enhance the Laboratory's ability to attract, retain, and motivate a high-quality workforce. To this end, the proposed project involves:

(1) Streamlined hiring processes,
(2) Broadbanding,
(3) Simplified position classification,
(4) A Contribution-based Compensation System (CCS),
(5) Extended probationary period for new employees, and
(6) Modified reduction-in-force (RIF) procedures.

A public hearing will be held by OPM on March 25, 1999 at the Best Western, Oxon Hill, MD at 12:30 p.m. during which interested persons or organizations may present their written or oral views concerning the proposed Demonstration Project. So that OPM may regulate the course of the hearing and provide time for all who wish to present comments, parties who want to testify at the hearing are asked to contact one of the persons listed under **FOR FURTHER INFORMATION CONTACT:** for a specific scheduled time. Priority will be given to scheduled parties; others will be heard in the remaining available time. Each speaker's presentation will be limited to 5 minutes. In other respects, the hearing will be informal. The hearing record will be left open until April 9, 1999 to allow additional written data, views and arguments from the parties participating in the hearing.

Dated: February 12, 1999.

Office of Personnel Management.

Janice R. Lachance,

Director.

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I. Executive Summary

Over the last 30 years, many studies of the DoD laboratories have been conducted on laboratory quality and personnel. Virtually all of these studies have recommended improvements in personnel policies, organization, and management. In order to respond to the findings of these studies, this proposed personnel demonstration project encompasses streamlined hiring processes, simplified position classification, the CCS, and modified RIF procedures.

The demonstration project described herein was designed by the NRL, with the participation of and review by the DoN, the DoD, and the OPM. The purpose of the demonstration project is to develop and implement a personnel management system that will enable NRL to obtain, maintain, and retain the highest quality workforce possible to accomplish its mission in support of national defense. There are four primary objectives of the demonstration project:

(1) Provide NRL increased authority to manage human resources,

(2) Enable NRL to hire and retain the best qualified employees,

(3) Enable NRL to compensate its employees equitably at a rate that is more competitive with the labor market, and

(4) Provide a direct link between levels of individual contribution and the compensation received.

Initially, the demonstration project will cover all NRL employees except Senior Executive Service (SES) members, scientific and professional (ST) employees (above GS–15), guards, and trade and craft employees. The guards and trade and craft employees may be included at a later time, after more experience is gained in the operation of the CCS. The project will be reviewed and evaluated throughout its duration by OPM, DoD, DoN, and NRL. In addition to evaluation topics, such as goal attainment and employee and management acceptance, the project will be assessed for cost containment. After 5 years, the project will be evaluated to determine if it is to be made permanent, modified, or terminated. Areas not specifically addressed will use provisions that currently exist in 5 United States Code (U.S.C.) and 5 Code of Federal Regulations (CFR).

II. Introduction

A. Purpose

The goal of this personnel demonstration project is to develop and implement a human resources management system that will enable NRL to obtain, maintain, and retain, into the 21st century, the highest quality workforce possible to accomplish its mission in support of national defense. NRL's mission is to conduct a broadly based multidisciplinary program of scientific research and advanced technological development directed toward new and improved materials, equipment, techniques, systems, and related operational procedures for the DoN. The human resources management system must enable NRL to attract and retain the best scientists, engineers, and support personnel available in the labor market.

The demonstration project has the following four primary objectives:

a. Provide NRL management with increased authority to manage human resources consistent with its operation under the Navy Working Capital Fund (NWCF) as an industrially-funded activity;

b. Provide a recruitment process, within the context of merit principles, that will enable NRL to hire the best qualified employees at a reasonable cost and for competitive compensation;

c. Provide a compensation system that will enable NRL to compensate its employees equitably at a rate that is commensurate with their levels of responsibility and contribution, and is competitive with those found in the labor market; and

d. Provide a direct link between levels of individual contribution and the compensation received.

B. Problems With the Current System

The demonstration project addresses a set of issues regarding human resources in the Federal laboratory system. These problems have been extensively documented in a long series of reports by blue-ribbon panels. These include the following: the Packard Report,* the Grace Commission Report,** the Fowler Report,*** and other high-level analyses of the state of Federal research capabilities. In all of these reports, there is a common theme . . . that Federal laboratories need more efficient, cost effective, and timely processes and methods to acquire and retain a highly creative, productive, educated, and trained workforce.

The NRL must be able to compete with the private sector for the best talent and be able to make job offers in a timely manner with the attendant compensation that attracts high quality employees. Once hired, NRL must have the means to motivate and reward employees for their innovative contributions to ensure that the creative process is continually renewed. Compensation levels must be directly linked to the levels of individual contributions. High contributors must be rewarded both to encourage their continued contributions and to ensure their retention at NRL. Similarly, lower contributing individuals should receive less compensation, or, in some cases, be encouraged to seek other employment.

C. Waivers Required

NRL proposes changes in the following broad areas to address its problems in human resources management: accessions and internal placements, sustainment, and separations. Appendix A lists the laws, rules and regulations requiring waivers to enable NRL to implement the proposed system.

D. Expected Benefits

The demonstration project is expected to result in:

(1) Maintaining the quality of the NRL workforce in the scientific and engineering disciplines as well as administrative specialist and professional and support professions;

(2) More timely processing of personnel actions;

(3) Increased retention of high-level contributors and wider distribution of salaries; and

(4) Increased satisfaction with human resources management processes by employees and managers.

E. Participating Organizations and Employees

Initially, the demonstration project would cover all NRL employees except SES members, ST employees, guards, and trade and craft employees. The guards and trade and craft employees may be included at a later time, after more experience is gained in the operation of the CCS. Figure 1 identifies the employees by group for major geographic locations. NRL sites with less than 10 employees each are identified as ''Other'' in Figure 1.

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* White House Science Council, ''Report of the White House Science Council, Federal Laboratory Review Panel,'' (Packard Report), May 1983.

** Task Force on Research and Development (R&D), ''President's Private Sector Survey on Cost Control, Task Force Report on R&D,'' (Grace Commission Report), 8 December 1983.

*** Defense Science Board, ''Report of the Defense Science Board 1987 Summer Study on Technology Base Management,'' (Fowler Report), December 1987.

NRL Demonstration Project Employees by Group and Geographic Site

(as of 30 September 1998)

	Employees				
	S&E Prof	S&E Tech	Admin Spec and Prof	Admin Suppt	Total
Washington, DC	1531	160	378	470	2543
Chesapeake Beach, MD	1	6	2	2	11
Stennis Space Ctr., MS	148	22	34	62	266
Monterey, CA	52	0	3	7	62
Mobile, AL	3	4	0	2	9
Arlington, VA	5	0	13	4	23
Other	27	9	12	4	52
All Sites	1767	201	442	551	2966

Figure 1

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A union representative elected from the following bargaining units participated on the Staffing Design Team and was instrumental in the development of the accession and internal placement interventions proposed in this plan:

Federal Firefighters Association—Firefighters, Chesapeake Beach, MD (as of 6/23/98 this function was transferred to another activity)

Washington Area Metal Trades Council—Trades and Crafts Employees, Washington, DC

International Association of Machinists and Aerospace Workers—Guards, Washington, DC

F. Project Design

In response to the authority granted by Congress to develop a demonstration project, NRL's Director of Research (DOR) set up five design teams to develop the project plan. Each team was led by a senior NRL manager from outside the Human Resources Office (HRO), and was responsible for developing project proposals in one of the five primary functional areas of the project. Each team was comprised of two human resources advisors, an Equal Employment Opportunity (EEO) advisor, several midlevel supervisors or managers, an NRL Administrative Council representative, and several employee representatives (including bargaining unit representatives when appropriate).

III. Accessions and Internal Placements

A. Hiring Authority

1. Background

Private industry and academia are the principal recruiting sources for scientists and engineers at NRL. It is extremely difficult to make timely offers of employment to hard-to-find scientists and engineers. Even when a candidate is identified, he or she often finds another job opportunity before the lengthy recruitment process can be completed.

2. Delegated Examining

a. Competitive service positions within the NRL Demonstration Project will be filled through Merit Staffing or under Delegated Examining.

b. The ''Rule of Three'' will be eliminated. When there are no more than 15 qualified applicants and no preference eligibles, all eligible applicants are immediately referred to the selecting official without rating and ranking. Rating and ranking will be required only when the number of qualified candidates exceeds 15 or there is a mix of preference and nonpreference applicants. Statutes and regulations covering veterans' preference will be observed in the selection process and when rating and ranking are required. If the candidates are rated and ranked, a random number selection method using the application control number will be used to determine which applicants will be referred when scores are tied after the rating process. Veterans will be referred ahead of non-veterans with the same score.

B. Legal Authority

For actions taken under the auspices of the NRL Demonstration Project, the legal authority, Public Law 103–337, will be used. For all other actions, NRL will continue to use the nature of action codes and legal authority codes prescribed by OPM, DoD, or DoN.

C. Determining Employee and Applicant Qualifications

OPM's Qualification Standards Operating Manual for General Schedule (GS) Positions will be used to determine an employee's or candidate's basic eligibility. Employees and candidates must meet the qualification requirements which are equivalent to those described in the OPM Operating Manual at the level identified in Figure 2.

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MINIMUM QUALIFICATIONS REQUIREMENTS

Level	Min. Qualifications Requirement Equiv.
S&E Professional	
I	GS-1
II	GS-5
III	GS-11
IV	GS-14
V	Appropriate Exp.
S&E Technical	
I	GS-1
II	GS-5
III	GS-9
IV	GS-11
Administrative Specialist and Professional	
I	GS-1
II	GS-5
III	GS-11
IV	GS-13
V	GS-14
Administrative Support	
I	GS-1
II	GS-5
III	GS-8

Figure 2.

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Special DoN or DoD requirements not covered by the OPM Qualification Standards Operating Manual for GS Positions, such as Defense Acquisition Workforce Improvement Act (DAWIA) qualification requirements for acquisition positions and physical performance requirements for sea duty, work on board aircraft, etc., must be met.

D. Noncitizen Hiring

Where Executive Orders or other regulations limit hiring noncitizens, NRL will have the authority to approve the hiring of noncitizens into competitive service positions when qualified U.S. citizens are not available. Under the demonstration project, as with the current system, a noncitizen may be appointed only if it has been determined there are no qualified U.S. citizens. In order to make this determination, the position will be advertised extensively throughout the nation using paid advertisements in major newspapers or scientific journals, etc., as well as the ''normal'' recruiting methods. If a noncitizen is the only qualified candidate for the position, the candidate may be appointed. The selection is subject to approval by the NRL approving manager. The demonstration project constitutes a delegated examining agreement from OPM for the purposes of 5 CFR 213.3102(bb).

E. Expanded Detail Authority

Under the demonstration project, NRL's approving manager would have the authority:

(1) To effect details up to 1 year to demonstration project positions without the current 120-day renewal requirement; and

(2) To effect details to a higher level position in the demonstration project up to 1 year without competition. Prior service during the preceding 12 months under noncompetitive details to higher level positions and noncompetitive time-limited promotions count toward the 1-year total.

The Commanding Officer, NRL would approve details to demonstration project positions in excess of 1 year without the 120-day renewal requirement.

F. Extended Probationary Period

All current laws and regulations for the current probationary period are retained except that nonstatus candidates hired under the demonstration project in occupations where the nature of the work requires the manager more than one year to assess the employee's job performance will serve a 3-year probationary period. Employees with veterans' preference will maintain their rights under current law and regulation.

G. Definitions

1. Basic Pay

The total amount of pay received at the rate fixed through CCS adjustment for the position held by an employee including any merit increase but before any deductions and exclusive of additional pay of any other kind.

2. Maintained Pay

An employee may be entitled to maintain his or her rate of basic pay if that rate exceeds the maximum rate of basic pay for his or her career level as a result of certain personnel actions (as described in this plan). An employee's initial maintained pay rate is equal to the lesser of (1) the basic pay held by the employee at the time an action is taken which entitles the employee to maintain his or her pay or (2) 150 percent of the maximum rate of basic pay of the career level to which assigned. The employee is entitled to maintained pay for 2 years or until the employee's basic pay is equal to or more than the employee's maintained pay, whichever occurs first. Exceptions to the 2-year limit include employees on grade and pay retention ''grandfathered'' in upon initial conversion into the demonstration project, former special rate employees receiving maintained pay as a result of conversion into the project, and employees placed through the priority placement programs. Employees will receive half of the across-the-board GS percentage increase in basic pay and the full locality pay increase while on maintained pay. Upon termination of maintained pay, the employee's basic pay will be adjusted according to the CCS appraisal process. If the employee's basic pay exceeds the maximum basic pay of his or her career level upon expiration of the 2-year period, the employee's pay will not be reduced; the employee will be in the overcompensated range of basic pay category for CCS pay increase purposes, see Figure 10.

Maintained pay shall cease to apply to an employee who:

(1) Has a break in service of 1 workday or more; or

(2) Is demoted for personal cause or at the employee's request.

The employee's maintained rate of pay is basic pay for purposes of locality pay (locality pay is basic pay for purposes of retirement, life insurance, premium pay, severance pay, advances in pay, workers' compensation, and lump-sum payments for annual leave but not for computing promotion increases). Employees promoted while on maintained pay may have their basic pay (excluding locality pay) set up to 20 percent greater than the maximum basic pay for their current career level or retain their ''maintained pay,'' whichever is greater.

3. Promotion

The movement of an employee to a higher career level within the same career track or to a different career track and career level in which the new career level has a higher maximum basic salary rate than the career level from which the employee is leaving.

4. Reassignment

The movement of an employee from one position to another position within the same career level in the same career track or to a position in another career track and career level in which the new career level has the same maximum basic salary rate as the career level from which the employee is leaving.

5. Change to Lower Career Level

The movement of an employee to a lower career level within the same career track or to a different career track and career level in which the new career level has a lower maximum basic salary range than the career level from which the employee is leaving.

6. Pay Adjustment

Any increase or decrease in an employee's rate of basic pay where there is no change in the employee's position.

7. Detail

The temporary assignment of an employee to a different position for a specified period when the employee is expected to return to his or her regular duties at the end of the assignment. (An employee who is on detail is considered for pay and strength purposes to be permanently occupying his or her regular position.)

8. Highest Previous Rate

NRL will establish maximum payable rate rules that parallel the rules in 5 CFR 531.202 and 531.203(c) and (d).

9. Approving Manager

The manager who has authority to approve the Request for Personnel Action (RPA), SF–52.

H. Pay Setting Determinations Outside the CCS

1. External New Hires

a. This includes reinstatements. Initial basic pay for new appointees into the demonstration project may be set at any point within the basic pay range for the career track, occupation, and career level to which appointed that is consistent with the special qualifications of the individual and the unique requirements of the position. These special qualifications may be consideration of education, training, experience, scarcity of qualified applicants, labor market considerations, programmatic urgency, or any combination thereof which is pertinent to the position to which appointed. Highest previous rate may be used to set the pay of new appointees into the demonstration project. (The approving manager authorizes the basic pay.) A recruitment or relocation bonus may be paid using the same provisions available for GS employees under 5 U.S.C. 5753. Employees placed through the DoD Priority Placement Program (PPP), the DoN Reemployment Priority List (RPL), or the Federal Interagency Career Transition Assistance Plan are entitled to the last earned rate if they have been separated.

b. Transfers from within DoD and other Federal agencies will have their pay set using pay setting policy for internal actions based on the type of pay action.

2. Internal Actions

a. Promotion. When an employee is promoted, the basic pay after promotion may be up to 20 percent greater than the employee's current basic pay. However, if the minimum rate of the new career level is more than 20 percent greater than the employee's current basic pay, then the minimum rate of the new career level is the new basic pay. The employee's basic pay may not exceed the basic pay range of the new career level. Highest previous rate may be applied, if appropriate. (The approving manager authorizes the basic pay.) Note: Most target career level promotions will be accomplished through the CCS appraisal and pay adjustment process (see section IV.C.8).

b. Pay Adjustment (Voluntary Change to Lower Pay) or Change to Lower Career Level (except RIF). When an employee accepts a voluntary change to lower pay or lower career level, basic pay may be set at any point within the career level to which appointed, except that the new basic pay will not exceed the employee's current basic pay or the maximum basic pay of the career level to which assigned, whichever is lower. Highest previous rate may be applied, if appropriate. (The approving manager authorizes the basic pay.)

(1) Examples of Voluntary Change to a Lower Career Level. An employee in an Administrative Specialist and Professional Career Track position may decide he or she would prefer a Career Level II position in the Administrative Support Career Track because it offers a

different work schedule or duty station. An employee in Level IV of the Administrative Specialist and Professional Career Track who has a family member with a serious medical problem and wants to be relieved of supervisory responsibilities may request a change to Career Level III.

(2) Example of Pay Adjustment (Voluntary Change to Lower Pay) or Change to a Lower Career Level. An employee may accept a change to lower pay or to a lower career level through a settlement agreement. A Research Physicist who is in Level III and is being paid near the top of Level III, is rated unacceptable in the critical element Research and Development (R&D) Business Management. In settlement of a proposal to remove this employee for unacceptable performance, an agreement is reached which reduces the employee's pay to a rate near the beginning of Level III.

c. Pay Adjustment (Involuntary Change to Lower Pay) or Change to Lower Career Level Due to Adverse or Performance-based Action. When an employee is changed to a lower career level, or receives a change to lower pay due to an adverse or performance-based action, the employee's basic pay will be reduced by at least 6 percent, but will be set at a rate within the rate range for the career level to which assigned. (The approving manager authorizes the basic pay.) Such employees will be afforded appeal rights as provided by 5 U.S.C. 4303 or 7512.

d. Involuntary Change to Lower Career Level or Reassignment to a Career Track with a Lower Salary Range, Other than Adverse or Performance-based. If the change is not a result of an adverse or performance-based action, the basic pay will be preserved to the extent possible within the basic pay range of the new career level. If the pay cannot be set within the rate range of the new career level, it will be set at the maximum rate of the new career level and the employee's pay will be reduced. If the change is a result of a position reclassification resulting in the employee being assigned to a lower career level or reassigned to a different career track with a lower maximum basic salary range, the employee is entitled to maintained pay.

e. RIF Action (including employees who are offered and accept a vacancy at a lower career level or in a different career track). The employee is entitled to maintained pay.

f. Upward Mobility or Other Formal Training Program Selection. The employee is entitled to maintained pay.

g. Return to Limited or Light Duty from a Disability as a Result of Occupational Injury to a Position in a Lower Career Level or to a Career Track with Lower Basic Pay Potential than Held Prior to the Injury. The employee is entitled indefinitely to the basic pay held prior to the injury and will receive full general and locality pay increases. If upon reemployment, an employee was not given the higher basic pay (basic pay received at the time of the injury), any retirement annuity or severance pay computation would be based on his or her lower basic pay (salary based on placement in a lower career level). Even though the Department of Labor (DOL) would make up the difference between the lower basic pay and the higher basic pay earned at the time of injury, the DOL portion is not considered in the retirement or severance pay computation.

h. Reassignment. The basic pay normally remains the same. Highest previous rate may be applied, if appropriate. (The approving manager authorizes the basic pay.)

i. Student Educational Employment Program. Initial basic pay for new appointees may be set at any point within the basic pay range for the career track, occupation, and career level to which appointed. Basic pay may be increased upon return to duty (RTD) or conversion to temporary appointment, in consideration of the student's additional education and experience at the time of the action. Students who work under a parallel work study program may have their basic pay increased in consideration of additional education and/or experience. Basic pay for students may be increased based on their CCS appraisal. (The approving manager authorizes the basic pay.)

j. Hazard Pay or Pay for Duty Involving Physical Hardship. Employees under the demonstration project will be paid hazardous duty pay under the provisions of 5 CFR part 550, subpart I.

I. Priority Placement Program (PPP)

Current PPP procedures apply to new hires and internal actions.

J. Expanded Temporary Promotions

Current regulations require that temporary promotions for more than 120 days to a higher level position than previously held must be made competitively. Under the demonstration project, NRL would be able to effect temporary promotions of not more than 1 year without competition to positions within the demonstration project. Prior service during the preceding 12 months under noncompetitive time-limited promotions and noncompetitive details to higher level positions count toward the 1-year total.

IV. Sustainment

A. Position Classification

The position classification changes are intended to streamline and simplify the process of identifying and categorizing the work done at NRL. NRL will establish an Integrated Pay Scale (IPS) for all demonstration project positions in covered occupations. The IPS will replace the current GS and extend the pay scale to the equivalent of the ES–4 level of the ''Rates of Basic Pay for the Members of the Senior Executive Service (SES).''

1. Career Tracks and Career Levels

Within the IPS, occupations with similar characteristics will be grouped together into four career tracks. Each career track consists of a number of career levels, representing the phases of career progression that are typical for the respective career track. The career levels within each career track are shown in Figure 3, along with their GS equivalents. The equivalents are based on the levels of responsibility as defined in 5 U.S.C. 5104, and not on current basic pay schedules. Appendix B provides definitions for each of the career tracks and the career levels within them.

The career tracks and career levels were developed based upon administrative, organizational, and position management considerations at NRL. They are designed to enhance pay equity and enable a more seamless career progression to the target career level for an individual position or category of positions. This combination of career tracks and career levels allows for competitive recruitment of quality candidates at differing rates of compensation within the appropriate career track, occupation, and career level. It will also facilitate movement and placement based upon contribution, in conjunction with the CCS described in paragraph IV.C. Other benefits of this arrangement include a dual career track for S&E employees and greater competitiveness with academia and private industry for recruitment. Appendix C identifies the occupational series currently within each of the four career tracks.

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CAREER TRACKS AND CAREER LEVELS WITH EQUIVALENTS

S&E Professional					
Career Level	I	II	III[b]	IV[b]	V
GS Equiv.	1-4	5-10	11-13	14-15	ARSAE
S&E Technical					
Career Level	I	II	III	IV	V[a]
GS Equiv.	1-4	5-8	9-10	11-12	13
Administrative Specialist and Professional					
Career Level	I	II	III[b]	IV[b]	V[b]
GS Equiv.	1-4	5-10	11-12	13	14-15
Administrative Support					
Career Level	I	II	III		
GS Equiv.	1-4	5-7	8-10		

[a] Temporary career level to accommodate current incumbents. No additional incumbents will be moved into this level; when no incumbents remain in this career level, it will be abolished.

[b] Promotion beyond these levels will not occur without proper high-grade authorization.

Figure 3

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a. Target Career Level. Each position will have a designated target career level under the demonstration project. This target career level will be identified as the career level to which an incumbent may be advanced without further competition within a career track. These target career levels will be based upon present career ladders and the results of a pending position management study. Target career levels may vary based upon occupation or career track. Employees' basic pay will be capped at the target career level until other appropriate conditions (competition, availability of a high-grade billet, position management approval, increase in or acquisition of higher level duties, approval of an accretion of duties promotion, etc.) have been met, and the employee has been promoted into the next higher level.

b. Occupational Series and Position Titling. Presently, NRL positions are identified by occupational groups and series of classes in accordance with OPM position classification standards. Under the demonstration project, NRL will continue to use occupational series designators consistent with those currently authorized by OPM to identify positions. This will facilitate related personnel management requirements, such as movement into and out of the demonstration project. Other occupational series may be added or deleted as needed to support the demonstration project. Interdisciplinary positions will be accommodated within the system based upon the qualifications of the individual hired.

Titling practices consistent with those established by OPM classification standards will be used to determine the official title. Such practice will facilitate other personnel management requirements, such as the following: movement into and out of the demonstration project, reduction in force, external reporting requirements, and recruitment. CCS career level descriptors and Requirements Document (RD) (see paragraph IV.A.2) information will be used for specific career track, career level, and titling determinations.

c. Classification Standards. Under the proposed demonstration project, the number of classification standards would be reduced from over 70 to 4. (See Figure 2.) Each standard would align with one of the four career tracks and would cover all positions within that career track. Each career track has two or three elements that are considered in both classifying a position and in judging an individual's contributions for pay setting purposes. Each element has generic descriptors for every career level. These descriptors explain the type of work, degree of responsibility and scope of contributions that need to be ultimately accomplished to reach the highest basic pay potential within each career level. (See Appendix D.) To classify a position, a manager would select the career level which is most indicative overall of the type of duties to be performed and the contributions

needed. For example: A supervisor needs a secretarial position for a branch. In reading the elements and descriptors for the Administrative Support Career Track, the supervisor determines that the Level II descriptors illustrate the type of work and contributions needed. Therefore, the position would be classified as a Secretary, Level II.

d. Fair Labor Standards Act (FLSA). Demonstration project positions will be covered under the FLSA and 5 CFR part 551. Determination of their status (exempt or nonexempt) will be made based on the criteria contained in 5 CFR Part 551. The status of each new position under the demonstration project will be determined using computer assisted analysis as part of an automated process for preparing the RD. Those positions for which the computer is unable to make the final FLSA determination will be ''flagged'' for referral to a human resources specialist for determination.

(1) Guidelines for FLSA Determinations.

a. Supervisory Information: provided through an automated system in a checklist format; results of this checklist have an impact on FLSA determination.

b. FLSA Information: provided through an automated system in a checklist format; results of this checklist in conjunction with the supervisory information provide a basis for the FLSA determination.

c. If required, the section entitled ''Purpose of Position'' will be used to assist in FLSA determination.

d. RD's requiring additional review before being finalized will be forwarded to a human resources specialist to review the FLSA determination.

(2) Nonsupervisory and Leader Positions. Figure 4 shows the exempt or nonexempt status applicable to nonsupervisory and leader positions in the indicated career track and career level. In those cases where ''Review'' is indicated, the FLSA status must be determined based on the specific duties and responsibilities of the subject position.

(3) Supervisory Positions. FLSA determination for supervisory positions must be made based on the duties and responsibilities of the particular position involved. As a rule, if a position requires supervision of employees who are exempt under FLSA, the supervisory position is likely to be exempt also.

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FLSA Status of Nonsupervisory and Leader Positions[a]

	Career Level I	Career Level II	Career Level III	Career Level IV	Career Level V
S&E and Other Prof	FLSA-covered	Review	Exempt	Exempt	Exempt
S&E Tech	FLSA-covered	FLSA-covered	Review	Exempt	Exempt
Admin Spec and Prof	FLSA-covered	Review	Exempt	Exempt	Exempt
Admin Sppt	FLSA-covered	FLSA-covered	Review		

[a] FLSA exemption and nonexemption determinations will be made consistent with criteria found in 5 CFR part 551. All employees are covered by the FLSA unless they meet the executive, administrative, or professional criteria for exemption. As a general rule, the FLSA status can generally be matched to the occupational families and pay bands found in Table 3. Exceptions to these guidelines include supervisors/managers who meet the definitions outlined in the OPM GS Supervisory Guide. The generic position descriptions will not be the sole basis for the FLSA determination. Each position will be evaluated on a case-by-case basis by comparing the duties and responsibilities assigned and the classification standards for each pay band, under 5 CFR part 551 criteria.

Figure 4

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2. RD

An RD will replace the Optional Form 8 and position description used under the current classification system. The RD will be prepared by managers using a menu-driven, automated system. The automated system will enable managers to classify and establish many positions without intervention by a human resources specialist. The abbreviated RD will combine the position information, staffing requirements, and contribution expectations into a 1- or 2-page document. Appendix F provides a sample RD for an Electronics Engineer, Level II.

3. Delegation of Classification Authority

Classification authority will be delegated to managers as a means of increasing managerial effectiveness and expediting the classification function. This will be accomplished as follows:

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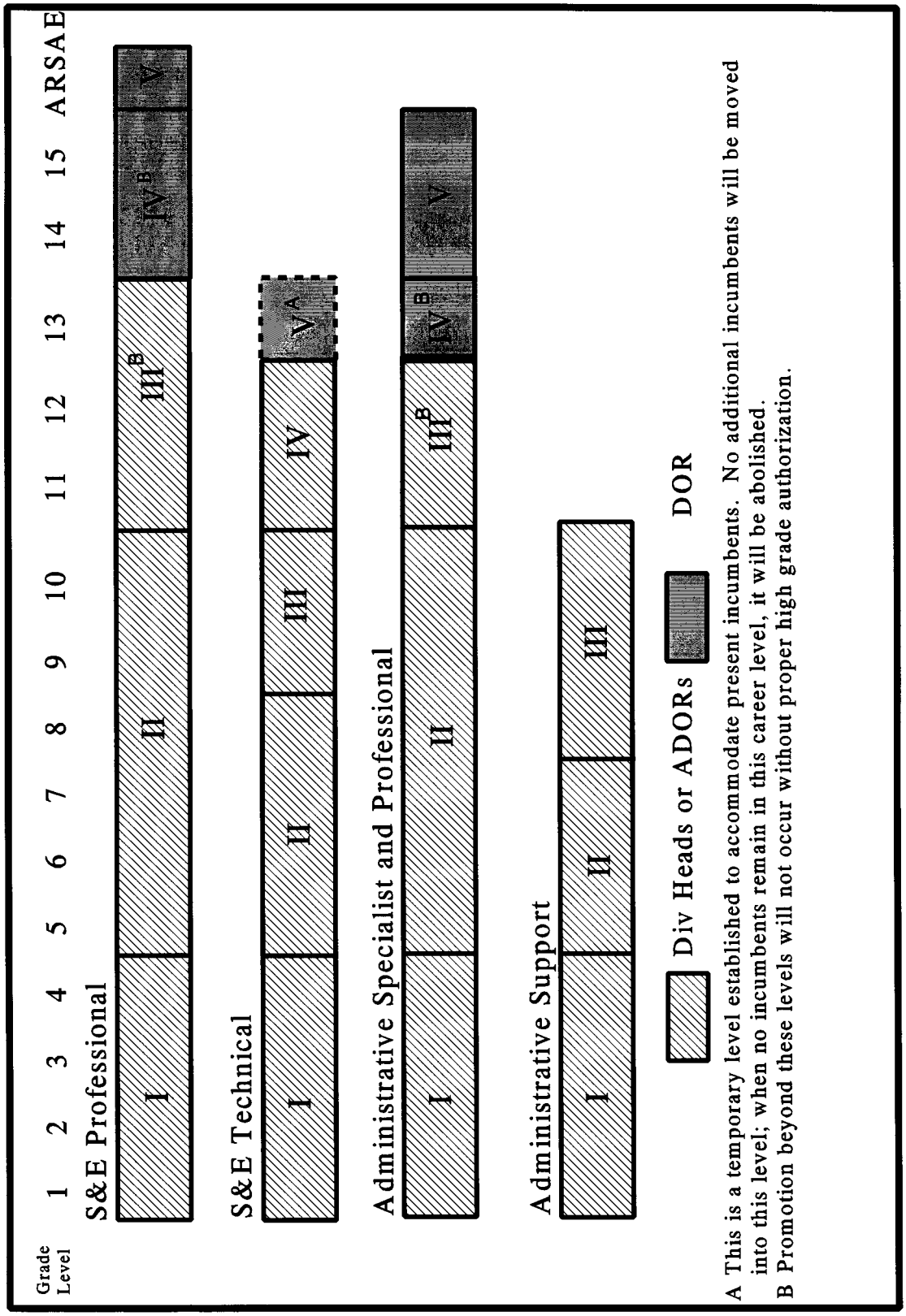

Figure 5. Levels of Delegated Classification Authority

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a. Delegated Authority.

1. The NRL Commanding Officer (CO) will delegate classification authority to the management levels shown in Figure 5, i.e., DOR, Associate Directors of Research (ADORS), division superintendents or equivalent levels, and the HRO Director (the HRO Director may further delegate to selected HRO specialists).

2. The classification approval must be at least one level above the first-level supervisor of the position.

3. First-line supervisors at any level will provide classification recommendations.

4. HRO support will be available for guidance and recommendations concerning the classification process. (Any dispute over the proper classification between a manager and the HRO will be resolved by the DOR.)

b. Position Classification Accountability. Those to whom authority is delegated are accountable to the DOR. The DOR is accountable to the CO. Those with delegated authority are expected to comply with demonstration project guidelines on classification and position management, observe the principle of equal pay for equal work, and ensure that RD's are current. First-line supervisors will develop positions using the automated system. All positions must be approved through the proper chain of command.

B. IPS

Under the demonstration project, an IPS will be established which will cover all demonstration project positions at NRL. This IPS will extend from the basic pay for GS–1, step 1 (from the GS without locality pay) to the basic pay for ES–4 (from ''Rates of Basic Pay for Members of the Senior Executive Service (SES)'').

1. Annual Pay Action

NRL will eliminate separate pay actions for within-grade increases, general and locality pay increases, performance awards, quality step increases, and most career promotions, and replace them with a single annual pay action (including either permanent or bonus pay or both) linked to the CCS. This will eliminate the paperwork and processing associated with multiple pay actions which average 3 per employee per year.

2. Overtime Pay

Overtime will be paid in accordance with 5 CFR part 550, subpart A. All nonexempt employees will be paid overtime based upon their ''hourly regular rate of pay,'' as defined in existing regulation (5 CFR part 551).

3. Classification Appeals

An employee may appeal the occupational series, title, career track, or career level of his or her position at any time. An employee must formally raise the area of concern to supervisors in the immediate chain of command, either verbally or in writing. If an employee is not satisfied with the supervisory response, he or she may then appeal to the DoD appellate level. If an employee is not satisfied with the DoD response, he or she may then appeal to the OPM only after DoD has rendered a decision under the provisions of this demonstration project. Since OPM does not accept classification appeals on positions which exceed the equivalent of a GS–15 level, appeal decisions involving Career Level V for Advanced Research Scientists and Engineers (ARSAE) will be rendered by DoD and will be final. Appellate decisions from OPM are final and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the Government. Time periods for case processing under 5 CFR subpart F, sections 511.603, 511.604, and 511.605 apply.

An employee may not appeal the accuracy of the RD, the demonstration project classification criteria, or the pay-setting criteria; the propriety of a basic pay schedule; the assignment of occupational series to the occupational family; or matters grievable under an administrative or negotiated grievance procedure or an alternative dispute resolution procedure.

The evaluation of classification appeals under this demonstration project is based upon the demonstration project classification criteria. Case files will be forwarded for adjudication through the HRO and will include copies of appropriate demonstration project criteria.

4. Advanced Research Scientists and Engineers (ARSAE)

The NRL demonstration project includes a Career Level V for the Science and Engineering (S&E) Professional Career Track. Career Level V is created for ARSAE's.

Current legal definitions of SES and ST positions do not fully meet the needs of NRL. The SES designation is appropriate for executive level managerial positions whose classification exceeds the GS–15 grade level. The primary knowledge and abilities of SES positions relate to supervisory and managerial responsibilities. Positions classified as STs are reserved for bench research scientists and engineers; these positions require a very high level of technical expertise and they have little or no supervisory responsibility.

NRL currently has positions (typically branch head, principal investigator or team leaders) that have characteristics of both SES and ST classifications. Most branch heads in NRL are responsible for supervising other GS–15 positions, including non-supervisory research engineers and scientists and, in some cases, ST positions. Most branch heads are classified at the GS–15 level, although their technical expertise warrants classification beyond GS–15. Because of their management responsibilities, these individuals are excluded from the ST system. Because of management considerations, they cannot be placed in the SES. Management considers the primary requirement for branch heads to have knowledge of and expertise in the specific scientific and technology areas related to the mission of their branches. Historically, the incumbents of these positions have been recognized within the community as scientific and engineering leaders who possess primarily scientific or engineering credentials and are considered experts in their field. However, they must also possess strong managerial and supervisory ability. Therefore, although some of these employees have scientific credentials that might compare favorably with ST criteria, classification of these positions as ST is not an option because the managerial and supervisory responsibilities inherent in the positions cannot be ignored.

Current GS–15 branch heads will convert into the demonstration project at Career Level IV. After conversion they will be reviewed against established criteria to determine if they should be reclassified to Career Level V. Other positions possibly meeting criteria for classification to Career Level V will be reviewed on a case-by-case basis. The salary range is a minimum of 120 percent of the minimum rate of basic pay for GS–15 with a maximum rate of basic pay established at the rate of basic pay (excluding locality pay) for SES level 4 (ES–4). Vacant positions in Career Level V will be competitively filled to ensure that selectees are preeminent researchers and technical leaders in the specialty fields who also possess substantial managerial and supervisory abilities.

DoD will test Career Level V for a 5-year period. ARSAE positions established in Career Level V will be subject to limitations imposed by OPM and DoD. Career Level V will be established only in an S&T Reinvention Laboratory which employs scientists,

engineers, or both. ARSAE incumbents of Career Level V positions will work primarily in their professional capacity on basic or applied research and secondarily perform managerial or supervisory duties. The number of Career Level V, or equivalent, positions within the DoD will not exceed 40. These 40 positions will be allocated by Assistant Secretary of Defense (Force Management Policy) and administered by the respective services. The number of ARSAE Career Level V positions will be reviewed periodically to determine appropriate position requirements. Career Level V position allocations will be managed separately from SES, ST, and Senior Level (SL) positions. An evaluation of the Career Level V concept will be performed during the fifth year of the demonstration project.

Specific details regarding the control and management of all Level V assets will be included in the demonstration project's operating procedures. Level V is expected to afford NRL the ability to more effectively and efficiently exercise managerial control at the local level, while adhering to merit staffing, affirmative action, and equal employment opportunity principles.

5. Distinguished Contributions Allowance (DCA)

The DCA is a temporary monetary allowance up to 25 percent of basic pay (which, when added to an employee's rate of basic pay, may not exceed the rate of basic pay for ES–4) paid on either a bi-weekly basis (concurrent with normal pay days) or as a lump sum following completion of a designated contribution period(s), or combination of these, at the discretion of NRL. It is not basic pay for any purpose, i.e., retirement, life insurance, severance pay, promotion, or any other payment or benefit calculated as a percentage of basic pay. The DCA will be available to certain employees at the top of their target career levels, whose present contributions are worthy of scores found at a higher career level, whose level of contribution is expected to continue at the higher career level for at least 1 year, and current market conditions require additional compensation.

Assignment of the DCA rather than a change to a higher career level will generally be appropriate for such employees under the following circumstances: (1) When it is not certain that the higher level contributions will continue indefinitely (e.g., a special project expected to be of 1- up to 5-year duration), or (2) when employees have reached the maximum rate of the target career level for the position and when no further promotion or compensation opportunities are available or externally imposed limits (such as high-grade restrictions) make changes to higher career levels unavailable, and (3) current market conditions compensate similar contributions at a greater rate in like positions in private industry and academia and there is a history of significant recruitment and retention difficulties associated with such positions.

a. Eligibility.

(1) Employees in Levels III and IV of the S&E Professional Career Track and those in Levels III, IV, and V of the Administrative Specialist and Professional Career Track are eligible for the DCA if they have reached the top CCS score for their target career level with a recommendation for a higher Overall Contribution Score (OCS) for their contributions, they have reached the maximum rate of basic pay available for their target career level, the higher level contributions are not expected to last indefinitely, and market conditions require greater compensation for these contributions.

(2) Employees may receive a DCA for up to 3 years. The DCA authorization will be reviewed and reauthorized as necessary, but at least annually at the time of the CCS appraisal through nomination by the pay pool manager and approval by the DOR. Employees in the S&E Professional Career Track may receive an extension of up to 2 additional years (for a total of 5 years). The DCA extension authorization will be reviewed and reauthorized as necessary, but at least on an annual basis at the time of the CCS appraisal through nomination by the pay pool manager and approval by the DOR.

(3) Monetary payment may be up to 25 percent of basic pay.

(4) Nominees would be required to sign a memorandum of understanding or a statement indicating they understand that the DCA is a temporary allowance; it is not a part of basic pay for any purpose; it would be subject to review at any time, but at least on an annual basis, and the reduction or termination of the DCA is not appealable or grievable.

b. Nomination. In connection with the annual CCS appraisal process, pay pool managers may nominate eligible employees who meet the criteria for the DCA. Packages containing the recommended amount and method of payment of the DCA and a justification for the allowance will be forwarded through the supervisory chain to the DOR. Details regarding this process will be addressed in standard operating procedures. These details will include time frames for nomination and consideration, payout scheme, justification content and format, budget authority, guidelines for selecting employees for the allowance and for determining the appropriate amount, and documentation required by the employee acknowledging he or she understands the criteria and temporary nature of the DCA.

c. Reduction of Termination of a DCA.

(1) A DCA may be reduced or terminated at any time the NRL deems appropriate (e.g., when the special project upon which the DCA was based ends; if performance or contributions decrease significantly; or if labor market conditions change, etc.). The reduction or termination of a DCA is not appealable or grievable.

(2) If an employee voluntarily separates from NRL before the expiration of the DCA, an employee may be denied DCA payment. Authority to establish conditions and/or penalties will be spelled out in the written authorization of an individual's DCA.

d. Lump-Sum DCA Payments.

(1) When NRL chooses to pay part or all of an employee's DCA as a lump sum payable at the end of a designated period, the employee will accrue entitlement to a growing lump-sum balance each pay period. The percentage rate established for the lump-sum DCA will be multiplied by the employee's biweekly amount of basic pay to determine the lump sum accrual for any pay period. This lump-sum percentage rate is included in applying the 25-percent limitation.

(2) If an employee covered under a lump-sum DCA authorization separates, or the DCA is terminated (see paragraph c), before the end of that designated period, the employee may be entitled to payment of the accrued and unpaid balance under the conditions established by NRL. NRL may establish conditions governing lump-sum payments (including penalties in cases such as voluntary separation or separation for personal cause) in general plan policies or in the individual employee's DCA authorization.

e. DCA Budget Allocation. The DOR may establish a total DCA budget allocation that is never greater than 10 percent of the basic salaries of the employees currently at the cap in the S&E Professional Career Track, Career Levels III and IV, and the Administrative Specialist and Professional Career Track, Career Levels III, IV, and V.

f. Concurrent Monetary Payments. Employees eligible for a DCA may be authorized to receive a DCA and a retention allowance at the same time, up to a combined total of 25 percent of

basic pay. A merit increase which raises an employee's pay to the top rate for his or her target career level (thus making the employee eligible for the DCA) may be granted concurrent with the DCA. Receipt of the DCA does not preclude an employee from being granted any award (including a contribution award) for which he or she is otherwise eligible.

C. Contribution-Based Compensation System (CCS)

1. General

The purpose of the CCS is to provide an effective means for evaluating and compensating the NRL workforce. It provides management, at the lowest practical level, the authority, control, and flexibility needed to develop a highly competent, motivated, and productive workforce. CCS will promote increased fairness and consistency in the appraisal process, facilitate natural career progression for employees, and provide an understandable basis for career progression by linking contribution to basic pay determinations.

CCS combines performance appraisal and job classification into one annual process. At the end of each CCS appraisal period, basic pay adjustment decisions are made based on each employee's actual contribution to the organization's mission during the period.

A separate function of the process includes comparison of performance in critical elements to acceptable standards to identify unacceptable performance that may warrant corrective action in accordance with 5 CFR part 432. Supervisory officials determine scores to reflect each employee's contribution, considering both how well and at what level the employee is performing. Often the two considerations are inseparable. For example, an employee whose written documents need to be returned for rework more often than those of his or her peers also likely requires a closer level of oversight, an important factor when considering level of pay.

The performance planning and rating portions of the demonstration project's appraisal process constitute a performance appraisal program which complies with 5 CFR part 430 and the DoD Performance Management System, except where waivers have been approved. Performance-related actions initiated prior to implementation of the demonstration project (under DoN performance management regulations) shall continue to be processed in accordance with the provisions of the appropriate system.

2. CCS Process

CCS measures employee contributions by breaking down the jobs in each career track using a common set of ''elements.'' The elements for each career track shown in Figure 6 and described in detail in Appendix D have been initially identified for evaluating the contributions of NRL personnel covered by this initiative. They are designed to capture the highest level of the primary content of the jobs in each career level of each career track. Within specific parameters, elements may be weighted or even determined to be not applicable for certain categories of positions. All elements applicable to the position are critical as defined by 5 CFR part 430.

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CCS ELEMENTS

S&E Professional
Scientific and Technical Problem Solving
Cooperation and Supervision
R&D Business Management

S&E Technical
Scientific and Technical Problem Solving
Cooperation , Customer Relations, and Supervision

Administrative Specialist and Professional
Problem Solving and Program Management
Cooperation and Customer Relations
Supervision and Resources Management

Administrative Support
Problem Solving and Office Administration
Cooperation, Supervision, and Customer Relations

Figure 6

BILLING CODE 6325–01–C

For each element, ''Discriminators'' and ''Descriptors'' are provided to assist in distinguishing low to high contributions. The discriminators (2–4 for each element) break down aspects of work to be measured within the element. The descriptors (one for each level for each discriminator) define the expected level of contribution *at the top* of the related career level for that element.

Scores currently range between 0 and 89; specific relationships between scores and career levels are different for each career track. (See Figure 7.) Basic pay adjustments are based on a comparison of the employee's level of contribution to the normal pay range for that contribution and the employee's present rate of basic pay.

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CCS CAREER LEVEL SCORES AND BASIC PAY RANGES*

Level	Score	CCS $K
S&E Professional		
I	0 - 21	13,362 - 24,456
II	18 - 47	20,356 - 44,924
III	44 - 66	37,393 - 70,060
IV	66 - 80	62,553 - 97,201
V	81 - 89	89,728 - 118,000**
S&E Technical		
I	0 - 21	13,362 - 24,456
II	18 - 39	20,356 - 37,258
III	36 - 47	31,012 - 44,924
IV	44 - 59	37,393 - 59,480
V***	59 - 66	53,107 - 70,060
Administrative Specialist and Professional		
I	0 - 21	13,362 - 24,456
II	18 - 47	20,356 - 44,924
III	44 - 59	37,393 - 59,480
IV	59 - 66	53,107 - 70,060
V	66 - 80	62,553 - 97,201
Administrative Support		
I	0 - 21	13,362 - 24,456
II	18 - 34	20,356 - 33,146
III	31 - 47	27,590 - 44,924

* Basic pay based on 1999 GS with no locality adjustment.

** Equivalent to the minimum rate of basic pay for Salary Table 1999-SL/ST, and for Salary Table 1999-ES for ES-4 with no locality adjustment.

*** Temporary career level to accommodate current incumbents.

Figure 7

BILLING CODE 6325–01–C

Supervisors and pay pool panels determine an employee's contribution level for each element. A contribution score, available to that level, is assigned accordingly. For example, a scientist whose contribution in the Technical Problem Solving element for S&E Professionals is determined to be at Level II may be assigned a score of 18 to 47. Eighteen reflects the lowest level of responsibility, exercise of independent judgment, and scope of contribution; and 47 reflects the highest. For Level III contributions, a value of 44 to 66 may be assigned. Each higher career level equates to a higher range of values up to a total of 89 points for S&E professionals. The maximum score of (currently) 89 provides the potential for basic pay of $118,000 plus locality pay up to a cap of $125,900. Each element is judged separately and level of work may vary for different elements. The scores for each element are then averaged to determine the Overall Contribution Score (OCS).

The CCS process will be carried out within a pay pool that typically consists of all employees in an NRL division. Pay pools should have a minimum size of about 35 employees; the largest pay pool may have about 300 employees. To facilitate equity and consistency, element weights and applicability and CCS score adjustments are determined by a pay pool panel, rather than by individual supervisors. Basic pay adjustments, contribution awards, and DCA's may be recommended by the pay pool panel or by individual supervisors. Pay pool panels will consist of supervisory officials or other individuals who are familiar with the organization's work and the contributions of its employees. In most cases division heads (mostly SES members) function as pay pool managers, with final authority to decide weights, scores, basic pay adjustments, and awards.

3. Pay Pool Annual Planning

Prior to the beginning of each annual appraisal period, the pay pool manager and panel will review pay pool-wide expectations in the areas described below.

a. Element Weights and Applicability. As written, all elements are weighted equally. If pay pool panels and managers decide that some elements are more important than others or that some do not apply at all to the effective accomplishment of the organization's mission, they may establish element weights including a weight of zero which renders the element not applicable. Element weights are not intended for application to individual employees. Instead, they may be established only for subcategories of positions, not to exceed a maximum of five subcategories in each career track. Subcategories for S&E Professionals might be: Bench Level S&E, Supervisor, Program Manager, and Support S&E. Subcategories should include a minimum of five positions, when possible. Weights must be consistent within the subcategory.

b. Supplemental Criteria. The CCS level descriptors are designed to be general so that they may be applied to all employees in the career track. Supervisors and pay pool panels may establish supplemental criteria to further inform employees of expected contributions. This may include (but is not limited to) examples of contributions which reflect work at each level for each element, taskings, objectives, and/or standards.

4. Annual CCS Appraisal Process (See Figure 8)

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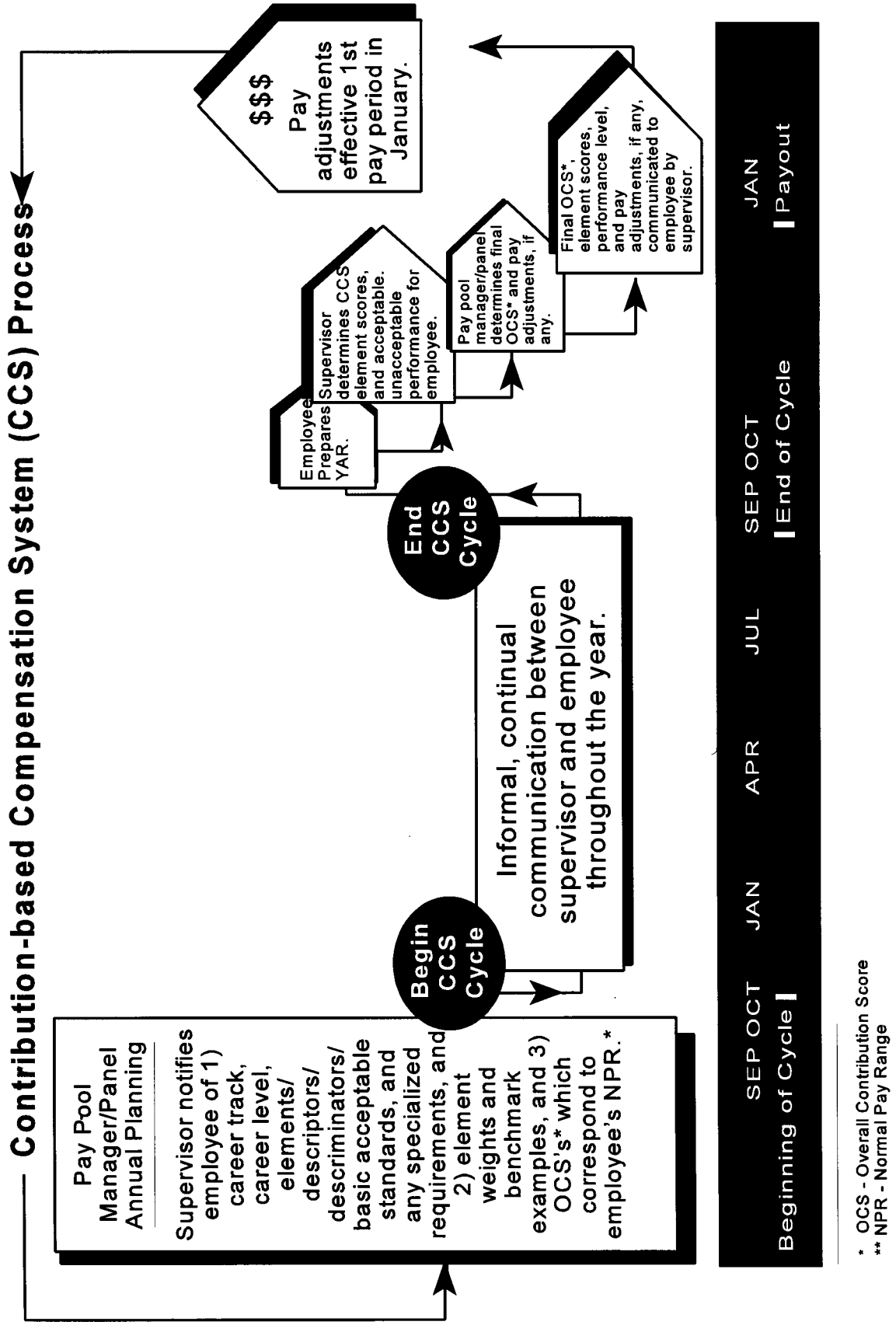

* OCS - Overall Contribution Score
** NPR - Normal Pay Range

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The NRL appraisal period will be 1 year, with a minimum appraisal period of 90 days. At the beginning of the appraisal period, or upon an employee's arrival at NRL or into a new position, the following information will be communicated to employees so that they are informed of the basis on which their performance and contributions will be assessed: their career track and career level; applicable elements, descriptors and discriminators; element weights; any established supplemental criteria; OCS's which correspond to each employee's NPR (see section IV.C.6); and basic acceptable performance standards. The CCS Summary Form (Appendix D) will be used to facilitate and document this communication. All employees will be provided this information; however, employees in some situations may not receive CCS scores. These situations are described in section IV.C.5, Exceptions. The communication of information described by this paragraph constitutes performance planning as required by 5 CFR 430.206(b).

Supervisor and employee discussion of organizational objectives, specific work assignments, and individual performance expectations (as needed), should be conducted on an ongoing basis. Either the supervisor or the employee may request a formal review during the appraisal period; otherwise, a documented review is required only at the end of the appraisal period.

At the end of the appraisal period, employees will provide input describing their contributions by preparing a Yearly Accomplishment Report (YAR). Standard operating procedures will provide guidance for paypools and employees on the content and format of YARs, and on other types of information about employee contributions which should be developed and considered by supervisors. This will include procedures for capturing contribution information regarding employees who serve on details, who change positions during the appraisal period, who are new to NRL, and other such circumstances.

Supervisors will review the employee's YAR and other available information about the employee's contributions during the appraisal period and determine an initial CCS score for each element. In addition, supervisors will determine whether the employee's performance was acceptable or unacceptable in each element when compared against the basic acceptable performance standards. The rating of the elements (all that are applicable are designated critical as defined by 5 CFR part 430) will serve as the basis for assignment of a summary level of Acceptable or Unacceptable. If any element is rated unacceptable, the summary level will be Unacceptable; otherwise the summary level will be Acceptable. Unacceptable ratings must be reviewed and approved by a higher level than the first-level supervisor.

If an employee changes positions during the last 90 days of the appraisal period, the losing supervisor will conduct a performance rating (i.e., rate each element Acceptable or Unacceptable and determine the summary level) at the time the employee moves to the new position. This will serve as the employee's rating of record. For employees who report to NRL during the last 90 days of the appraisal period, any close-out rating of Acceptable (or its equivalent) or better from another Government agency will serve as the employee's rating of record (the employee will be rated Acceptable). The determination of CCS scores and application of related pay adjustments for such employees is set forth in section IV.C.5, ''Exceptions''.

The pay pool panel will meet to compare scores, make appropriate adjustments, and determine the final OCS for each employee. Final approval of CCS scores and element and summary ratings will rest with the pay pool manager (unless higher level approval is requested or deemed necessary). Supervisors will communicate the element scores, ratings and OCS summary level to each employee, and discuss the results and plans for continuing growth. Employees rated Unacceptable will be provided assistance to improve their performance (see paragraph V.A).

The CCS process will be facilitated by an automated system, the CCSDS. During the appraisal process, all scores and supervisory comments will be entered into the CCSDS. The CCSDS will provide supervisors, pay pool panel members, and pay pool managers with background information (e.g., YARS, employees' prior year scores and current basic pay) and spreadsheets to assist them in comparing contributions and determining scores. Records of employee appraisals will be maintained in the CCSDS, and the system will be able to produce a hard copy document for each employee which reflects his or her final approved score.

5. Exceptions

All employees who have worked 90 days or more by the end of the appraisal period will receive a performance rating of record. However, in certain situations NRL does not consider the actual determination of CCS scores to be necessary. In other situations, it may not be feasible to determine a meaningful CCS score. Therefore, the determination of CCS scores will not be required for the following types of employees:

a. Employees on intermittent work schedules;

b. Those on temporary appointments of 1 year or less;

c. Those who work less than 6 months in an appraisal period (e.g., on extended absence due to illness);

d. Those on long-term training for all or much of the appraisal period;

e. Employees who have reported to NRL or to a new position during the 90 days prior to the end of the appraisal period; and

f. Student Educational Employment Program employees.

If supervisors believe that the nature of such an employee's contributions provide a meaningful basis to determine a CCS score, they may appraise employees in the categories listed above, provided that the employee has worked at least 90 days in an NRL position during the appraisal period.

Those employees mentioned above who are not appraised under CCS will not be eligible for merit increases or contribution awards. (This will affect the calculation of service credit for RIF (see section V.C.). All employees listed above will be given full general and locality increases (as described in sections IV.C.7.a, ''General Increases,'' and IV.C.7.c, ''Locality Increases''). All employees are eligible for awards under NRL's Incentive Awards Program, such as ''On-the-Spot'' and Special Act Awards, as appropriate.

6. Normal Pay Range (NPR)—Basic Pay Versus Contribution

The NRL CCS assumes a relationship between the assessed contribution of the employee and a normal range of pay. For all possible contribution scores available to employees, the NPR spans a basic pay range of 12 percent. Employees who are compensated below the NPR for their assessed score are considered ''undercompensated,'' while employees compensated above the NPR are considered ''overcompensated.''

The lower boundary of the NPR is initially established by fixing the basic pay equivalent to GS–1, step 1 of the General Schedule (without locality pay), with a CCS score of zero. The upper boundary is fixed at the basic pay equivalent to GS–15, step 10 of the General Schedule (without locality pay), with a CCS score of 80. The distance between these upper and lower boundaries for a given overall contribution score is 12 percent of basic pay for all available CCS scores. Using

these constraints, the interval between scores is approximately 2.37 percent through the entire range of pay. The lines were extended using the same interval so that the upper boundary of the normal range of basic pay accommodates the basic pay for SES Level IV. This currently occurs at a contribution score near 90. (The actual end point will vary depending on any pay adjustment factors, e.g., general increase.) The formula used to derive the NPR may be adjusted in future years of the demonstration project. See Appendix E for further details regarding the formulation of the NPR.

Each year the boundaries for the NPR plus the minimum and maximum rate of basic pay for each career level (except the maximum rate for Level V of the S&E Professional Career Track) will be adjusted by the amount of the across-the-board GS percentage increase granted to the Federal workforce.

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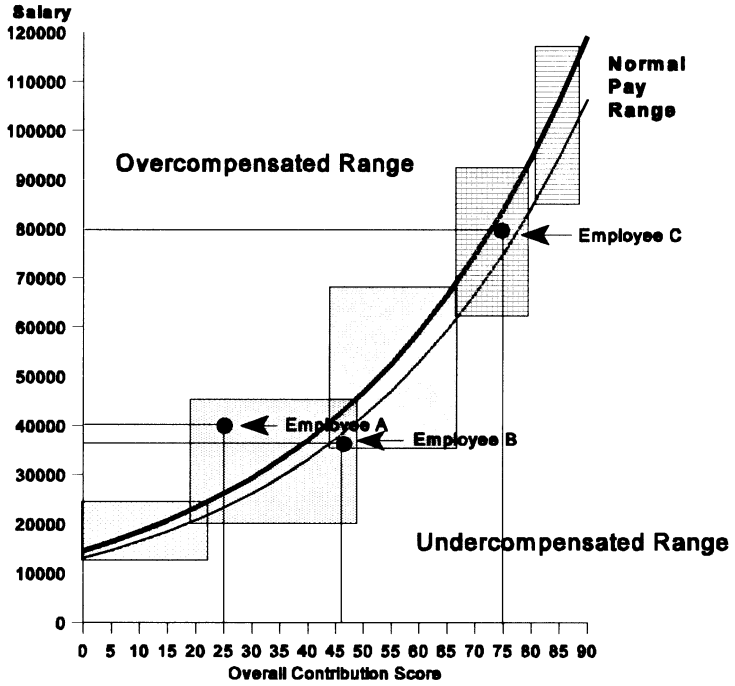

Figure 9 - Plotting OCS and Basic Pay on the NPR for S&E Professionals

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At the end of each annual appraisal period, employees' contribution scores will be determined by the CCS process described above, then their CCS scores and current rates of basic pay will be plotted as a point on a graph along with the NPR. The position of the point relative to the NPR gives a relative measure of the degree of over- or undercompensation of the employee, as shown in Figure 9. Points which fall below the NPR indicate undercompensation; points which fall above the NPR indicate overcompensation.

7. Compensation

Presently, employee pay is established, adjusted, and/or augmented in a variety of ways, including general pay increases, locality pay increases, special rate adjustments, within-grade increases (WGI's), quality step increases (QSI's), performance awards, and promotions. Multiple pay changes in any given year (averaging 3 per employee) are costly to process and do not consider comprehensively the employee's contributions to the organization. Under the demonstration project, NRL will distribute the budget authority from the sources listed above into 4 pay categories: (1) General increase, (2) locality increase, (3) merit increase, and (4) contribution awards. From these pay categories, a single annual pay action would be authorized based primarily on employees' contributions. Competitive promotions will still be processed under a separate pay action; most career promotions will be processed under the CCS.

In general, the goal of CCS is to pay in a manner consistent with employee contribution or, in other words, migrate employees' basic pay closer to the NPR. One result may be a wider distribution of pay among employees for a given level of duties.

After the CCS appraisal process has been completed and the employees' standing relative to the NPR has been determined, the pay pool manager, in consultation with the pay pool panel or other pay pool supervisory and staff officials, will determine the appropriate basic pay change and contribution award, if appropriate, for each employee. Standard operating procedures will provide guidance to assist pay pool managers in making pay determinations. In most cases, the pay pool manager will approve basic pay changes and awards. In some cases, however, approval of a higher level official will be required. Figure 10 summarizes the eligibility criteria and applicable limits for each pay category.

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Eligibility Chart for Pay Increases

Range of Basic Pay	General Increase	Merit Increase	Contribution Award	Locality Pay
Over-compensated	Could be reduced or denied	No	No[f]	Yes-Full[d]
Normal Range	Yes-Full	Yes[c]-Up to 6%	Yes[a]	Yes-Full[d]
Under-compensated	Yes-Full	Yes[b,e]	Yes[a]	Yes-Full[d]

[a] Up to $10K, over $10K requires DOR approval.
[b] Over 20 percent requires DOR approval.
[c] May not exceed upper rail of normal pay range for employee's OCS score or maximum rate of the employee's career level.
[d] Employees will be entitled to the full locality pay approved for their area.
[e] May not exceed 6% above lower rail of normal pay range or maximum rate of the employee's career level.
[f] Employees on maintained pay are eligible for a contribution award.[a]

Figure 10

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The Contribution-based Compensation System Data System (CCSDS) will calculate each employee's OCS and his or her standing in relation to the NPR. The system will provide a framework to assist pay pool officials in selecting and implementing a payout scheme. It will alert management to certain formal limits in granting pay increases; e.g., an employee may not receive a permanent increase above the maximum rate of basic pay for his or her career level until a corresponding level change has been effected. Once basic pay and award decisions have been finalized and approved, the CCSDS will prepare the data file for processing the pay actions, and maintain a consolidated record of CCS pay actions for all NRL demonstration project employees.

a. General Increases. General increase budget authority will be available to pay pools as a straight percentage of employee salaries, as derived under law. Pay pool panels or managers may reduce or deny general pay increases for employees whose contributions are in the overcompensated category. (See Figure 10.) Such reduction or denial may not place an employee in the undercompensated category. An employee receiving maintained pay (except one receiving maintained pay for an occupational injury who receives a full general pay increase) will receive half of the across-the-board GS percentage increase in basic pay until the employee's basic pay is within the basic pay range assigned for their current position or for 2 years, whichever is less. NRL employees on pay retention at the time of demonstration project implementation or as a result of placement through the DoN RPL, DoD PPP or the Federal Interagency Career Transition Assistance Plan will receive half of the across-the-board GS percentage increase until the employee's maintained pay is exceeded by the maximum rate for the employee's career level or the maintained pay is ended due to a promotion. General increase authority not expended is available to either the merit increase or contribution award pay categories or both.

b. Merit Increases. Merit increases will be calculated after the determination of employees' general increases. Merit increases may be granted to employees whose contribution places them in the ''normal'' or ''undercompensated'' categories. (See Figure 10.) In general, the higher the range in which the employee is contributing compared to his or her basic pay, the higher the merit increase should be. However, the following limitations apply: a merit increase may not place any employee's basic pay (1) in the ''overcompensated'' category (as established by the NPR for the upcoming year, which has been adjusted by the amount of the new general increase); (2) in excess of SES Level IV; (3) in excess of the maximum rate of basic pay for the individual's career level (unless the employee is being concurrently advanced to the higher career level); or (4) above any outside-imposed dollar limit (e.g., high-grade ceiling). Merit increases for employees in the NPR will be limited to 6 percent of basic pay, not to exceed the upper limit of the NPR for the employee's score. In addition, merit increases for employees in the undercompensated range may not exceed 6 percent above the lower rail of the NPR, or 20 percent of basic pay without DOR approval.

The NRL merit increase category will include what is now WGI's, QSI's, and career ladder promotions. This category will be set each year near 2.4 percent of total NRL basic pay rates (including the general increase rate approved for the coming year). This is close to the average of NRL's expenditures for step increases and promotions over the last 3 years. This percentage has been used by other demonstration projects in the past. The 2.4 percent figure will be adjusted as necessary to facilitate cost containment over the life of the demonstration project.

The amount of budget authority available to each pay pool will be determined annually by the DOR. Because statistical variations will occur in year-to-year personnel growth, any unexpended merit increase authorities may be carried over for use in the next cycle or transferred to the Contribution Awards Category. Any unexpended merit increase authority must be used no later than the payout for the next rating cycle.

c. Locality Increases. All employees will be entitled to the locality pay

increase authorized by law for their official duty station. In addition, the locality-adjusted pay of any employee may not exceed the rate for level IV of the Executive Schedule, except that, for employees in Career Level V of the S&E Professional Career Track, the locality-adjusted pay cap is level III of the Executive Schedule ($125,900 from ''Rates of Pay for the Executive Schedule,'' effective since January 1998).

d. Contribution Awards. Authority to pay contribution awards (lump-sum payments recognizing significant contributions) will be initially available to pay pools as a straight 1.5 percent of employees' basic pay (similar to the amount currently available for performance awards). The percentage rate may be adjusted in future years of the demonstration project. In addition, unexpended general increase and merit increase budget authorities may be used to augment the award category. Contribution awards may be granted to those employees whose contributions place them in the ''normal'' or ''undercompensated'' category, and to employees in the ''overcompensated'' category who are on maintained pay. Standard operating procedures will provide guidance to pay pool managers in establishing and applying criteria to determine significant contributions which warrant awards. An award exceeding $10,000 requires DOR approval. (See Figure 10.) Any unexpended contribution award authority must be used at the payout for the next rating cycle. Pay pools may also grant time-off as a contribution award, in lieu of or in addition to cash.

8. Career Movement Based on CCS

Movement through the career levels will be determined by contribution and basic pay at the time of the annual CCS appraisal process.

The NRL demonstration project is an integrated system that links level of work to be accomplished (as defined by a career track and career level) with individual achievement of that work (as defined by an OCS) to establish the rate of appropriate compensation (as defined by the career track pay schedule), and to determine progression through the career track. This section addresses only changes in level which relate directly to the CCS determination.

When an employee's OCS falls within 3 scores of the top score available to his or her current career level, supervisors should consider whether it is appropriate to advance the employee to the next higher level (refer to IV.A.1.a for other criteria). If progression to the next higher level is deemed warranted, supporting documentation would be included with the CCS appraisal and forwarded through the appropriate channels for approval. If advancement is not considered appropriate at this time, the employee would remain in his or her current career level. Future basic pay raises would be capped by the top of the employee's current career level unless the employee progresses to the next higher career level through a CCS-related promotion, an accretion of duties promotion, or a competitive promotion.

a. Advancements in Level Which May be Approved by the Pay Pool Manager. Advancements to all levels except Levels IV and V of the S&E Professional and the Administrative Specialist and Professional Career Tracks may be approved by the pay pool manager (this may be changed in future years of the demonstration project if there are changes in the way high-grade positions are defined).

b. Advancements in Level Which Must be Approved by the DOR Level. Advancement to (1) levels outside target career levels or established position management criteria; (2) Levels IV and V of the S&E Professional Career Track; and (3) Levels IV and V of the Administrative Specialist and Professional Career Track require approval by the DOR or his or her designee. These levels include (presently) all of NRL's high-grade billets. Details regarding the process for nomination and consideration, format, selection criteria, and other aspects of this process will be addressed in the standard operating procedures. In the event that unanticipated high-grade turnover results in vacancies prior to the end of the appraisal period, NRL may carry out this process at other times of the year.

c. Advancement to Level V of the S&E Professional Career Track. Vacancies in the billets allotted to NRL in this level will be filled as described in section IV.B.4.

d. Regression to Lower Level. (See Figure 9, ''Employee A''.) If an employee is contributing less than expected for the level at which he or she is being paid, the individual may regress into a lower career level through reduction or denial of general increases and ineligibility for merit increases. (This is possible because the NPR plus the minimum and maximum pay rates for each career level will be adjusted upwards each year by the across-the-board GS percentage increase in basic pay.) If the employee's basic pay regresses to a point below the pay overlap area between his or her level and the next lower level, it will no longer be appropriate to designate him or her as being in the higher level. Therefore, the employee will be formally changed to the lower level. The employee will be informed of this change in writing, but procedural and appeal rights provided by 5 U.S.C. 4303 and 7512 (and related OPM regulations) will not apply (except in the case of employees who have veterans' preference). NRL is providing for waivers of the statute and regulations for such actions. Further, because a change to lower level under such circumstances is not discretionary, the change may not be grieved under NRL's administrative grievance procedures.

9. CCS Grievance Procedures

An employee may grieve the appraisal received under CCS using procedures specifically designed for CCS appraisals. Under these procedures, the employee's grievance will first be considered by the pay pool panel, who will recommend a decision to the pay pool manager. If the employee is not satisfied with the pay pool manager's decision, he or she may file a second-step grievance with the next higher level management official. This official will render a final NRL decision on the grievance.

The following are not grievable: pay actions resulting from CCS (receipt, non-receipt or amount of general increase, merit increase, DCA or contribution award); reductions in level without reduction in pay due to regression (see section IV.C.8.d); any action for which another appeal or complaint process exists.

V. Separations

A. Performance-based Reduction in Pay or Removal Actions

This section applies to reduction in pay or removal of demonstration project employees based solely on unacceptable performance. Adverse action procedures under 5 CFR part 752 remain unchanged.

When a supervisor determines during or at the end of the appraisal period that the employee is not completing work assignments satisfactorily, the supervisor must make a determination as to whether the employee is performing unacceptably in one or more of the critical elements. All CCS elements applicable to the employee's position are critical as defined by 5 CFR part 430.

Unacceptable performance determinations must be made by comparing the employee's performance to the acceptable performance standards established for elements.

At any time during or at the end of the appraisal period that an employee's

performance is determined to be unacceptable in one or more critical elements, the employee will be provided assistance in improving his or her performance. This will normally include clarifying (or further clarifying) the meaning of terms used in the acceptable performance standards (e.g., ''timely'' ''thorough research'' and ''overall high quality'') as they relate to the employee's specific responsibilities and assignments. An employee whose performance is unacceptable after he or she has been given a reasonable opportunity to improve may be removed or reduced in grade or level, in accordance with the provisions of 5 U.S.C. 4303 and related OPM regulations. Employees may also be removed or reduced in grade or level based on unacceptable performance under the provisions of 5 U.S.C. 7512. All procedural and appeal rights set forth in the applicable statute and related OPM regulations will be afforded to demonstration project employees removed or reduced in grade or level for unacceptable performance.

B. RIF

1. RIF Authority

Under the demonstration project, NRL would be delegated authority to approve RIF as defined in Secretary of the Navy Instruction 12351.5E and the use of separation pay incentives.

2. RIF Definitions

a. Competitive Area. A separate competitive area will be established by geographic location for all personnel included in the demonstration project.

b. Competitive Level. Positions in the same occupational career level, which are similar enough in duties and qualifications that employees can perform the duties and responsibilities including the selective placement factor, if any, of any other position in the competitive level upon assignment to it, without any loss of productivity beyond what is normally expected.

c. Service Computation Date (SCD). The employee's basic Federal SCD would be adjusted for CCS results credit.

(1) CCS Process Results Credit.

a. An employee's basic Federal SCD may be credited with up to 20 years credit based on the results of the CCS process. The CCS RIF Assessment Category would be used to determine the number of RIF years credited. The CCS RIF Assessment Category is the combination of the employee's standing under the CCS relative to the NPR and any merit increase, DCA, or contribution award. Figure 11 shows the RIF years available for each CCS RIF Assessment Category.

Assessment category	RIF years available
0=Employees within the over-compensated range without any portion of a general increase	0
1=Employees receiving maintained pay or any portion of a general increase but no merit increase or contribution award	12
2=Employees receiving a merit increase or contribution award	16
3=Employees receiving both a merit increase and contribution award or with capped salary and receiving a contribution award and/or a DCA	20
Final RIF Credit: Average of the three most recent CCS Process Results received during the 4-year period prior to the cutoff date	

Figure 11—CCS RIF Assessment Categories

b. If an employee has fewer than three CCS process results, the value (RIF years available) of the actual number of process results on record will be divided by the number of actual process results on record. In cases where an employee has no actual CCS process results, the employee will be given the additional RIF CCS process results credit for the most common, or ''modal'' NRL demonstration project CCS RIF Assessment Category for the most recent CCS appraisal period.

(2) Credit from Other Rating Systems. Employees who have been rated under different patterns of summary rating levels will receive RIF appraisal credit as follows:

—If there are any ratings to be credited for the RIF given under a rating system which includes one or more levels above fully successful (Level 3), employees will receive credit as follows: 12 years for Level 3, 16 years for Level 4, 20 years for Level 5; or

—If an employee comes from a system with no levels above Fully Successful (Level 3), they will receive credit based on the demonstration project's modal CCS RIF assessment category.

(3) RIF Cutoff Date. To provide adequate time to properly determine employee retention standing, the cutoff date for use of new CCS process results is set at 30 days prior to the date of issuance of RIF notices.

3. Displacement Rights

(a) Displacement Process. Once the position to be abolished has been identified, the incumbent of that position may displace another employee within the incumbent's current career track and career level when the incumbent has a higher retention standing and is fully qualified for the position occupied by an employee with a lower standing. If there are no displacement rights within the incumbent's current career track and career level, the incumbent may exercise his or her displacement rights to any position previously held in the next lower career level, regardless of career track, when the position is held by an employee with a lower retention standing. In the case of all preference eligibles, they may displace up to the equivalent of 3 grades or intervals below the highest equivalent grade of their current career level in the same or a different career track regardless of whether they previously held the position provided they are fully qualified for the position and the position is occupied by an employee with a lower retention standing. Preference eligibles with a compensable service connected disability of 30 percent or more may displace an additional 2 GS grades or intervals (total of 5 grades) below the highest equivalent grade of their current career level provided they have previously held the position and the position is occupied by an employee in the same subgroup with a later RIF service computation date.

(b) Retention Standing. Retention standing is based on tenure, veterans' preference, length of service, and contribution.

(c) Vacant Positions. Assignment may be made to any available vacant position including those with promotion potential in the competitive area.

(d) Ineligible for Displacement Rights. Employees who have been notified in writing that their performance is considered to be unacceptable or whose most recent CCS rating puts them in Assessment Category O would not be entitled to displacement rights under RIF procedures.

(e) Change to Lower Level due to an Adverse or Performance-based Action. An employee who has received a written decision to change him or her to a lower level due to adverse or performance based action will compete from the position to which he or she will be or has been demoted.

3. Notice Period

The notice period and procedures in 5 CFR subpart H, section 351.801 will be followed.

4. RIF Appeals

Under the demonstration project, employees affected by a RIF action,

other than a reassignment, maintain their right to appeal to the Merit Systems Protection Board if they feel the reason for the RIF is not valid or if they think the process or procedures were not properly applied.

5. Separation Incentives

NRL will have delegated authority to approve separation incentives and will use the current calculation methodology of a lump sum payment equal to an employee's severance pay calculation or $25,000, whichever is less.

6. Severance Pay

Employees will be covered by the severance pay rules in 5 CFR part 550, subpart G, except that NRL will establish rules for determining a ''reasonable offer'' that parallel Title 5 rules.

7. Outplacement Assistance

All outplacement assistance currently available would be continued under the demonstration project.

VI. Demonstration Project Transition

A. Initial Conversion or Movement to the Demonstration Project

1. Placement into Career Tracks and Career Levels

Conversion or movement of GS employees into the demonstration project will be into the career track and career level which corresponds to the employee's current GS grade and basic pay. If conversion into the demonstration project is accompanied by a simultaneous change in the geographic location of the employee's duty station, the employee's overall GS pay entitlements (including locality rate) in the new area will be determined before converting the employee's pay to the demonstration project pay system. Employees will be assured of placement within the new system without loss in pay. Once under the demonstration project, employee progression through the career tracks and career levels up to their target career level is dependent upon contribution score, not upon previous methods (e.g., WGI's, QSI's, or career promotions as previously defined).

2. Conversion of Retained Grade and Pay Employees

NRL's workforce will be grouped into career tracks and associated pay levels with designated pay ranges rather than the traditional grade and step. Therefore, grade and pay retention will be eliminated. NRL will grant ''maintained pay'' (as defined in section III.G.2, ''Maintained Pay''), which is related to the current meaning of ''retained pay'' but does not provide for indefinite retention of pay except in certain situations. Employees currently on grade or pay retention will be immediately placed on maintained pay at their current rate of basic pay if this rate exceeds the maximum rate for their career level and ''grandfathered'' in the appropriate career level. Employees will receive half of the across-the-board GS percentage increase in basic pay and the full locality pay increase until their basic pay is within the appropriate basic pay range for their current position without time limitation.

3. WGI Buy-in

The participation of all covered NRL employees in the demonstration project is mandatory. However, acceptance of the system by NRL employees is essential to the success of the demonstration project. Therefore, on the date that employees are converted to the project pay plan, they will be given a permanent increase in pay equal to the earned (time spent in step) portion of their next WGI based on the value of the WGI at the time of conversion so that they will not feel they are losing a pay entitlement accrued under the GS system.

4. Conversion of Special Salary Rate Employees

Employees who are in positions covered by a special salary rate prior to the demonstration project will no longer be considered a special salary rate employee under the demonstration project. These employees will, therefore, be eligible for full locality pay. The adjusted salaries of these employees will not change. Rather, the employees will receive a new basic rate of pay computed by dividing their basic adjusted pay (higher of special salary rate or locality rate) by the locality pay factor for their area. A full locality adjustment will then be added to the new basic pay rate. Adverse action will not apply to the conversion process as there will be no change in total salary. However, if an employee's new basic pay rate after conversion to the demonstration project pay schedule exceeds the maximum basic pay authorized for the career level, then the employee will be granted maintained pay under paragraph III.G.2 until the employee's salary is within the range of the career level.

For example, an Electronics Engineer, GS–855–9, step 5, is paid $44,715 per annum in accordance with special GS salary rates as of January 1999 for Table Number: 0422. The employee is located in the locality area of Washington-Baltimore, DC-MD-VA-WV. Under the demonstration project, the computation of the engineer's new basic rate of pay with a full locality adjustment and WGI buy-in is computed as follows:

a. Basic adjusted pay divided by locality pay factor=new basic rate of pay.

b. New basic rate of pay multiplied by the full locality adjustment for current area=full locality adjustment amount for special rate employees.

c. New basic rate of pay + WGI buy-in amount X locality pay factor = demo special rate for conversion.

EXAMPLE:

a. $44,715 (basic adjusted pay) divided by 1.0787 (locality pay factor) = $41,453 (new basic rate of pay).

b. $41,453 (new basic rate of pay) X 1.0787 (full locality adjustment factor for current area) = $3,262 (full locality adjustment amount).

c. $41,453 (new basic rate of pay) + $500 (example WGI buy-in amount) = $41,953 (new conversion basic rate of pay) X 1.0787 (locality pay factor) = $45,254 (demo special rate for conversion).

B. CCS Startup

CCS elements, descriptors, discriminators and standards have been established as the appraisal criteria for the 1998–1999 cycle which began June 1, 1998. Except for its compensation components, CCS is consistent with DoN's two-level appraisal program, which was effected in 1998. The CCS process will be used to appraise employees at the end of the 1998–1999 cycle on September 30, 1999. The first CCS payout is expected to occur at the beginning of the first full pay period in January 2000.

C. Training

An extensive training program is planned for everyone in the demonstration project including the supervisors, managers, and administrative staff. Training will be tailored to fit the requirements of every employee included in the demonstration project and will fully address employee concerns to ensure everyone has a comprehensive understanding of the program and to emphasize the benefits to employees. In addition, leadership training will be provided to all managers and supervisors as the new system places more responsibility and decision making authority on them.

NRL training personnel will provide local coordination and facilities, supplemented by contractor support as needed. The training will be completed

prior to the anticipated project implementation date.

1. Types of Training

Training packages will be developed to encompass all aspects of the project and validated prior to training the workforce. Specifically, training packages will be developed for the following groups of employees:

a. NRL Employees. All NRL demonstration project employees will be provided an overview of the demonstration project and employee processes and responsibilities.

b. Supervisors and Managers. All supervisors and managers under the demonstration project will be provided training in supervisory and managerial processes and responsibilities under the demonstration project.

c. Support Personnel. Administrative support personnel, HRO personnel, financial management personnel, and Management Information Systems Staff will be provided training on administrative processes and responsibilities under the demonstration project.

D. New Hires Into the Demonstration Project

The following steps will be followed to place employees (new hires) entering the system:

a. The career track and career level will be determined based upon the employee's education and experience in relation to the duties and responsibilities of the position in which he or she is being placed, consistent with OPM qualification standards.

b. Basic pay will be set based upon available labor market considerations relative to special qualifications requirements, scarcity of qualified candidates, programmatic urgency, and education and experience of the new candidate.

c. Employees placed through the DoN RPL, the DoD PPP, or the Federal Interagency Career Transition Assistance Plan who are eligible for maintained pay will receive one half of the across-the-board GS percentage increase in basic pay and the full locality pay increase until the employee's basic pay is within the basic pay range of the career track and career level to which assigned. Employees are eligible for maintained pay as long as there is no break in service and if the employee's rate of pay exceeds the maximum rate of his or her career level.

E. Conversion or Movement From Demonstration Project

In the event the demonstration project is terminated or employees leave the demonstration project through promotion, change to lower grade, reassignment or transfer, conversion back to the GS system may be necessary. The converted GS grade and GS rate of pay must be determined before movement or conversion out of the demonstration project and any accompanying geographic movement, promotion, or other simultaneous action. An employee will not be converted at a level which is lower than the GS grade held immediately prior to entering the Demo project, unless, since that time, the employee has undergone a reduction in career level. The converted GS grade and rate will become the employee's actual GS grade and rate after leaving the demonstration project and will be used to determine the pay action and GS pay administration rules for employees who leave the project to accept a position in the traditional Civil Service system. The following procedures will be used to convert the employee's demonstration project career level to a GS equivalent grade and the employee's demonstration project rate of pay to the GS equivalent rate of pay.

1. Grade Determination

Employees will be converted to a GS grade based on a comparison of the employee's current adjusted rate of basic pay to the highest GS applicable rate range considering only those grade levels that are included in the employee's current career level. The highest GS applicable rate range includes GS basic rates, locality rates, and special salary rates. Once a grade range is determined, the following procedures will be used to determine the GS grade:

a. Identify the highest GS grade within the current career level that accommodates the employee's adjusted rate of basic pay (including any locality payment).

b. If the employee's adjusted rate of basic pay equals or exceeds the applicable step 4 rate of the identified highest GS grade, the employee is converted to that grade.

c. If the employee's adjusted rate of basic pay is lower than the applicable step 4 of the highest grade, the employee is converted to the next lower grade.

d. If under the above-described ''step 4'' rule, the employee's adjusted project rate exceeds the maximum rate of the grade assigned but fits in the rate range for the next higher applicable grade (i.e., between step 1 and step 4), then the employee shall be converted to the next higher applicable grade.

e. For two-grade interval occupations, conversion should not be made to an intervening (even) grade level below GS–11.

f. Employees in Level IV of the Administrative Specialist and Professional Career Track will convert to the GS–13 level.

2. Pay Setting

Pay conversion will be done before any geographic movement or other pay-related action that coincides with the employee's movement or conversion out of the demonstration project. The employee's pay within the converted GS grade is set by converting the employee's demonstration project rate of pay to a GS rate of pay as follows:

a. The employee's demonstration project adjusted rate of pay (including locality) is converted to a rate on the highest applicable adjusted rate range for the converted GS grade. For example, if the highest applicable GS rate range for the employee is a special salary rate range, the applicable special rate salary table is used to convert the employee's pay.

b. When converting an employee's pay, if the rate of pay falls between two steps of the conversion grade, the rate must be set at the higher step.

c. Employees whose basic pay exceeds the maximum basic pay of the highest GS grade for their career level will be converted to the highest grade in their career level. NRL will coordinate with OPM to prescribe a procedure for determining the GS-equivalent pay rate for employees whose rate of pay exceeds the maximum rate of basic pay for their converted grade.

3. ARSAE

Employees in Career Level V of the S&E Professional Career Track will convert to the GS–15 grade level. NRL will develop a procedure to ensure that S&E employees entering Career Level V understand that if they leave the demonstration project and their adjusted pay exceeds the GS–15, step 10 rate, there is no entitlement to retained pay. Their GS-equivalent rate will be deemed to be the rate for GS–15, step 10. For those Career Level V employees paid below the adjusted GS–15, step 10 rate, the post-conversion rates will be set using the converted rates in applying the highest previous rate rule.

4. Determining Date of Last Equivalent Increase

The last equivalent increase will be the date the employee received a CCS pay increase, was eligible to receive a CCS pay increase, or received a promotion, whichever occurred last.

VII. Demonstration Project Duration

A. General

Section 342 of the National Defense Authorization Act for fiscal year 1995 (Public Law 103–337) does not require a mandatory expiration date for this demonstration project. The project evaluation plan addresses how each intervention will be comprehensively evaluated for at least the first 5 years of the demonstration project. Major changes and modifications to the interventions can be made through another announcement in the **Federal Register** and would be made if formal evaluation data warrant a change.

B. 5-Year Reexamination

At the 5-year point, the entire demonstration will be reexamined for either: (a) permanent implementation, (b) modification and another test period, or (c) termination of the project.

VIII. Demonstration Project Evaluation Plan

A. Overview

Chapter 47 of 5 U.S.C. requires that an evaluation be performed to measure the effectiveness of the proposed project, and its impact on improving public management. A comprehensive evaluation plan for the entire laboratory demonstration program, originally covering 24 DoD laboratories, was developed by a joint OPM/DoD Evaluation Committee in 1995. This plan was submitted to the Office of Defense Research & Engineering and was subsequently approved (see *Proposed Plan for Evaluation of the Department of Defense S&T Laboratory Demonstration Program*, Office of Merit Systems Oversight and Effectiveness, June 1995). The primary focus of the evaluation is to determine whether the waivers granted result in a more effective personnel system and improvements in ultimate outcomes (i.e., laboratory effectiveness, mission accomplishment, and customer satisfaction). In March 1996, the Director of Defense Research & Engineering (DDR&E), who is responsible for laboratory management, entered into an agreement with OPM's Personnel Resources and Development Center (PRDC) to conduct the external evaluation of the project from FY1996 to FY2001.

B. Evaluation Models

Figure 12 shows a general model for the evaluation of the demonstration program. It includes measurements for both intermediate and ultimate outcomes. The intermediate outcomes are defined as the results of specific personnel system changes and the associated waivers of law and regulation expected to improve human resource (HR) management. The ultimate outcomes (mentioned above) are improved laboratory performance, mission accomplishment, and customer satisfaction. While it is not possible to establish a direct causal link between changes in the HR management system and organizational effectiveness, it is hypothesized that the new HR system will contribute to improved organizational effectiveness. The evaluators will attempt to use measures of results determined by the laboratories to assess ultimate outcomes. Consideration of the context, the degree of implementation, and support of implementation are important in the interpretation of results. Contextual considerations include the effects of potential intervening variables, for example, downsizing, changes in mission, and the state of the economy in general. Degree of implementation is defined as the extent to which proposed changes are given a fair trial, the degree to which they are used, and the extent to which they conform to the concepts behind the changes. Support for implementation includes the training and automated support systems and can also be affected by the individual characteristics of those who are implementing the program. The degree to which the project is implemented and operated will be tracked to ensure the evaluation results reflect the project as it was intended. Data will be collected to measure changes in both intermediate and ultimate outcomes, as well as any unintended outcomes that can occur as a result of any organizational change. In addition, the evaluation will track the impact of the project and its interventions on veterans and other EEO groups, the Merit Systems Principles, and the Prohibited Personnel Practices. Additional measures will be added to the model in the event that changes or modifications are made to the demonstration plan.

An intervention impact model will be used to measure the effectiveness of the various personnel system changes or interventions implemented at NRL (see the example in Appendix G). The intervention impact model specifies each personnel system change as an intervention, expected effects of each intervention, corresponding measures, and data sources for obtaining the measures. While this intervention impact model makes an attempt to predict and measure outcomes of specific interventions, causal attributions about the full impact of specific interventions will not always be possible. Many of the initiatives are expected to interact with each other and contribute to the same outcomes. Furthermore, the impact of changes in the HR system may be mitigated by contextual variables (e.g., the job market, legislation, and internal support systems) as well as the individual characteristics of those who are implementing the systems.

C. Evaluation

A modified quasi-experimental design will be used for the evaluation of the S&T Laboratory Demonstration Program. Because most of the eligible laboratories are participating, a 5 U.S.C. comparison group will be constructed from the Civilian Personnel Data File (CPDF). This comparison group will consist of workforce data from Governmentwide research organizations in civilian Federal agencies with missions and job series matching those in the DoD laboratories. This comparison group will be used primarily in the analysis of broadbanding costs and turnover rates.

The original ''China Lake'' project will serve as a second comparison group which can be used as a benchmark representing a stable broadbanding system. The two original Navy demonstration laboratories (Naval Air Warfare Center—Weapons Division in China Lake, CA and Naval Command Control and Ocean Surveillance Center in San Diego, CA) will participate in the employee survey and will also provide workforce data.

Since some of the interventions are used in a few laboratories and not others, there will be additional comparison groups for specific interventions. The staggered implementation of the demonstration program across laboratories will also allow for time series analyses using multiple baselines. NRL is expected to implement its demonstration proposal in 1999 and will have several years of pre-demonstration baseline data.

D. Method of Data Collection

Data from a variety of sources will be used in the evaluation. Information from existing management information systems and from personnel office records will be supplemented with perceptual data to assess variables related to effectiveness. Multiple methods provide more than one perspective on how the interventions are working. Information gathered through one method will be used to validate information gathered through another. Confidence in the findings will increase as they are substantiated by the different collection methods.

Both quantitative and qualitative data will be used when evaluating outcomes. The following data will be collected: (1) workforce data; (2) personnel office and other data on quality and timeliness; (3) employee attitude surveys; (4) a survey of HR officers on results orientation; (5) research ratings for scientists and engineers to be used in turnover analyses; (6) structured interviews and focus group data; (7) local site historian logs and implementation information; and (8) core results measures of laboratory performance.

The evaluation effort will consist of two phases, formative and summative evaluation, covering at least 5 years to permit inter- and intra-organizational estimates of effectiveness. The formative evaluation phase will include baseline data collection and analysis, implementation evaluation, and interim assessments. The formal reports and interim assessments will provide information on the accuracy of project operation, and current information on impact of the project on veterans and EEO groups, Merit System Principles, and Prohibited Personnel Practices. The summative evaluation will focus on an overall assessment of project outcomes after 5 years. This will provide information on how well the HR system changes achieved the desired goals, which interventions were most effective, and whether the results are generalizable to other Federal installations.

The external evaluation will be supplemented by an internal evaluation conducted by NRL (see Appendix H) to meet individual laboratory needs. Periodic reports and annual summaries will be prepared to document the findings. The summative evaluation will focus on an overall assessment of project outcomes after 5 years.

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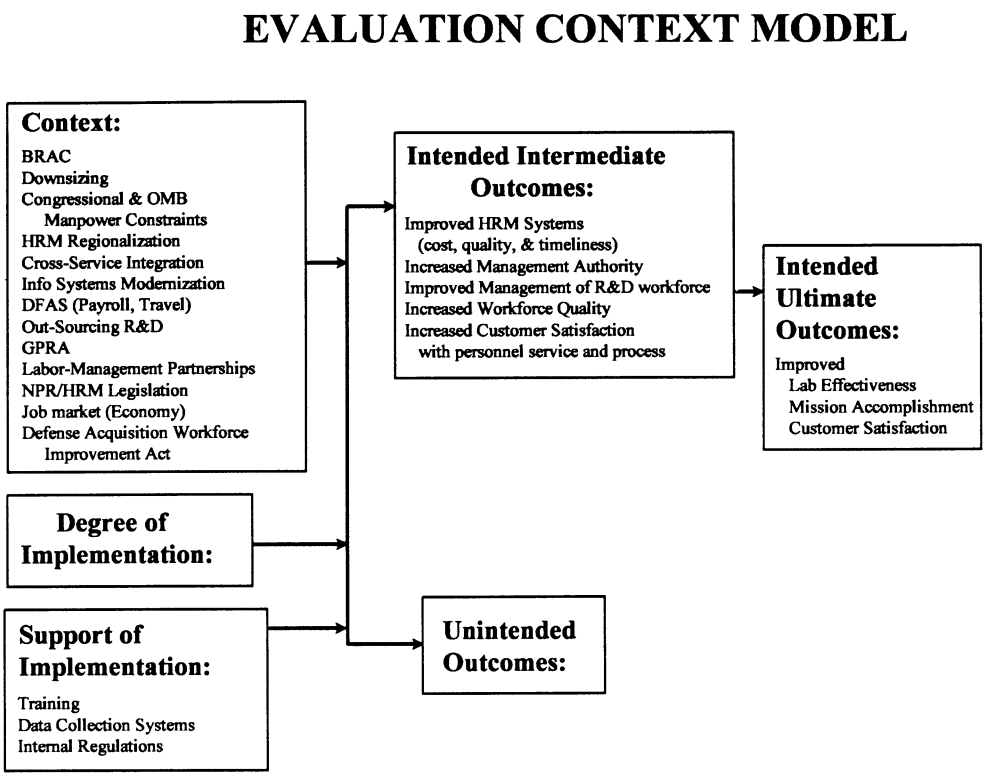

Figure 12 - Evaluation Context Model

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IX. Demonstration Project Costs

A. Transition

There will be no grades or steps in the broadband classification system as there are under the GS. NRL will provide GS employees with a permanent pay change that is equivalent to the proportion of the WGI earned at the time of implementation. For example, the employee 1 year past the last WGI in a 3-year waiting period would receive a permanent pay change equivalent to one third of the current value of the WGI. Employees at step 10 or receiving a retained rate will not be eligible for the prorated WGI. This permanent pay increase will occur at the time the demonstration project is implemented. Supervisors will be able to withhold these prorated WGI's if the employee's performance is below the ''fully successful'' level at the time of implementation.

The first official annual appraisal cycle under the CCS will be the 1998–1999 appraisal cycle, with the payout occurring the first full pay period in January 2000. Future CCS pay adjustments will be effective the beginning of the first full pay period in January each year.

B. Cost Containment and Controls

It is required that the demonstration project be ''relatively cost neutral.'' This is defined to mean that the NRL demonstration project will not increase the average personnel costs above what would have been expected under the previous 5 U.S.C. based system. Since NRL operates under the NWCF which requires cost efficiency so that NRL's technical programs can be marketed competitively, internal controls are in effect to ensure that costs are controlled.

NRL's Research Advisory Committee (RAC), comprising the CO, the DOR, the Chief Staff Officer, and the ADOR's will oversee the administration of the demonstration project. Because the RAC is the same management team that critically reviews the technical programs and the cost to operate NRL, the costs associated with this system will come under the same critical review. NRL is an innovative organization shaped by its mission and operating environment, and it exists in a highly dynamic and challenging climate. To be a vigorous and creative performer in such an environment, NRL must possess high quality personnel, challenging programs, and sound management practices. Broadbanding and CCS are designed to encourage the creative performer and to provide appropriate compensation. It does not automatically provide increases for those who are already being paid commensurate with their contribution level.

NRL has established pay pool managers at the division level or equivalent. The CCS design includes a pay pool review panel responsible for evaluating the contribution scores for their pay pool and making adjustments, as required. The CCSDS will be designed to provide assistance to the pay pool manager in selecting the appropriate basic pay increase for an individual, based on that individual's contribution score. The CCSDS will contain controls on the amount of permanent and nonpermanent money available to the pay pool.

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Projected Implementation Costs

	FY98	FY99	FY00	FY01	FY 02
Transition	$100K	$1.5M			
Training	$279K	$279K			
Automation	$862K	$200K			
Project Eval	$17K	$39.5K	$39.5K	$39.5K	$39.5K
Totals	$1.258M	$2.018M	$39.5K	$39.5K	$39.5K

Figure 13

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Costs associated with implementing the demonstration project are shown in Figure 13. These include automation of systems such as the CCSDS, training, and project evaluation. The automation and training costs are startup costs. Transition costs are one-time costs. Costs for project evaluation will be ongoing for at least 5 years.

X. Automation Support

A. General

One of the major goals of the demonstration project is to streamline the personnel processes to increase cost effectiveness. Automation must play an integral role in achieving that goal. Without the necessary automation to support the interventions proposed for the demonstration project, optimal cost benefit cannot be realized. In addition, adequate information to support decision making must be available to managers if line management is to assume greater authority and responsibility for human resources management.

Automation to support the demonstration project is required at two distinct levels. At the DoN and DoD level, automation support [in the form of changes to the DCPDS] is required to facilitate processing and reporting of demonstration project personnel actions. At the NRL level, automation support (in the form of local processing applications) is required to facilitate management processes and decisionmaking.

B. Defense Civilian Personnel Data System (DCPDS)

Since DCPDS is a legacy system, efforts have been made to minimize changes to the system, and, therefore, the resources required to make the necessary changes. The following is a compendium of the proposed DCPDS modifications. The detailed specifications for required changes to DCPDS are provided in the System Change Request (SCR), Form 804.

C. Core Document (COREDOC)

The COREDOC application is a DoD system which will require modification to accommodate the interventions in this demonstration project. Specifically, there will be an RD that will replace the position description in the basic application; career tracks and career levels will replace GS grades; and a CCS Assessment Form that will replace performance elements.

D. RIF Support System (RIFSS)

The RIFSS is an automated tool used by human resources specialists to support RIF processing. Under the demonstration project, RIF rules will be modified to increase the credit for contributions and limit the rounds of competition. The AutoRIF application, developed by DoD, could be used if it were modified to accommodate these process changes. Detailed functional requirements for RIFSS are being established as Appendix J.

E. CCSDS

This automated system is required as an internal control and as a mechanism to equate contribution scores to appropriate rates of basic pay. This system will allow pay pool managers to develop a spreadsheet that will assist them in determining an appropriate merit increase or contribution award or both based on the overall contribution score for each individual. It will also be used as an internal control to ensure that the permanent and nonpermanent money allotted to each pay pool is not exceeded. It will further allow pay pool managers to visualize the effects of giving large basic pay increases or awards to high contributors, and the effects of withholding either the general or merit increase or both of those who are low contributors, or in the overcompensated range.

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Appendix A: Required Waivers to Laws and Regulations

Title 5, United States Code	Title 5, Code of Federal Regulations
	Part 300, subpart F, sections 300.601 to 300.605 - Time-in-grade Restrictions. Waive in entirety. Part 315, subpart H, section 315.801(a) - Career and Career-conditional Employment, Probationary Period Information. Waive to allow for the first three years to be the probationary period. Part 315, subpart H, section 315.802 - Length of Probationary Period. Waive to allow probationary period to be extended to three years.
Chapter 33, subchapter 1, section 3318(a) - Competitive Service; Selection from Certificate. Waive.	Part 332, subpart D, section 332.404 - Order of Selection from Certificates. Waive in entirety. Part 335, subpart A, section 335.103(c)(I), (ii) - Agency Promotion Program. Waive to allow temporary promotions and details to a higher level position of not more than one year to be effected without competition. Part 335, subpart A, section 335.104 - Eligibility for Career Ladder Promotion. Waive in entirety. Part 337, subpart A, section 337.101(a) - Rating Applicants. Waive when 15 or fewer qualified candidates.
Chapter 33, subchapter III, section 3341(b) Details - Within Executive or Military Departments. Waive in entirety.	

Title 5, United States Code	Title 5, Code of Federal Regulations
	Part 351, subpart B, sections 351.201 to 351.205 - Reduction in Force. Waive in entirety insofar as the regulations apply to demonstration project employees. Part 351, subpart D, section 351.402(b) - Competitive Area. Waive to allow the minimum competitive area to be a subdivision of a field activity. Part 351, subpart D, section 351.403(a) - Competitive Level. Waive to allow establishing competitive levels consisting of all positions in a competitive area which are in the same career level and classification series, and which are similar enough in duties, qualifications requirements, pay schedules, and working conditions so that an agency may reassign the incumbent of one position to any other positions in the level without undue interruption. Part 351, subpart E, section 351.504 - Performance Credit for RIF. Waive in entirety.

Title 5, United States Code	Title 5, Code of Federal Regulations
	Part 351, subpart G, section 351.701 - Assignment Involving Displacement. (a) Waive to allow minimally successful or equivalent to be defined as an employee whose current CCS RIF Assessment Category score is 12 or better and does not have a current written notification of unacceptable performance. (b) and (c) Assignment rights (bump and retreat). Waive to the extent that the distinction between bump and retreat is eliminated and to allow displacement to be limited to the employee's current career track and career level or, if there are no displacement rights in the employee's current career level, to any position previously held in the next lower career level regardless of career track. Preference eligibles may displace within their own career level and career track or to a different career track and career level which incorporates the top grade of their current career level. If there are no displacement rights, the preference eligible may displace up to the equivalent of three grades below the top grade of their current career level in the same or a different career track, and preference eligibles with a compensable service connected disability of 30 percent or more may displace up to the equivalent of five grades or intervals below the top grade of their current career level. (d) Limitation. Waive. (e)(1) Waive

Title 5, United States Code	Title 5, Code of Federal Regulations
	Part 430, subpart B, section 430.207(b) - Waive to the extent this section requires one or more progress reviews during each appraisal period. Part 430, subpart B, section 430.210 - OPM Responsibilities. Waive in entirety.
Chapter 43, subchapter I, section 4303 - Actions Based on Unacceptable Performance. Waive to allow coverage of "reduction in pay level based on unacceptable performance". Waive to exclude from coverage (procedural and appeal rights) reductions in career level with no reduction in pay, when such actions result from regression of pay into a lower career level through reductions and denials of general increase ("slippage"). This exclusion will not apply to employees with veterans' preference. Chapter 43, subchapter I, section 4303(f)(3) - Waive to allow exclusion of employees in the excepted service who have not completed a trial period, except those with veterans' preference. Chapter 43, subchapter I, section 4304(b) (1) and (3) - Responsibilities of OPM. Waive in entirety.	Part 432, section 432.101 to 432.107 - Performance Reduction in Grade and Removal Actions. Waive to allow coverage of "reduction in pay level based on unacceptable performance". Waive to exclude from coverage (procedural and appeal rights) reductions in career level with no reduction in pay, when such actions result from regression of pay into a lower career level through reductions and denials of general increase ("slippage"). This exclusion will not apply to employees with veterans' preference.
Chapter 45, subchapter I, section 4502(a) and (b) - Waive to permit NRL to approve awards up to $25,000 for individual employees.	Part 451, subpart A, section 451.103(c)(2) - Waive with respect to contribution awards under the NRL CCS. Part 451, subpart A, sections 451.106(b) and 451.107(a) -Waive to permit NRL to approve awards up to $25,000 for individual employees.

Title 5, United States Code	Title 5, Code of Federal Regulations
Chapter 51, sections 5101 to 5113 - Classification. Waive in entirety except section 5104 to the extent needed to permit classification of career levels and CCS descriptors into logically defined level groupings.	Part 511- Classification Under the GS. Waive in entirety with an exception for appeal rights and time constraints under subpart F, sections 511.603, 604 and 605.
Chapter 53, subchapter I, section 5301 - Pay Policy. Waive in entirety. Chapter 53, subchapter 1, section 5302(8) and (9) - Pay Definition and section 5304 - Locality-Based Comparability Payments. Waive to the extent necessary to allow demonstration project employees to be treated as GS employees and basic rates of pay under the demonstration project to be treated as scheduled rates of basic pay. Employees in Career Level V for the S&E Professional Track are to be treated as ST employees for the purposes of these provisions. Chapter 53, subchapter I, section 5303 - Annual Adjustments to Pay Schedules. Waive in entirety. Chapter 53, subchapter I, section 5305 - Special Pay Authority. Waive in entirety.	

Title 5, United States Code	Title 5, Code of Federal Regulations
Chapter 53, subchapter III, sections 5331 to 5336 - GS Pay Rates. Waive in entirety.	Part 530, subpart C - Special Salary Rate Schedules. Waive in entirety. Part 531, subpart B - Determining Rate of Basic Pay. Waive in entirety. Part 531, subpart D - Within Grade Increases. Waive in entirety. Part 531, subpart E - Quality Step Increases. Waive in entirety. Part 531, subpart F - Locality-Based Comparability Payments. Waive to the extent necessary to allow demonstration project employees to be treated as GS employees, employees in Career Level V of the S&E Professional Career Track to be treated as ST employees, and basic rates of pay under the demonstration project to be treated as scheduled annual rates of pay.
Chapter 53, subchapter VI, sections 5361 to 5366 - Grade and Pay Retention. Waive in entirety.	Part 536 - Grade and Pay Retention. Waive in entirety.
Chapter 55, section 5455 (d) - Hazardous Duty Differential. Waive to the extent necessary to allow demonstration project employees to be treated as GS employees. This waiver does not apply to emplyees in Career Level V of the S&E Professional Career Track.	Part 550, subpart G - Severance Pay. Waive to the extent necessary to allow NRL to define reasonable offer. Part 550, subpart I - Pay for Duty Involving Physical Hardship or Hazard. Waive to the extent necessary to allow demonstration project employees to be treated as GS employees. This waiver does not apply to employees in Career Level V of the S&E Professional Career Track.

Title 5, United States Code	Title 5, Code of Federal Regulations
Chapter 57, subchapter IV, section 5753 to 5755 - Recruitment and Relocation Bonuses, Retention Allowances, and Supervisory Differential. Waive to the extent necessary to allow (1) employees and positions under the demonstration project to be treated as employees and positions under the GS and (2) employees in Level V of the S&E Professional career track to be treated as ST employees for these purposes.	Part 575, subparts A, B, C and D - Recruitment and Relocation Bonuses, Retention Allowances, and Supervisory Differential. Waive to the extent necessary to allow (1) employees and positions under the demonstration project to be treated as employees and positions under the GS and (2) employees in Level V of the S&E Professional career track to be treated as ST employees for these purposes.
Chapter 59, subchapter III, section 5924 - Cost-of-living Allowances. Waive to the extent necessary to provide that COLA's paid to employees under the demonstration project are paid in accordance with regulations prescribed by the President (as delegated to OPM).	Part 591, subpart B - Cost-of-living Allowance and Post Differential - non-foreign areas. Waive to the extent necessary to allow demonstration project employees to be treated as GS employees and employees in Career Level V of the S&E Professional Career Track to be treated as ST employees.
Chapter 75, subchapter II, section 7511 (a)(1)(A)(ii) - Removal Suspension for More Than 14 Days, Reduction in Grade or Pay, or Furlough. Waive except for employees with veterans' preference to allow for a three-year probationary period. 7511(a)(1)(C)(ii) - Waive.	

Title 5, United States Code	Title 5, Code of Federal Regulations
Chapter 75, subchapter II, section 7512 - Adverse Actions. Waive to replace "grade" with "career level"; provide that adverse action provisions do not apply to conversions from General Schedule special rates to demonstration project pay, as long as total pay is not reduced; and exclude from coverage (procedural and appeal rights) reductions in career level with no reduction in pay, when such actions result from regression of pay into a lower career level through reductions or denials of general increase ("slippage"). This exclusion will not apply to employees with veterans' preference.	Part 752, subpart A - Adverse Actions. Waive to exclude from coverage (procedural and appeal rights) reductions in career level with no reduction in pay, when such actions result from regression of pay into a lower career level through reductions and denials of general increase ("slippage"). This exclusion will not apply to employees with veterans' preference. Part 752, section 752.401 (a)(3) - Adverse Actions. Waive to replace "grade" with "career level". Part 752, section 752.401 (a)(4) - Adverse Actions. Waive to provide that adverse action provisions do not apply to conversions from General Schedule special rates to demonstration project pay, as long as total pay is not reduced.

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Appendix B: Definitions of Career Tracks and Career Levels

Career Track: S&E Professional

Includes professional positions in S&E occupations such as physics, electronics engineering, chemistry, and student positions associated with these professions.

Level I: This includes student trainees. The education and employment must be part of a formal student employment program. Specific, clear, and detailed instructions and supervision are given to complement education. The level of education and experience completed is a major consideration in establishing the level of on-the-job training and work assignments.

Level II: This is the entry or developmental stage, preparing S&E's for the full and independent performance of their work. Performs supporting work in science or engineering requiring professional training but little experience. Conducts activities with objectives and priorities identified by supervisor or team leader; assistance given on new or unusual projects; completed work reviewed for technical soundness.

Level III: This is the advanced developmental, or typically, target career level, of this career track. Conceives and defines solutions to technical problems of moderate complexity; plans, analyzes, interprets, and reports findings of projects; guides technical and programmatic work of team members in comparable or junior grades; completed work and reports are reviewed to evaluate overall results.

Level IV: S&E's at this level are authorities within their professional areas or key program administrators. Conducts or directs technical activities or assists higher levels on challenging and innovative projects or technical program development with only general guidance on policy, resources and planning; develops solutions to complex problems requiring various disciplines; responsible for fulfilling program objectives.

Level V: ARSAE at this level are renowned experts in their fields. Independently defines and leads most challenging technical programs consistent with general guidance and/or independently directs overall R&D program managerial and/or supervisory aspects; conceives and develops elegant solutions to very difficult problems requiring highly specialized areas of technical expertise; recognized within DoD and other agencies for broad technical area expertise and has established professional reputation in technical community nationally and internationally. The primary requirement for Level V positions is the knowledge of and expertise in specific scientific and technology areas related to the mission of their organization. However, the ability to manage and/or supervise R&D operations or programs is also considered a necessity. May direct the work of an organizational unit; may be held accountable for the success of one or more specific programs or projects; monitors progress toward organizational goals and periodically evaluates and makes appropriate adjustments to such goals; supervises the work of employees; or otherwise exercises important policy-making, policy-determining, or other managerial functions.

Career Track: S&E Technical

Includes nonprofessional positions which support S&E activities through application of various skills in areas such as the following: engineering, computer, physical, chemical, biological, mathematical sciences; and student trainees.

Level I: This includes trainees who develop technical support knowledge gained through actual work experience. Performs repetitive tasks using knowledge of standardized procedures and operations. Receives specific, clear and detailed instruction and supervision. Completed work is reviewed for technical soundness.

Level II: Technicians at this entry level require a practical knowledge of standard procedures in a technical field. Skill in applying knowledge of basic principles, concepts and methodology of occupational and technical methods is required. Carries out prescribed procedures and relies heavily on precedent methods. Work is reviewed for technical adequacy and accuracy, and adherence to instructions.

Level III: This is the advanced developmental level of this career track, requiring extensive training or experience. Work requires some adapting of existing precedents or techniques. Receives outline of objectives desired and description of operating characteristics and theory involved. Completed assignments are reviewed for compliance with instructions, adequacy, judgment, and satisfaction of requirements.

Level IV: Technicians at this level are considered to have professional level knowledge of a specific field and may serve as a member of a research team. Receives general guidance on overall objectives and resources. Conceives, recommends, and tests new techniques or methods. Completed work is reviewed for overall soundness and compliance with overall project objectives; results are usually accepted as authoritative.

Level V: Technicians at this level are experts within their technical area, or are key program administrators. Develop solutions to complex problems; responsible for fulfilling program objectives; and receive general guidance on policy, resources and planning. (This is a temporary career level, established for demonstration project transition purposes only. No new positions will be classified at this level.)

Career Track: Administrative Specialist and Professional

Professional and specialist positions in areas such as the following: safety and health, personnel, finance, budget, procurement, librarianship, legal, business, facilities management and student positions associated with these professions.

Level I: Includes student trainees. The education and employment must be part of a formal student employment program. Specific, clear, and detailed instructions and supervision are given to complement education. The level of education and experience completed is a major consideration in establishing the level of on-the-job training and work assignments.

Level II: This is the developmental stage preparing Administrative Specialists and Professionals for the full and independent performance of their work. Specific, clear and detailed instruction and supervision are given upon entry; recurring assignments are carried out independently. Situations not covered by instructions are referred to supervisor. Finished work is reviewed to ensure accuracy.

Level III: This is the advanced developmental, or typically, target level, of this career track. Employee plans and carries out assignments independently, resolving conflicts that arise, coordinates work with others and interprets policy on own initiative. Completed work is reviewed for feasibility, compatibility with other work or effectiveness in meeting requirements or expected results.

Level IV: At this level, Administrative Specialists and Professionals are authorities within their professional areas or key program administrators or supervisors. They conduct or direct activities in an administrative and professional area with only general guidance on policy, resources and planning; develop solutions to complex problems requiring various disciplines; and are responsible for fulfilling program objectives.

Level V: Administrative Specialists and Professionals at this level are experts within their broad administrative area or professional field who serve as leaders, heads of branches or divisions, or key program administrators. Receives general guidance on policy, resources and planning having an affect on public policies or programs; responsible for fulfilling program objectives. Results are authoritative and affect administrative programs or the well-being of substantial numbers of people.

Career Track: Administrative Support

Includes clerical, secretarial and assistant work in nonscientific and engineering occupations.

Level I: This includes student trainees as well as advanced entry level which requires a fundamental knowledge of a clerical or administrative field. Developmental assignments may be given which lead to duties at a higher group level. Performs repetitive tasks, specific, clear and detailed instruction and supervision; with more experience utilizes knowledge of standardized procedures and operations, assistance is given on new or unusual projects. Completed work is reviewed for technical soundness.

Level II: This level requires a knowledge of standardized rules, procedures or operations requiring considerable training. General guidance is received on overall objectives and resources. Completed assignments may be reviewed for overall soundness or meeting expected results.

Level III: This is the senior level which requires knowledge of extensive procedures and operations requiring extensive training. Receives general guidance on overall resources and objectives. Skilled in applying knowledge of basic principles, concepts, and methodology of profession or administrative occupation and technical methods. Results are accepted as authoritative and are normally accepted without significant change.

Appendix C: Table of Occupational Series Within Career Tracks

Note: As new series are needed or current ones are discontinued, this table will be updated.

S&E Professional—Includes all scientist and engineer work.

0101—Social Science Series
0180—Psychology Series
0401—General Biological Science Series
0403—Microbiology Series
0801—General Engineering Series
0804—Fire Protection Engineering Series
0806—Materials Engineering Series
0808—Architecture Series
0810—Civil Engineering Series
0819—Environmental Engineering Series
0830—Mechanical Engineering Series
0840—Nuclear Engineering Series
0850—Electrical Engineering Series
0854—Computer Engineering Series
0855—Electronics Engineering Series
0861—Aerospace Engineering Series
0892—Ceramic Engineering Series
0893—Chemical Engineering Series
0899—Engineering and Architecture Student Trainee Series
1301—General Physical Science Series
1306—Health Physics Series
1310—Physics Series
1313—Geophysics Series
1320—Chemistry Series
1321—Metallurgy Series
1330—Astronomy and Space Science Series
1340—Meteorology Series
1350—Geology Series
1360—Oceanography Series
1370—Cartography Series
1399—Physical Science Student Trainee Series
1515—Operations Research Series
1520—Mathematics Series
1550—Computer Science Series
1599—Mathematics and Statistics Student Trainee Series

S&E Technical—Includes S&E technical support work typically requiring specialized training in the particular discipline.

0802—Engineering Technician Series
0809—Construction Control Series
0818—Engineering Drafting Series
0856—Electronics Technician Series
0895—Industrial Engineering Technician Series
1152—Production Control Series
1311—Physical Science Technician Series
1371—Cartographic Technician Series
1521—Mathematics Technician Series

Administrative Specialist and Professional—Includes analyst, specialist, and professional work in nonscientific and engineering occupations.

0018—Safety and Occupational Health Management Series
0028—Environmental Protection Specialist Series
0080—Security Administration Series
0170—History Series
0201—Personnel Management Series
0212—Personnel Staffing Series
0221—Position Classification Series
0230—Employee Relations Series
0233—Labor Relations Series
0235—Employee Development Series
0260—Equal Employment Opportunity Series
0299—Personnel Management Student Trainee Series
0301—Miscellaneous Administration and Program Series
0334—Computer Specialist Series
0340—Program Management Series
0341—Administrative Officer Series
0342—Support Services Administration Series
0343—Management and Program Analysis Series
0391—Telecommunications Processing Series
0505—Financial Management Series
0510—Accounting Series
0560—Budget Analyst Series
0690—Industrial Hygiene Series
0904—Law Clerk Series
0905—General Attorney Series
0950—Paralegal Specialist Series
1001—General Arts and Information Series
1020—Illustrating Series
1035—Public Affairs Series
1060—Photography Series
1071—Audiovisual Production Series
1082—Writing and Editing Series
1083—Technical Writer and Editing Series
1084—Visual Information Series
1101—General Business and Industry Series
1102—Contracting Series
1104—Property Disposal Series
1176—Building Management Series
1199—Business and Industry Student Trainee Series
122—Patent Attorney Series
1410—Librarian Series
1412—Technical Information Series
1420—Archivist Series
1601—General Facilities and Equipment Series
1640—Facility Management Series
1670—Equipment Specialist Series
1801—General Inspection, Investigation, and Compliance Series
1910—Quality Assurance Series
2001—General Supply Series
2003—Supply Program Management Series
2030—Distribution Facilities and Storage Management Series
2130—Traffic Management Series

Administrative Support—Includes clerical, secretarial and assistant work in nonscientific and engineering occupations.

0019—Safety Technician Series
0086—Security Clerical and Assistance Series
0181—Psychology Aid and Technician Series
0203—Personnel Clerical and Assistance Series
0302—Messenger Series
0303—Miscellaneous Clerk and Assistance Series
0305—Mail and File Series
0312—Clerk-Stenographer and Reporter Series
0318—Secretary Series
0322—Clerk/Typist Series
0326—Office Automation Clerical and Assistance Series
0332—Computer Operation Series
0335—Computer Clerk and Assistant Series
0344—Management and Program Clerical and Assistance Series
0351—Printing Clerical Series
0361—Equal Opportunity Assistance Series
0390—Telecommunications Processing Series
0394—Communications Clerical Series
0399—Administration and Office Support Student Trainee Series
0503—Financial Clerical and Assistance Series
0525—Accounting Technician Series
0540—Voucher Examining Series
0544—Civilian Pay Series
0561—Budget Clerical and Assistance Series
0986—Legal Clerical and Assistance Series
1001—General Arts and Information Series
1087—Editorial Assistance Series
1105—Purchasing Series
1106—Procurement Clerical and Technician Series
1107—Property Disposal Clerical and Technician Series
1411—LIbrary Technician Series
2005—Supply Clerical and Technician Series
2102—Transportation Clerk and Assistant Series
2131—Freight Rate Series

Appendix D: Classification and CCS Elements

Part I. S&E Professionals
Part II. Administrative Specialist and Professional
Part III. Administrative Support
Part IV. S&E Technical

The CCS Summary Forms shown in this appendix are draft forms intended to provide an understanding of what the forms will cover. Under the demonstration project the forms will be generated by the CCSDS. They may be

changed during the project to require additional information, to make them easier to use, or for other reasons.

The contents of the CCS elements, descriptors, discriminators and basic acceptable standards may similarly be changed during the life of the demonstration project.

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NAVAL RESEARCH LABORATORY
CONTRIBUTION-BASED COMPENSATION SYSTEM (CCS) SUMMARY
S&E Professional

Employee_____ Pay Pool Code_____ Appraisal Period Ending_____

Title_____ Pay Plan/Series_____ Career Level_____

SSN_____ Supervisor_____

Most Recent OCS_____ Present Salary_____ Scores within NPR Equivalent to Present Salary _____

CRITICAL ELEMENTS	*WEIGHT	SCORE	NET SCORE	RATING OF RECORD ACCEPTABLE OR UNACCEPTABLE
1. Scientific and Technical Problem Solving	_____	_____	_____	_____
2. R&D Business Management	_____	_____	_____	_____
3. Cooperation and Supervision	_____	_____	_____	_____

*If zero, element not applicable.

Basic Pay Increase %_____

Summary Rating A (Acceptable) or U (Unacceptable) _____
Must be U if any critical element is rated U

Contribution Award $_____

Hours_____ OVERALL CONTRIBUTION SCORE (Weighted Average)_____

SUPPLEMENTAL CRITERIA (OPTIONAL): FOR EXAMPLE, SPECIFIC OBJECTIVES, STANDARDS, TASKINGS, AND/OR EXAMPLES:

REMARKS:

Signatures and Date	CCS PLAN	INTERIM REVIEW	APPRAISAL
Employee			
Supervisor			

NOTE: Employee's signature under "CCS Plan" signifies that he or she has been given a copy of this form and has a copy of the Elements, Descriptors, Discriminators and Standards applicable to his or her career track.

S&E Professionals

ELEMENT 1. SCIENTIFIC AND TECHNICAL PROBLEM SOLVING

Instructions: Assign a value (0 - 89) which best represents employee's contributions in the overall element. Descriptors define contributions at high end of each level.

		Discriminators			
Level	**Point Range**	**Scope of Project and Level of Oversight**	**Scientific and Technical Complexity and Creativity**	**Scientific and Technical Communications and Reporting**	**Impact and Recognition**
I (Student)	0 - 21	Performs tasks specifically assigned by researcher under close supervision; resolves recurring problems independently.	Performs tasks which are non-complex or include detailed instructions, requiring limited knowledge of subject matter.	Writes in-house documents to convey information about his or her tasks or for similar purposes as assigned.	Recognized by personnel in own unit for providing high quality support and increasing subject matter knowledge.
II	18 - 47	Conducts in-house technical activities and/or may provide contract technical direction with guidance from supervisor or higher-level scientist or engineer.	Works closely with peers in collectively solving problems of moderate complexity, involving limited variables, precedents established in related projects, and minor adaptations to well-established methods and techniques.	Provides data and written analysis for input to scientific papers, journal articles and reports and/or assists in preparing contractual documents or reviews technical reports. Presents technical results of own work orally or in writing, within own organization or to limited external contacts. Work acknowledged in team publications.	Recognized within own organization for technical ability in assigned areas.
III	44 - 66	Conducts in-house technical activities or provides contract technical direction on projects and programs where the problem must typically be approached through a series of complete and conceptually related studies. Work requires minimal oversight.	Conceives and defines solutions to technical problems which are typically difficult to define, require unconventional or novel approaches, require application of engineering and/ or scientific principles in significant areas or research or development for which no closely related precedents exist, and/or present other features of more than average difficulty.	Writes or is major contributing author on scientific papers, journal articles or reports and/or prepares contract documents and reviews reports pertaining to area of technical expertise **OR** contributes inventions, new designs or techniques which are of material significance in the solution of problems. Prepares and presents own and/or team technical results, orally or in writing, to varied laboratory, scientific, industry and other government audiences.	Recognized internally and externally by peers, both in governmental and industrial activities, for technical expertise. Is sought out by colleagues who are themselves professionally mature scientists and engineers.
IV	66- 80	Independently defines, leads and manages highly challenging and innovative technical activities consistent with general guidance, or independently directs overall R&D program. Interpretations made are accepted as technically authoritative.	Formulates and guides solutions to very difficult problems in advancing technology and research. Problems resolved have been recognized as critical obstacles to progress or development in areas of exceptional interest.	Lead or sole author on scientific papers, journal articles, or review articles documenting major advances and resolutions in the technical area, some of which had a major impact on advancing the field or are accepted as definitive of important areas, **and/or** has contributed inventions, new designs or techniques which are regarded as major advances in basic or applied research, and have opened the way for extensive new developments or solved problems of great importance to the scientific field, agency or public; **and/or** reviews, approves and ensures overall quality of reporting of all technical products of mission area. Prepares and delivers invited or contributed presentations and papers at national and international conferences on technical area; or gives policy-level briefings.	Recognized within the laboratory, DoD and other agencies in broad, or narrow but intensely specialized, technical area; contributions are of such importance and magnitude they serve to move the state of the art forward so that other colleagues must take notice to keep abreast of development in the field; has established professional reputation in the technical and scientific community.
V	81 - 89	Leads broad-scale attack in frontier areas of research which will lead to major modification or important extension of current theory. Leader-ship influences shaping of agency program goals, advancement of programs and understanding in the total field, and planned activities of numerous scientists in government, academia and private industry.	Areas of research are so complex they must be subdivided into areas at least some of which have a major impact on advancing the field or are accepted as definitive of important areas of the field. Develops new hypotheses, concepts and techniques which are required before substantial progress can be made on areas of extraordinary difficulty.	Scientific articles are published in the most prestigious journals, introduce new research which significantly enhances knowledge in the technical area, and are of such high quality that they set standards for the scientific community. Serves as a senior reviewer and editor of technical literature produced in his/her area of expertise. Prepares and delivers invited or contributed presentations and papers in national and international forums, representing the scientific community as leading expert in his or her field.	Recognized as a leader and authority in an area of wide-spread scientific interest or applied problems of great importance. Sought by members of the national and international scientific community as advisor and consultant in his or her field.

ACCEPTABLE PERFORMANCE STANDARDS. With minor exceptions, work is performed in a timely, efficient, and cooperative manner; and work products demonstrate thorough research, completion of established objectives for the assignment, adherence to instructions and guidance of supervisor and team leader, and overall high quality as deemed by supervisor or appropriate peer group.

SPECIFIC OBJECTIVES, TASKINGS, STANDARDS, AND/OR EXAMPLES MAY BE COMMUNICATED TO EMPLOYEES USING THE CCS FORM OR OTHER APPROPRIATE MEANS

S&E Professionals

ELEMENT 2. R&D BUSINESS MANAGEMENT

Instructions: Assign a value (0 - 89) which best represents employee's contributions in the overall element. Descriptors define contributions at high end of each level.

		Discriminators		
Level	**Point Range**	**Corporate Resource Management (Time and Money)**	**R&D Business Development**	**Technology Transition and Transfer**
I (Student)	0 - 21	Uses personal and assigned resources efficiently; deviations from the usual are referred to supervisor or other appropriate personnel.	Provides, obtains, or clarifies pre-defined or non-complex information to and 'from customers as assigned.	Not applicable.
II	18 - 47	Manages elements of in-house work units or assists in managing a scientific or support contract. Aware of and makes appropriate use of available resources. Uses personal and assigned resources efficiently under guidance of supervisor or team leader.	As a team member, communicates with customers to understand customer requirements. Stays current in areas of expertise and contributes to new program development. Collects information or provides other technical assistance to proposal marketing activities.	Participates as a team member in demonstrating technology to customers. Contributes technically to development of technology that is transitioned. With guidance, contributes to technical content of partnerships for technology transition and/or transfer (ATD's, MOU's, JDL and Reliance, CRADA's and other dual-use vehicles). Seeks out and uses relevant outside technologies in assigned projects.
III	44 - 66	Manages technically complex in-house work units or one or more contractual efforts in assigned program area. Plans and controls all assigned resources; makes effective use of facilities to optimize operations; exploits fallout money. Participates in strategic planning at team level, taking cognizance of complementary projects elsewhere to ensure optimal use of resources.	Initiates interactions with customers to understand customer needs. Generates key ideas for program development based on such understanding and knowledge of technical area. Pursues near term business opportunities through proposal preparation.	Develops and presents demonstrations of technology to customers. As a team member, implements partnerships for technology transition and/or transfer (ATD's, MOU's, JDL and Reliance, CRADA's and other dual-use vehicles). Evaluates and incorporates appropriate outside technology in individual or team activities.
IV	66 - 80	Defines technology area strategy and resource allocations for in-house and contractual programs. For multiple technical areas, conducts overall program planning and coordination and/or program documentation (master plans, roadmaps, Joint Director of Lab/Reliance, etc.). Advocates to higher headquarters on budgetary and programmatic issues for resources. Leads strategic planning and prioritization. Develops strategy to leverage resources from other agencies.	Works at senior level to stimulate development of customer alliances for several research and/or development areas. Generates strategic research objectives and/or business plans for core technical areas. Recognizes warfighting trends, relates business opportunities and convinces lab management to develop and acquire expertise and commit funds. Ensures overall proposal quality.	Organizes, leads and markets overall technology transition and transfer activities for organization at senior executive and command levels. Leads in formulation and oversight of ATD's, MOU's, JDL and Reliance, CRADA's and other dual-use vehicles. Creates an environment that encourages widespread exploitation of both national and international technologies.
V	81 - 89	Serves as an advisor to NRL ,ONR, DoN, and DoD on issues of resource management related to his or her area of research, including effective use of equipment, facilities, and scientific talent both within and outside NRL.	NRL's opportunities for new business are substantially enhanced by his or her established reputation and on-going professional activities (participation in professional societies, scientific collaborations). Personal stature is a major consideration in agency sponsorship of programs in his or her field.	Because of his or her professional relationships and exceptional knowledge, discerns opportunities for research which will lead to technology transition and transfer and encourages NRL to focus in such areas.

ACCEPTABLE PERFORMANCE STANDARDS. With minor exceptions, makes and/or meets time and budget estimates on assigned projects or takes appropriate corrective action; communications are logical, clear, complete and appropriately influence the decision process; decisions and strategies contribute to the appropriate outcome of business dealings; and work products demonstrate thorough research, completion of established objectives, adherence to instructions and guidance of supervisor and team leader, and overall high quality as deemed by supervisor or appropriate peer group.

SPECIFIC OBJECTIVES, TASKINGS, STANDARDS, AND/OR EXAMPLES MAY BE COMMUNICATED TO EMPLOYEES USING THE CCS FORM OR OTHER APPROPRIATE MEANS

S&E Professionals

ELEMENT 3. COOPERATION AND SUPERVISION

Instructions: Assign a value (0 - 89) which best represents employee's contributions in the overall element. Descriptors define contributions at high end of each level.

		Discriminators	
Level	**Point Range**	**Team Role and Breadth of Influence**	**Supervision and Subordinate Development (consider only if employee is a supervisor)**
I (Student)	0 - 21	Provides assistance to team members consistent with his or her level of education and experience.	Not applicable.
II	18 - 47	Contributes as a technical researcher or team member to all aspects of team's responsibilities. May technically guide or mentor technician and/or less experienced and more junior level personnel.	Not applicable.
III	44 - 66	Contributes in a major team role either as a senior scientist and technician or as a task or team leader. Is sought for consultation by peers and mentors team members. If a team leader, guides team to ensure that project goals and charters are adhered to through team effort.	Carries out full range of supervisory duties with respect to lower level staff, including one or more subordinate professionals. Identifies and resolves developmental needs and problems, completes appropriate administrative actions, complies with EEO and Safety and other regulations and policies. Develops and maintains resources and processes which enhance ability of subordinates to effectively carry out their duties.
IV	66 - 80	Manages all aspects of personnel, teams and/or branches with accountability for mission and programmatic success. Selects research team leaders and establishes team charters. Provides technical expertise and leadership to subordinate team leaders. Ensures that various teams work as cohesive units to achieve the respective charter and goals.	Plans, directs and timely executes R&D programs and problems of such difficulty, scope, and complexity that they must be subdivided into separate areas or phases and carried out through subordinate organizational units. Manages policy changes, organizational changes, and changes to structure and content of program(s) directed. Requires substantial coordination and integration of major work assignments, projects, or program segments; exercises final technical authority over the work directed. Carries out full range of supervisory duties with respect to subordinates: Identifies and resolves developmental needs and problems, completes appropriate administrative actions, complies with EEO and Safety and other regulations and policies. Provides leadership in developing, implementing, evaluating, and improving processes and procedures for enhancing performance of subordinates. Hires staff and develops future team leaders and supervisors.
V	81 - 89	Plays a major role in team efforts as team's scientific and technical advisor and mentor. Provides high-level scientific and/or technical information and guidance in his/her area of expertise. Suggests, influences and directs the R&D efforts of such teams. Serves as a recruiting attraction for recent graduates who seek opportunities to work under his or her inspiration and guidance in order to catch some of his or her imaginative fire, critical judgment, and research technique.	Provides consultation and leadership in highly specialized areas. Provides input on research and development teams outside NRL. Leads own research team consisting of scientific and engineering personnel. Serves as an example; mentors and encourages junior scientists.

ACCEPTABLE PERFORMANCE STANDARDS. With minor exceptions, carries out duties in a professional and responsive manner; personal interactions foster cooperation and teamwork; **and, if employee is a supervisor,** treatment of subordinates is based on merit and fitness considerations, is consistent with law/rules/regulations/policies, is judged fair and equitable by superiors, and fosters commitment/cooperation/teamwork amongst subordinates.

SPECIFIC OBJECTIVES, TASKINGS, STANDARDS, AND/OR EXAMPLES MAY BE COMMUNICATED TO EMPLOYEES USING THE CCS FORM OR OTHER APPROPRIATE MEANS

NAVAL RESEARCH LABORATORY
CONTRIBUTION-BASED COMPENSATION SYSTEM (CCS) SUMMARY
Administrative Specialist and Professional

Employee_____ Pay Pool Code_____ Appraisal Period Ending_____

Title_____ Pay Plan and Series_____ Career Level_____

SSN_____ Supervisor_____

Most Recent OCS_____ Present Salary_____ Scores within NPR Equivalent to Present Salary _____

CRITICAL ELEMENTS	*WEIGHT	SCORE	NET SCORE	RATING OF RECORD ACCEPTABLE OR UNACCEPTABLE
1. Problem Solving and Program Management	_____	_____	_____	_____
2. Cooperation and Customer Relations	_____	_____	_____	_____
3. Supervision and Resources Management (Supervisory Personnel Only)	_____	_____	_____	_____

*If zero, element not applicable.

Basic Pay Increase %_____

Summary Rating A (Acceptable) or U (Unacceptable) _____
Must be U if any critical element is rated U

Contribution Award $_____

Hours _____

OVERALL CONTRIBUTION SCORE (Weighted Average) _____

SUPPLEMENTAL CRITERIA (OPTIONAL): FOR EXAMPLE, SPECIFIC OBJECTIVES, STANDARDS, TASKINGS, AND/OR EXAMPLES:

REMARKS:

Signatures and Dates	CCS PLAN	INTERIM REVIEW	APPRAISAL
Employee			
Supervisor			

NOTE: Employee's signature under "CCS Plan" signifies that he or she has been given a copy of this form and has a copy of the Elements, Descriptors, Discriminator, and Standards applicable to his or her career track.

Administrative Specialists and Professionals

ELEMENT 1: PROBLEM SOLVING AND PROGRAM MANAGEMENT

Instructions: Assign a value (0 - 80) which best represents employee's contributions in the overall element. Descriptors define contributions at high end of each level.

		Discriminators		
Level	Point Range	Complexity/Scope	Applicability of Guidelines	Level of Oversight
I (Student)	0-21	Applies standardized rules, procedures, and operations in an administrative or technical program area to resolve standard or recurring problems.	Locates and selects the most appropriate guidelines and procedures from established sources; makes minor deviations applicable to specific cases.	Independently carries out assigned work following supervisor's direction.
II	18 - 47	Applies knowledge of an administrative or technical program area to analyze and resolve problems which are difficult but for which there are established patterns and methods for solution. Includes refinement of methods or development of new ones.	Uses judgment in selecting, interpreting and adapting guidelines which are available but not completely applicable, or which have gaps in specificity.	Independently plans and carries out work, based on guidelines and precedents and supervisor's definition of objectives, priorities and deadlines. Completed work is evaluated for technical soundness, appropriateness, and conformity to policy and requirements.
III	44 - 59	Applies substantial expertise in an administrative or technical program area to analyze and resolve the most highly complex, controversial, sensitive issues, and/or problems; and where applicable to administer one or more complex programs within a functional area. Substantially modifies or adapts standard and traditional methods and approaches to address unusual circumstances and highly complex issues and to develop new methods, criteria, policies or precedents that have NRL-wide impact.	Uses initiative and resourcefulness in interpreting and applying administrative or technical policies, precedents and guidelines which are applicable but are scarce, conflicting, of limited use, or stated only in general terms. Uses considerable judgment and originality in developing innovative approaches to define and resolve highly complex situations.	Consults with supervisor to develop deadlines, priorities and overall objectives. Independently plans and carries out work. Complex issues are resolved without reference to supervisor, except for matters of a policy nature. Completed work reviewed only from an overall standpoint in terms of feasibility, compatibility with other work, and overall effectiveness in meeting requirements or expected results.
IV	59 - 66	Performs varied duties requiring many different and unrelated processes and methods applied to a broad range of activities or substantial depth of analysis for an administrative or professional field. Uses judgment and ingenuity in making decisions in major areas of uncertainty in methodology, interpretation and/or evaluation resulting from such things as continuing changes in program, unknown phenomena or conflicting requirements. Must isolate and define unknown conditions, resolving critical problems, or develop new theories for work products or services which affect the work of other experts, development of major aspects of administrative programs or missions, or the well being of substantial numbers of people.	Uses guidelines which require interpretation and are of limited use. Uses initiative and resourcefulness in interpreting guidelines, in deviating from traditional methods or researching trends and patterns to develop new methods, criteria or proposed new policies.	Supervisor outlines overall objectives. Employee then independently plans and carries out the work. Complex issues are resolved without reference to supervisor except for matters of a policy nature. Results of work are considered technically authoritative and are normally accepted without significant changes.
V	66 - 80	Defines, leads and manages an overall administrative or technical program area which includes a range of complex functional areas. Makes or recommends decisions which significantly change, interpret or develop important agency policies and programs.	Guidelines are broadly stated and non-specific. Applies considerable judgment and ingenuity in interpreting guidelines that do exist and in developing applications to broadly based projects and programs.	Independently plans, designs and carries out programs, projects, studies, etc., such that overall program objectives are met. Supervisor provides only broadly defined missions and functions. Results of work are considered technically authoritative and are normally accepted without significant changes.

ACCEPTABLE PERFORMANCE STANDARDS. With minor exceptions, work is performed in a timely, efficient, and cooperative manner; and work products demonstrate thorough research, completion of established objectives for the assignment, adherence to instructions and guidance of supervisor/team leader, and acceptable quality as deemed by supervisor.

SPECIFIC OBJECTIVES, TASKINGS, STANDARDS, AND/OR EXAMPLES MAY BE COMMUNICATED TO EMPLOYEES USING THE CCS FORM OR OTHER APPROPRIATE MEANS

Administrative Specialist and /Professionals

ELEMENT 2: COOPERATION AND CUSTOMER RELATIONS

Instructions: Assign a value (0 - 80) which best represents employee's contributions in the overall element. Descriptors define contributions at high end of each level.

		Discriminators		
Level	**Point Range**	**Cooperation**	**Level and Purpose of Customer Interactions**	**Effectiveness in Developing, Executing, and Marketing Customer-Oriented Support Services**
I (Student)	0-21	Develops and maintains successful working relationships with others inside and outside own organization to effectively carry out assigned work.	Interacts with customers to carry out requests within area of responsibility; refers deviations or non-recurring problems to appropriate personnel.	Carries out services in a manner which fosters customer satisfaction and confidence in employee's organization.
II	18 - 47	Develops/maintains successful working relationships with others inside and outside own organization to work out problems between own group and others, coordinate joint actions, and gain understanding of other areas sufficient to make appropriate recommendations to customers.	Interacts with customers to understand customer needs, communicate information and coordinate actions; independently carries out actions or delegates/refers to appropriate personnel.	Contributes ideas for improvement of established services based on knowledge of a variety of administrative or technical programs, systems, or equipment, and an understanding of customer needs.
III	44 - 59	Seeks and fosters successful working relationships with others inside and outside own organization to coordinate highly complex, controversial, sensitive situations, work out problems or improve processes of own group or between own group and others, and gain understanding of other areas sufficient to effectively carry out integrated advisory and program work. Leads, mentors, and provides technical oversight to specialists at same or lower level. Regularly consulted by branch/division head and other journey-level specialists on highly complex issues due to depth and breadth of expertise and cooperative manner.	Works jointly with customers to define highly complex or controversial problems or program needs; and to develop and carry out unique strategies, techniques or criteria for resolving problems and meeting needs.	Generates key ideas and/or strategies for development/implementation/marketing of new and improved programs or services applicable to a specific administrative or technical functional area serving Lab-wide customers, or to a range of programs serving customers at division-wide level. **OR** effectively carries out and maintains such programs and services at a high level of customer awareness and satisfaction.
IV	59 - 66	Seeks and fosters successful working relationship with others inside and outside own organization to coordinate highly complex and controversial and sensitive situations, work out problems or improve processes of own group or between own group and others, and gain understanding of other areas sufficient to effectively carry out integrated advisory and program work. Leads, mentors, and provides technical oversight to specialists at same or lower level. Regularly consulted by branch and division head and others on highly complex issues due to depth and breadth of expertise and cooperative manner.	Works jointly with customers to define highly complex or controversial problems or program needs; develops and carry out unique strategies, techniques or criteria for resolving problems and meeting needs of customers both inside and outside the organization.	Generates key ideas and/or strategies for development and implementation and marketing of highly complex new and improved programs or services which affect a broad administrative or professional program or technical functional area serving NRL-wide customers; or to a highly complex programs serving customers division-wide; OR effectively carries out and maintains such programs and services at a high level of customer awareness and satisfaction.
V	66 - 80	Fosters successful working relationships with high-level officials both inside and outside NRL, thereby enhancing NRL's ability to meet organizational goals. Seeks and builds coalitions with other support organizations to establish integrated approaches to meeting NRL's needs. Sets and maintains, through-out own organization, a tone of cooperation, cohesion and teamwork.	Works at senior executive level to understand political, fiscal and other factors affecting customer and program needs; to develop and establish concepts, theories, or programs to meet service needs or resolve unyielding problems. Negotiates and resolves conflicts among senior managers regarding activity-wide policy decisions.	Generates strategic objectives and plans for development, implementation, and marketing of broadly-based programs and services to meet Lab-wide needs. Ensures overall effectiveness and customer-oriented focus of division programs and services.

ACCEPTABLE PERFORMANCE STANDARDS. With minor exceptions, personal interactions foster cooperation and teamwork, and enhance the ability of self and organization to effectively serve customers; timely, accurate and acceptable quality service is provided to customers; and customer interactions demonstrate appropriate knowledge for level of interaction required by the position.

SPECIFIC OBJECTIVES, TASKINGS, STANDARDS, AND/OR EXAMPLES MAY BE COMMUNICATED TO EMPLOYEES USING THE CCS FORM OR OTHER APPROPRIATE MEANS

Administrative Specialist and Professionals

ELEMENT 3: SUPERVISION AND RESOURCES MANAGEMENT

Instructions: Assign a value (0 - 80) which best represents employee's contributions in the overall element. Descriptors define contributions at high end of each level.

		Discriminators	
Level	**Point Range**	**Resources Management: Size and Complexity of Area of Responsibility; Level of Efficiency, Creativity and Initiative**	**Supervision and Subordinate Development (consider only if employee is a supervisor)**
I (Student)	0-21	Uses personal and assigned resources efficiently under guidance of supervisor. Contributes ideas for streamlining procedures or for more efficiently using office and program resources.	Not applicable.
II	18 - 47	Generates and implements ideas for effectively streamlining handling of moderately complex projects and programs which are difficult but for which there are established guidelines, patterns or methods for solution. This streamlining results in savings of time, money, and administrative burden for organization or customer; **AND/OR** maintains an organization/program already so streamlined.	Carries out full range of supervisory duties with respect to support personnel (technicians, assistants or clerks). Identifies and resolves developmental needs and problems, completes necessary administrative actions, complies with EEO and Safety and other regulations and policies. Develops and maintains resources and processes which enhance ability of subordinates to effectively carry out their duties.
III	44 - 59	Generates and implements ideas for effectively streamlining handling of complex projects and problems, or programs involving analysis and resolution of highly complex or controversial issues, problems, or programs involving subordinates, which result in savings of time, money, and administrative burden for organization or customer; **AND/OR** maintains an organization/program already so streamlined.	Carries out full range of supervisory duties with respect to lower level staff including one or more subordinate professionals. Identifies and resolves developmental needs and problems, completes appropriate administrative actions, complies with EEO and Safety and other regulations and policies. Develops and maintains resources and processes which enhance ability of subordinates to effectively carry out their duties.
IV	59 - 66	Generate and implements ideas for effectively streamlining handling of highly complex and controversial and sensitive programs and projects. Work involves analysis and resolution of highly complex or controversial issues/problems involving subordinates, which result in savings of time, money, and administrative burden for organization or customer; AND/OR maintains an organization and program already so organized or streamlined.	Carries out full range of supervisory duties with respect to lower level staff including one or more subordinate professionals. Identifies and resolves developmental needs and problems, completes appropriate administrative actions, complies with EEO and Safety and other regulations and policies. Develops and maintains resources and processes which enhance ability of subordinates to effectively carry out their duties.
V	66 - 80	Manages human, material, and financial resources of a division (or organization of comparable size, diversity and complexity) encompassing a range of complex functional areas. Defines resource allocations required for in-house and contractual programs. Advocates to Lab and/or higher headquarters for resources. Generates and implements creative ideas for increasing overall efficiency of organization.	Oversees the overall planning, direction, and timely execution of an administrative program, including development, assignment, and higher level clearance of goals and objectives for supervisors of subordinate units. Manages policy and organizational changes, and changes to the structure and content of the program directed. Carries out full range of supervisory duties with respect to subordinates: Identifies and resolves developmental needs and problems, completes appropriate administrative actions, complies with EEO and Safety and other regulations and policies. Provides leadership in developing, implementing, evaluating and improving processes for enhancing performance of subordinates.

ACCEPTABLE PERFORMANCE STANDARDS. With minor exceptions, work is performed in a timely, efficient and cooperative manner; work products demonstrate thorough research, completion of established objectives for the assignment, adherence to instructions and guidance of supervisor and team leader, and acceptable quality as deemed by supervisor or appropriate peer group; and **if an employee is a supervisor**, treatment of subordinates is based on merit and fitness considerations, is consistent with law/rules/regulations/policies, is judged fair and equitable by superiors, and fosters commitment/cooperation/teamwork amongst subordinates.

SPECIFIC OBJECTIVES, TASKINGS, STANDARDS, AND/OR EXAMPLES MAY BE COMMUNICATED TO EMPLOYEES USING THE CCS FORM OR OTHER APPROPRIATE MEANS

NAVAL RESEARCH LABORATORY
CONTRIBUTION-BASED COMPENSATION SYSTEM (CCS) SUMMARY
Administrative Support

Employee_____ Pay Pool Code_____ Appraisal Period Ending_____

Title_____ Pay Plan and Series_____ Career Level_____

SSN_____ Supervisor_____

Most Recent OCS_____ Present Salary_____ Scores within NPR Equivalent to Present Salary _____

CRITICAL ELEMENTS	*WEIGHT	SCORE	NET SCORE	RATING OF RECORD ACCEPTABLE OR UNACCEPTABLE
1. Problem Solving and Office Administration	_____	_____	_____	_____
2. Cooperation, Customer Relations, and Supervision	_____	_____	_____	_____

*If zero, element not applicable.

Basic Pay Increase %_____

Summary Rating A (Acceptable) or U (Unacceptable) _____
Must be U if any critical element is rated U

Contribution Award $_____

Hours _____

OVERALL CONTRIBUTION SCORE (Weighted Average)_____

SUPPLEMENTAL CRITERIA (OPTIONAL): FOR EXAMPLE, SPECIFIC OBJECTIVES, STANDARDS, TASKINGS, AND/OR EXAMPLES:

REMARKS:

Signatures and Dates	CCS PLAN	INTERIM REVIEW	APPRAISAL
Employee			
Supervisor			

NOTE: Employee's signature under "CCS Plan" signifies that he or she has been given a copy of this form and has a copy of the Elements, Descriptors, Discriminators, and Standards applicable to his or her career track.

Administrative Support

ELEMENT 1: PROBLEM SOLVING AND OFFICE ADMINISTRATION

Instructions: Assign a value (0 - 47) which best represents employee's contributions in the overall element. Descriptors define contributions at high end of each level.

		Discriminators	
Level	**Point Range**	**Complexity**	**Level of Oversight and Applicability of Guidelines**
I	0 - 21	Performs clerical or technical work involving application of a body of standardized rules, procedures or operations to resolve a full range of standard or recurring clerical/technical problems.	Independently carries out recurring and non-complex work, following supervisor's direction regarding work to be done, priorities, and specific procedures and guidelines to be followed. Locates and selects the most appropriate guidelines and procedures from established sources; makes minor deviations applicable to specific cases.
II	18 - 34	Performs clerical or technical work involving application of an extensive body of rules, procedures or operations to resolve a wide-variety of interrelated or nonstandard problems.	Independently plans and carries out steps required to complete assignments; handles problems and deviations. Supervisor defines objectives, overall priorities and deadlines. Selects, interprets and applies guidelines which are available but not completely applicable or have gaps in specificity.
III	31 - 47	Performs clerical or technical work involving: - application of principles, concepts and methodologies of a professional and administrative occupation to accomplishment of particularly challenging assignments, operations or procedures; or - application of a wide range of highly technical principles, processes and methods, including refinement of methods or development of difficult but well precedented projects.	Independently determines the approach and methodology used to accomplish work, plans and carries out work and resolves related conflicts. Supervisor sets overall objectives, broad priorities and resources available. Applies considerable judgment and analysis in selecting, interpreting and applying guidelines which are available but not completely applicable or have gaps in specificity.

ACCEPTABLE PERFORMANCE STANDARDS. With minor exceptions work is performed in a timely, efficient, and cooperative manner; and work products demonstrate completion of established objectives for the assignment, adherence to instructions and guidance of supervisor and team leader, and acceptable quality as deemed by supervisor.

SPECIFIC OBJECTIVES, TASKINGS, STANDARDS, AND/OR EXAMPLES MAY BE COMMUNICATED TO EMPLOYEES USING THE CCS FORM OR OTHER APPROPRIATE MEANS

Administrative Support

ELEMENT 2: COOPERATION AND CUSTOMER RELATIONS/SUPERVISION

Instructions: Assign a value (0 - 47) which best represents employee's contributions in the overall element. Descriptors define contributions at high end of each level.

		Discriminators		
Level	**Point Range**	**Supervision and Subordinate Development (consider only if employee is a supervisor)**	**Cooperation**	**Customer Relations**
I	0 - 21	Not applicable.	Interacts under established circumstances to obtain or give factual information within the immediate organization, office, project, or in related support units.	Independently carries out customer requests within area of responsibility or refers to other appropriate personnel.
II	18 - 34	Carries out full range of supervisory duties with respect to Level I or junior Level II employees. Identifies and resolves developmental needs and problems, completes necessary administrative actions, complies with EEO and Safety and other regulations and policies. Develops and maintains resources and processes which enhance ability of subordinates to effectively carry out their duties.	Initiates, engages in, and facilitates cooperative interactions with others inside and outside own organization to: coordinate joint actions, work out problems between own group and others, or gain understanding of other functions sufficient to recommend options to customers.	Interacts with customers to understand customer needs; determines appropriate services to meet needs; and independently carries out such actions or delegates and refers to appropriate personnel. Actively promotes rapport with customers.
III	31 - 47	Carries out full range of supervisory duties with respect to lower level staff including one or more who is a senior Level II. Identifies and resolves developmental needs and problems, completes necessary administrative actions, complies with EEO and Safety and other regulations and policies. Develops and maintains resources and processes which enhance ability of subordinates to effectively carry out their duties.	Meets descriptor for Level 2. In addition, is relied upon and consulted by team leader and members as a critical contributor to meeting overall goals. Serves as an example of high level administrative and technical knowledge, and ability to gain cooperation and compliance by persuasion or negotiation.	Works jointly with customers to define organizational needs and problems; establishes customer alliances and translates customer needs to programs and services **OR** applies knowledge of protocol to assisting particularly high-level customers of his or her organization.

ACCEPTABLE PERFORMANCE STANDARDS. With minor exceptions, personal interactions foster cooperation and teamwork; timely, accurate and acceptable quality service is provided to customers; customer interactions demonstrate appropriate knowledge for level of interaction required by the position; and **if employee is a supervisor,** treatment of subordinates is based on merit and fitness considerations, is consistent with law/rules/regulations/policies, is judged fair and equitable by ' superiors, and fosters commitment/cooperation/teamwork amongst subordinates.

SPECIFIC OBJECTIVES, TASKINGS, STANDARDS, AND/OR EXAMPLES MAY BE COMMUNICATED TO EMPLOYEES USING THE CCS FORM OR OTHER APPROPRIATE MEANS

NAVAL RESEARCH LABORATORY
CONTRIBUTION-BASED COMPENSATION SYSTEM (CCS) SUMMARY
S&E Technical

Employee_____ Pay Pool Code_____ Appraisal Period Ending_____

Title_____ Pay Plan and Series_____ Career

Level_____

SSN_____ Supervisor_____

Most Recent OCS_____ Present Salary_____ Scores within NPR Equivalent to Present Salary _____

CRITICAL ELEMENTS	*WEIGHT	SCORE	NET SCORE	RATING OF RECORD ACCEPTABLE OR UNACCEPTABLE
1. Scientific and Technical Problem Solving	_____	_____	_____	_____
2. Cooperation and Customer Relations and Supervision	_____	_____	_____	_____

*If zero, element not applicable.

Basic Pay Increase %_____ Summary Rating A (Acceptable) or U (Unacceptable) _____
Must be U if any critical element is rated U

Contribution Award $_____

Hours_____ OVERALL CONTRIBUTION SCORE (Weighted Average)_____

SUPPLEMENTAL CRITERIA (OPTIONAL): FOR EXAMPLE, SPECIFIC OBJECTIVES, STANDARDS, TASKINGS, AND/OR EXAMPLES:

REMARKS:

Signatures and Dates	CCS PLAN	INTERIM REVIEW	APPRAISAL
Employee			
Supervisor			

NOTE: Employee's signature under "CCS Plan" signifies that he or she has been given a copy of this form and has a copy of the Elements, Descriptors, Discriminators and Standards applicable to his or her career track.

S&E Technical

ELEMENT 1. SCIENTIFIC AND TECHNICAL PROBLEM SOLVING

Instructions: Assign a value (0 -66) which best represents employee's contributions in the overall element. Descriptors define contributions at high end of each level.

		Discriminators		
Level	**Point Range**	**Scope of Project**	**Scientific and Technical Complexity and Creativity**	**Level of Oversight**
I	0 - 21	Performs specific procedures which are typically a segment of a project of broader scope. Work affects the accuracy, reliability or acceptability of further processes. Resolves recurring routine problems independently. Operates and adjusts varied equipment to perform standardized tests or operations involved in testing, data analysis and presentation.	Performs duties that involve related and established steps, processes or methods. Determines what needs to be done by choosing among a few different but easily recognizable situations. Recognizes readily apparent errors requiring limited knowledge of the subject matter. Uses judgment in locating and selecting most appropriate procedures, making minor deviations to adapt the guidelines to specific cases.	Receives routine assignments in terms of objectives to be achieved and without explicit instructions as to work methods, if standard work methods can be used. Resolves routine technical problems in terms of previous experience without reference to supervisor. Explicit instructions for solving technical problems involving unfamiliar conditions, methods, or concepts are provided by the supervisor.
II	18 - 39	Independently plans and conducts a block of work which is a complete and conventional project of relatively limited scope or a portion of a large and more diverse project. Work affects the design or operation of systems, equipment, testing operations, research conclusions, or similar activities.	Applies a practical knowledge of technical methods, principles and practices within a narrow area of R&D and program and project to assignments involved with design and planning of moderately complex, well-precedented projects. Assignments require analyses of several possible courses of action, techniques and/or designs; and selection of most appropriate. Considers precedents in carrying out work and makes some adaptations of previous plans and techniques.	Receives guidance and instructions in dealing with unfamiliar practices and problems. On familiar types of assignments, completes work without explicit instructions as to work methods and precedents. Significant deviations from guides requires approval.
III	36 - 47	Independently plans and conducts a block of work which is a complete and conventional project of relatively limited scope or a portion of a large and more diverse project. Work affects the design or operation of systems, equipment, testing operations, research conclusions, or similar activities.	Applies a practical knowledge of a wide range of different but established technical methods, principles and practices within a narrow area of research/development program/project to design and planning of difficult but well-precedented projects. Assignments require study, analysis, and consideration of several possible courses of action, techniques and/or designs; and selection of most appropriate. Considers precedents in carrying out work which may be conflicting or are not directly applicable. Adapts previous plans and techniques to fit new situations.	Supervisor outlines overall requirements, providing information on any related work being performed and furnishing general instructions regarding objectives, time limitations, priorities, and similar issues. Plans and carries out successive steps and handles problems and deviations in the work assignments in accordance with accepted practices, policy or instructions. Completed work is evaluated for technical soundness, appropriateness, and conformity to policy and requirements.

ACCEPTABLE PERFORMANCE STANDARDS. With minor exceptions, work is performed in a timely, efficient, and cooperative manner; and work products demonstrate completion of established objectives for the assignment, adherence to instructions and guidance of supervisor and team leader, and acceptable quality as deemed by supervisor.

SPECIFIC OBJECTIVES, TASKINGS, STANDARDS, AND/OR EXAMPLES MAY BE COMMUNICATED TO EMPLOYEES USING THE CCS FORM OR OTHER APPROPRIATE MEANS

S&E Technical

ELEMENT 1. SCIENTIFIC AND TECHNICAL PROBLEM SOLVING Continued

Instructions: Assign a value (0 -66) which best represents employee's contributions in the overall element. Descriptors define contributions at high end of each level.

		Discriminators		
Level	**Point Range**	**Scope of Project**	**Scientific and Technical Complexity and Creativity**	**Level of Oversight**
IV	44 - 59	Establishes criteria; formulates projects; assesses program effectiveness; investigates or analyzes a variety of unusual conditions, problems, or questions in areas which affect a wide range of major activities. Points out areas for investigation or improvement in their area of expertise.	Applies deep and diversified knowledge to atypical or highly difficult assignments. Thoroughly evaluates various alternatives for meeting objectives, considering applicable technical factors as well as related factors, and recommends the best one. Reviews, analyzes and integrates work performed by others and changes in technology as they relate to the possible impact on projects or programs, systems or processes in employee's area of expertise. Assignments are frequently complicated by many operations which equipment or systems must perform, and many variables that must be considered. Precedents are sometimes absent, but more commonly, the relationships of precedents to particular assignments is obscure. Must deal with conflicting issues.	Supervisor outlines requirements, objectives and operational requirements. Technicians must then analyze problems and develop own approaches and work plans; receives little technical advice or guidance; technical decisions and recommendations are usually accepted by higher authority except when policy, program, or budgetary considerations are overriding.
V	59 - 66	Must plan, organize and direct extensive development efforts including broad programs of applied R&D. Uses judgment and ingenuity in converting overall objectives into programs or policies for others to use. Must adjust broad activities carried out to the latest advances in technology and to the changing program needs of an area of research/development.	Provides expert advisory services and leadership for broad and complex programs that advance the state of the art. Programs span various disciplines, are greatly affected by advances in technology and are characterized by highly complex problems for which precedents are lacking in areas critical to the overall effort. Work requires originating new techniques, establishing criteria, or developing new information. Research/development approach is not easily determined and considerable modification of existing techniques is required. Produces documentable modification of existing theories or existing technology.	Supervisor outlines only broad policy and operational objectives and requirements. Technician determines the general R&D approach. Technical supervision is limited to reviewing broad hypotheses and overall approach. Interpretations made by the technician are reviewed but are generally accepted as technically accurate. Supervisor is kept informed and only broad changes in the direction of the work require clearance.

ACCEPTABLE PERFORMANCE STANDARDS. With minor exceptions, work is performed in a timely, efficient, and cooperative manner; and work products demonstrate completion of established objectives for the assignment, adherence to instructions and guidance of supervisor and team leader, and acceptable quality as deemed by supervisor.

SPECIFIC OBJECTIVES, TASKINGS, STANDARDS, AND/OR EXAMPLES MAY BE COMMUNICATED TO EMPLOYEES USING THE CCS FORM OR OTHER APPROPRIATE MEANS

S&E Technical

ELEMENT 2. COOPERATION AND CUSTOMER RELATIONS/SUPERVISION

Instructions: Assign a value (0 -66) which best represents employee's contributions in the overall element. Descriptors define contributions at high end of each level.

		Discriminators	
Level	Point Range	Teamwork/Customer Relations	Supervision and Subordinate Development (consider only if employee is a supervisor)
I	0 - 21	Provides work product which affects the accuracy, reliability, or acceptability of assignments, projects or equipment of broader scope. Independently carries out requests within limited area of responsibility or refers to other appropriate personnel.	Not applicable.
II	18 - 39	Provides work product which is a complete project of relatively conventional and limited scope or a portion of a larger project. Work requires a limited degree of coordination and integration of diverse phases carried out by others. Refers to others the more complex and critical aspects of problem exploration, evaluation of approaches, and development or new solutions.	Carries out full range of supervisory duties with respect to Level I or lower Level II employees. Identifies and resolves developmental needs and problems, completes necessary administrative actions, complies with EEO and Safety and other regulations and policies. Develops and maintains resources and processes which enhance ability of subordinates to effectively carry out their duties.
III	36 - 47	Provides work product which is a complete conventional project of relatively limited scope, or a portion of a larger and more diverse project. Project requires coordination of several parts, each requiring independent analysis and solution. Technician reviews, analyzes and integrates work performed by other groups or individuals outside the organization.	Carries out full range of supervisory duties with respect to lower level staff including one or more who is a senior Level II. Identifies and resolves developmental needs and problems, completes necessary administrative actions, complies with EEO and Safety and other regulations and policies. Develops and maintains resources and processes which enhance ability of subordinates to effectively carry out their duties.
IV	44 - 59	Applies deep and diversified knowledge to atypical or highly difficult assignments in a subject matter or functional area. Acts as spokesperson for their activities; authorize important modifications which conform to broad policy. Coordinate assignments with those of engineers in other disciplines or subject matter areas; represent their offices in the exchange of data and discussion of technical problems at meetings.	Carries out full range of supervisory duties with respect to lower level staff, including one or more who is a senior Level III. Identifies and resolves developmental needs and problems, completes necessary administrative actions, complies with EEO and Safety and other regulations and policies. Develops and maintains resources and processes which enhance ability of subordinates to effectively carry out their duties.
V	59 - 66	Recognized as a significant contributor to a scientific or engineering field as a leader of a productive R&D team or a leader in the conception and formulation of productive R&D ideas. Recognized as an expert in own field and is regularly sought out for consultation and/or takes leadership on important committees dealing with technical matters.	Oversees the overall planning, direction, and timely execution of a technical support program, including development, assignment, and higher level clearance of goals and objectives for subordinates. Carries out full range of supervisory duties with respect to subordinates: identifies and resolves developmental needs and problems; completes appropriate administrative actions, complies with EEO and Safety and other regulations and policies; develops and maintains resources and processes which enhance ability of subordinates to effectively carry out their duties. Manages policy and organizational changes, and changes to the structure and content of the program directed. Provides leadership in developing, implementing, evaluating, and improving processes and procedures for enhancing performance of subordinates.

ACCEPTABLE PERFORMANCE STANDARDS. With minor exceptions, personal interactions foster cooperation and teamwork; timely, accurate and acceptable quality service is provided to customers; customer interactions demonstrate appropriate knowledge for level of interaction required by the position; and **if employee is a supervisor,** treatment of subordinates is based on merit and fitness considerations, is consistent with law/rules/regulations/policies, is judged fair and equitable by superiors, and fosters commitment/cooperation/teamwork amongst subordinates.

SPECIFIC OBJECTIVES, TASKINGS, STANDARDS, AND/OR EXAMPLES MAY BE COMMUNICATED TO EMPLOYEES USING THE CCS FORM OR OTHER APPROPRIATE MEANS

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Appendix E: Computation of the IPS and the NPR

The NRL demonstration project will use an IPS which links basic pay to contribution scores determined by the CCS process. The area where basic pay and level of contribution are assumed to be properly related is called the NPR. An employee whose CCS score and rate of basic pay plot within the NPR is considered to be contributing at a level consistent with pay. Employees whose pay plots below the NPR for their assessed score are considered ''undercompensated,'' while employees whose score and pay plot above the NPR are considered ''overcompensated.''

The purpose of this scoring and pay structure is to spread the full range of basic pay provided by the GS, between GS–1, step 1 and GS–15, step 10, into 80 intervals (scores and pay above those points are related using the same parameters). Each interval is a fixed percentage of the pay associated with the previous point.

For each possible contribution score available to employees, the NPR spans a basic pay range of 12 percent. The lower boundary (or ''rail'') is established by fixing the basic pay equivalent to GS–1, step 1, with a CCS score of zero. The upper boundary is fixed at the basic pay equivalent to GS–15, step 10, with a CCS score of 80. The distance between these upper and lower rails for a given overall contribution score is then computed to ensure the range of 12 percent of basic pay for each available CCS score.

The middle rail of the NPR is computed as 6 percent above the lower rail. This point is used in connection with certain limits established for pay increases (see section IV.C.7).

From the above considerations, five variables, or inputs, were identified. They are as follows:

1. Variable A: GS–1, step 1 (lowest salary).
2. Variable B: GS–15, step 10 (highest salary).
3. Variable C: Current C-values.
4. Variable M: 6 percent (middle rail computation above the low rail).
5. Variable H: 12 percent (high rail computation above low rail).

Other variables are as follows:

1. Variable N: Number of C-value steps at GS–15, step 10.
2. Variable P (step increase): Salary value for each C-value equal to 1 + percentage increase.

From these variables, the following formula definitions were developed:

Low rail = A*(P^C)
Mid rail = (1+M)*A*(P^C)
High rail = (1+H)*A*(P^C)
Where P = (B/(A*(1+H)))^(1/N)

As an example, a result of the above computation, using the 1999 GS Salary Table, P (step increase) equals 1.023663611. Attachment (1) is a complete list of CCS career level scores and basic pay ranges. Attachment (2) contains graphic representations of these tables for each career track.

Once the C-values (0–80) are determined, the CCS career levels and scores are extended at the same percentage increments as were computed for the step increase above. These C-values are extended to encompass the equivalent of ES–4 effective January 1999. In the example, SES Level ES–4 is equal to basic pay of $118,000 and is encompassed by the C-value 89 ($107,119 to $119,974).

Attachment to Appendix E: 1999 Inputs

GS 1–Step 1: 13,362
GS 15–Step 10: 97,201
C values: 80
Mid%: 6.00%
Hi%: 12.00%

C Value	Low Rail	Mid Rail	Hi Rail
0	13362	14164	14965
1	13678	14499	15320
2	14002	14842	15682
3	14333	15193	16053
4	14672	15553	16433
5	15020	15921	16822
6	15375	16297	17220
7	15739	16683	17627
8	16111	17078	18045
9	16493	17482	18472
10	16883	17896	18909
11	17282	18319	19356
12	17691	18753	19814
13	18110	19196	20283
14	18538	19651	20763
15	18977	20116	21254
16	19426	20592	21757
17	19886	21079	22272
18	20356	21578	22799
19	20838	22088	23339
20	21331	22611	23891
21	21836	23146	24456
22	22353	23694	25035
23	22882	24255	25628
24	23423	24829	26234
25	23977	25416	26855
26	24545	26018	27490
27	25126	26633	28141
28	25720	27263	28807
29	26329	27909	29488
30	26952	28569	30186
31	27590	29245	30900
32	28243	29937	31632
33	28911	30646	32380
34	29595	31371	33146
35	30295	32113	33931
36	31012	32873	34734
37	31746	33651	35556
38	32497	34447	36397
39	33266	35262	37258
40	34054	36097	38140
41	34859	36951	39042
42	35684	37825	39966
43	36529	38720	40912
44	37393	39637	41880
45	38278	40575	42871
46	39184	41535	43886
47	40111	42518	44924
48	41060	43524	45987
49	42032	44554	47076
50	43026	45608	48190
51	44045	46687	49330
52	45087	47792	50497
53	46154	48923	51692
54	47246	50081	52915
55	48364	51266	54168
56	49508	52479	55449
57	50680	53721	56761
58	51879	54992	58105
59	53107	56293	59480
60	54363	57625	60887
61	55650	58989	62328
62	56967	60385	63803
63	58315	61814	65313
64	59695	63276	66858
65	61107	64774	68440
66	62553	66307	70060
67	64034	67876	71718
68	65549	69482	73415
69	67100	71126	75152
70	68688	72809	76930
71	70313	74532	78751
72	71977	76296	80614
73	73680	78101	82522
74	75424	79949	84475
75	77209	81841	86474
76	79036	83778	88520
77	80906	85760	90615
78	82821	87790	92759
79	84780	89867	94954
80	86787	91994	97201
81	88840	94171	99501
82	90943	96399	101856
83	93095	98680	104266
84	95298	101015	106733
85	97553	103406	109259
86	99861	105853	111844
87	102224	108358	114491
88	104643	110922	117200
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90	109654	116233	122813
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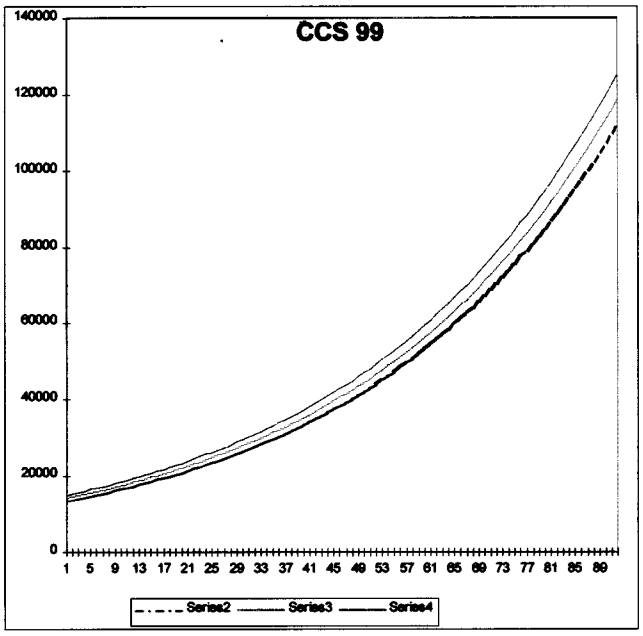
BILLING CODE 6325–01–P



Formula Definitions:

Low Rail = A*(P^C)

Mid Rail = (1+M)*A*(P^C)

Hi Rail = (1+H)*A*(P^C)

where

P = (B/(A*(1+H)))^(1/N)

(Step Increase)

Step Increase 1.023663611

Variable Definitions:

A = Salary for GS-1 Step-1

B = Salary for GS-15 Step-10

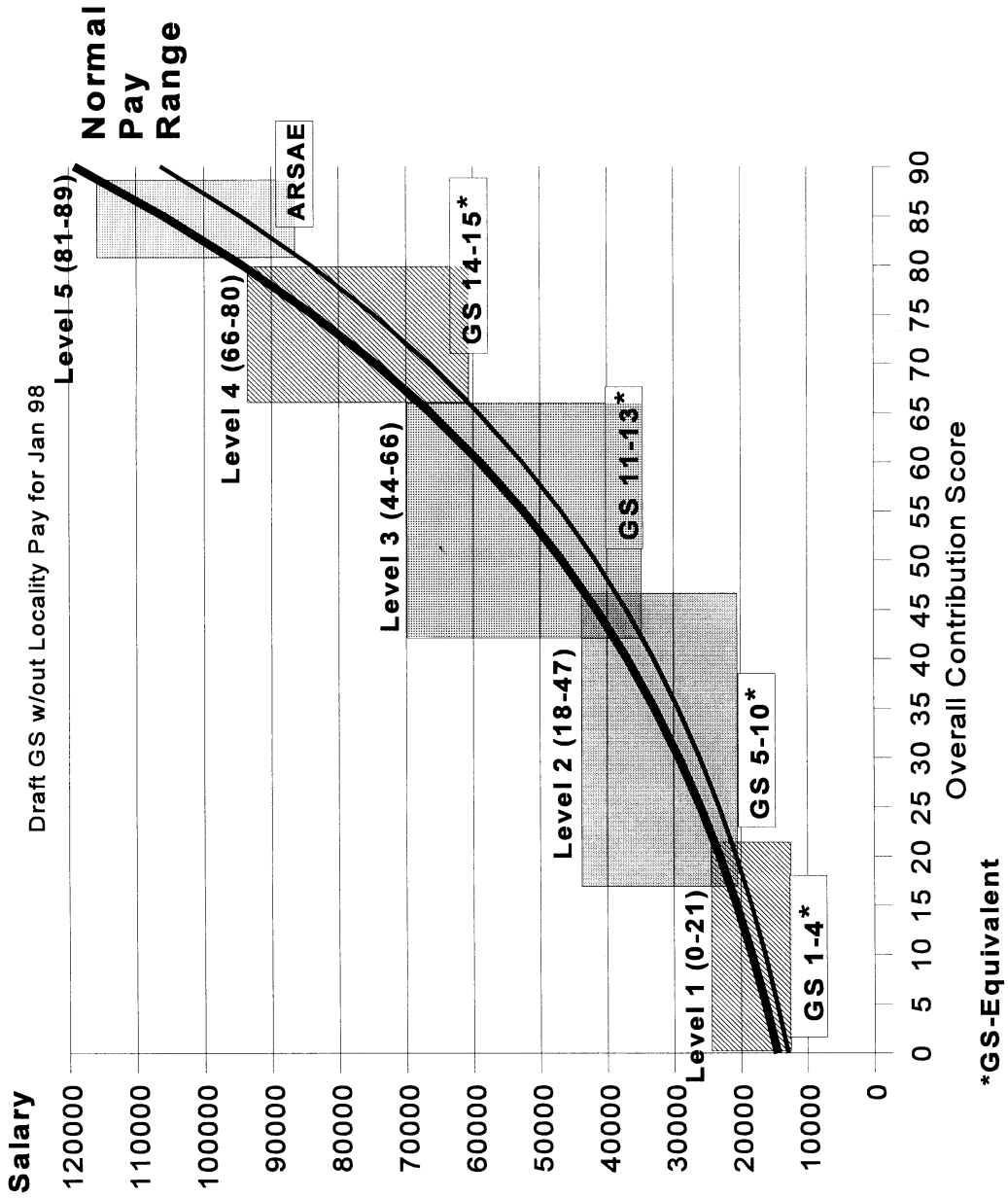
C = Current C Value (column A)

H = percentage increase of Hi Rail above Lo Rail

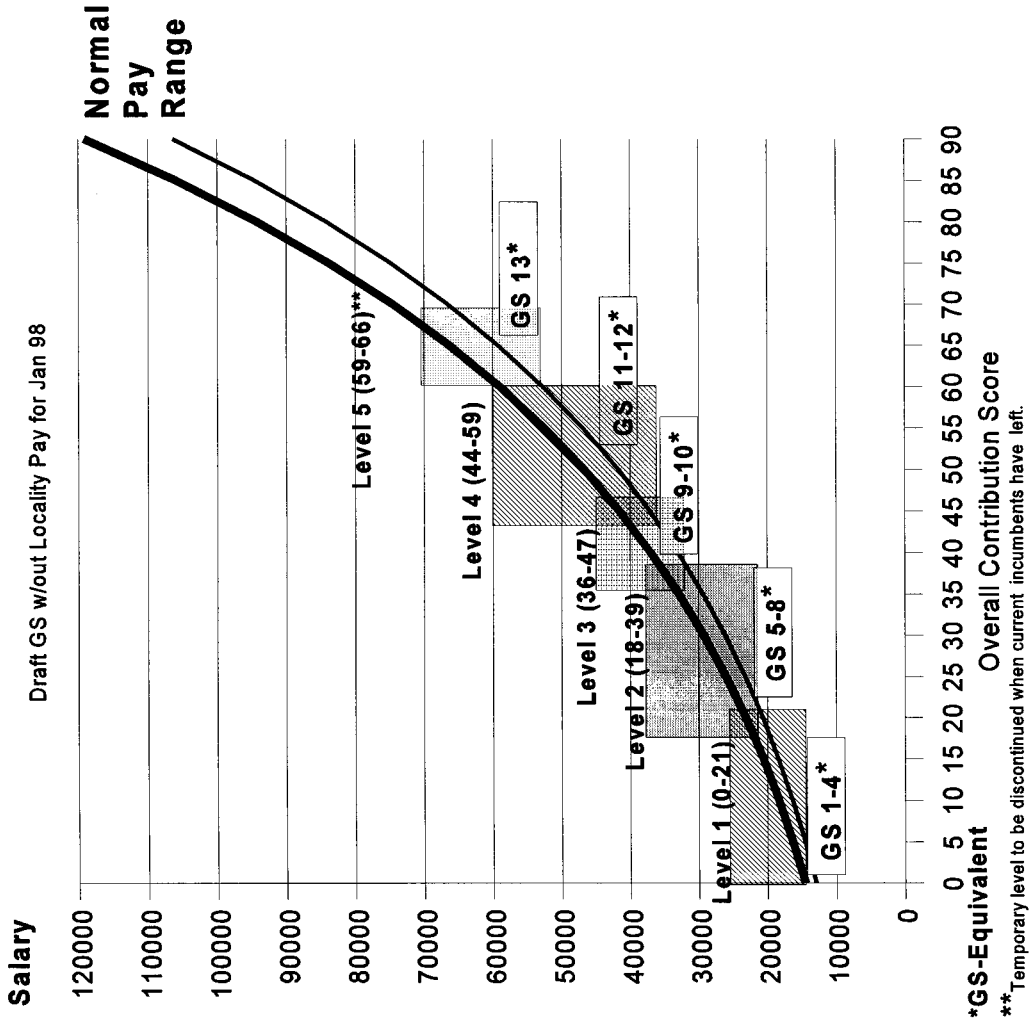
M = percentage increase of Mid Rail above Lo Rail

N = # of C-value steps at GS-15 Step-10

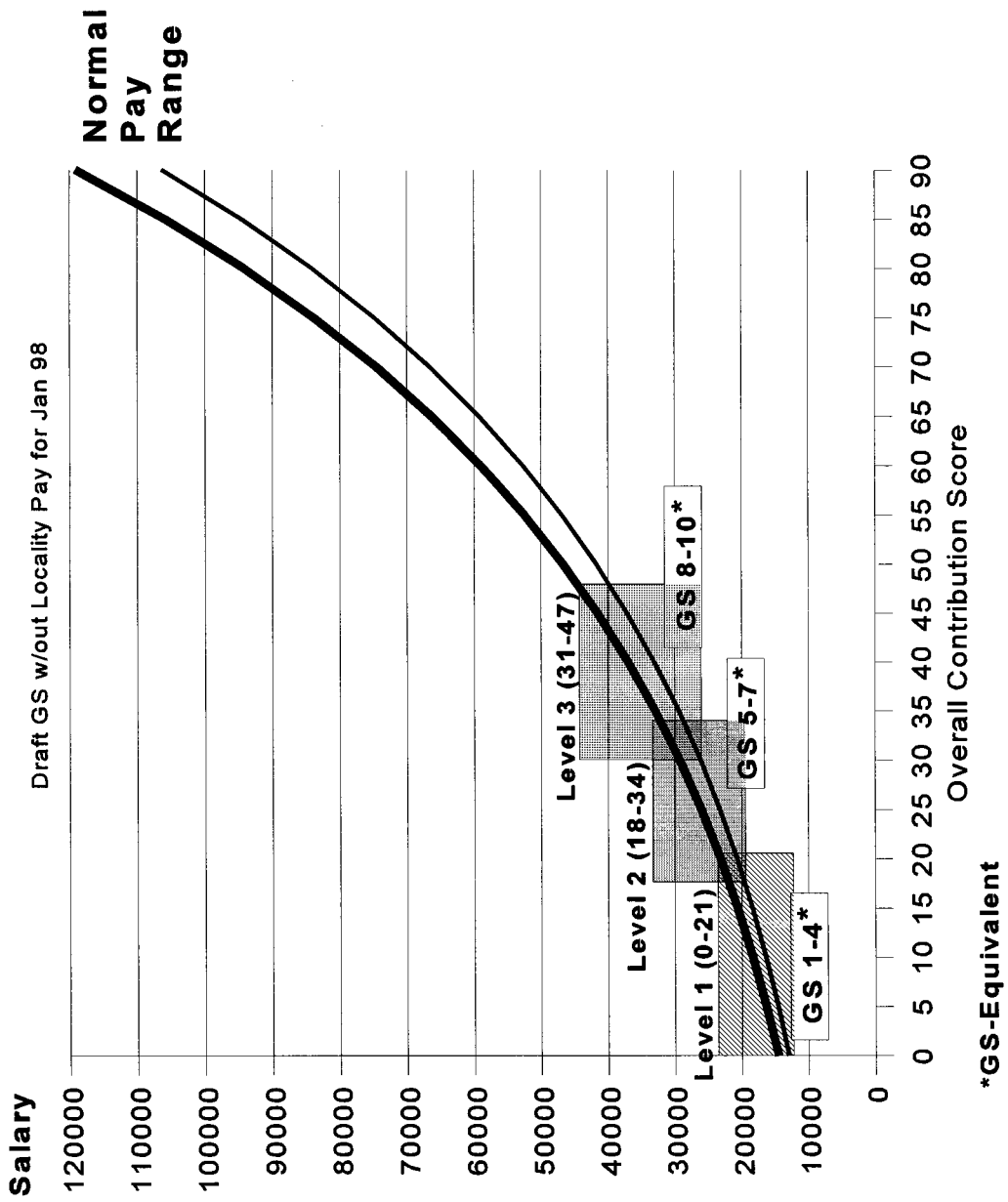
P = percentage increase in salary for each C-value (Step Increase)



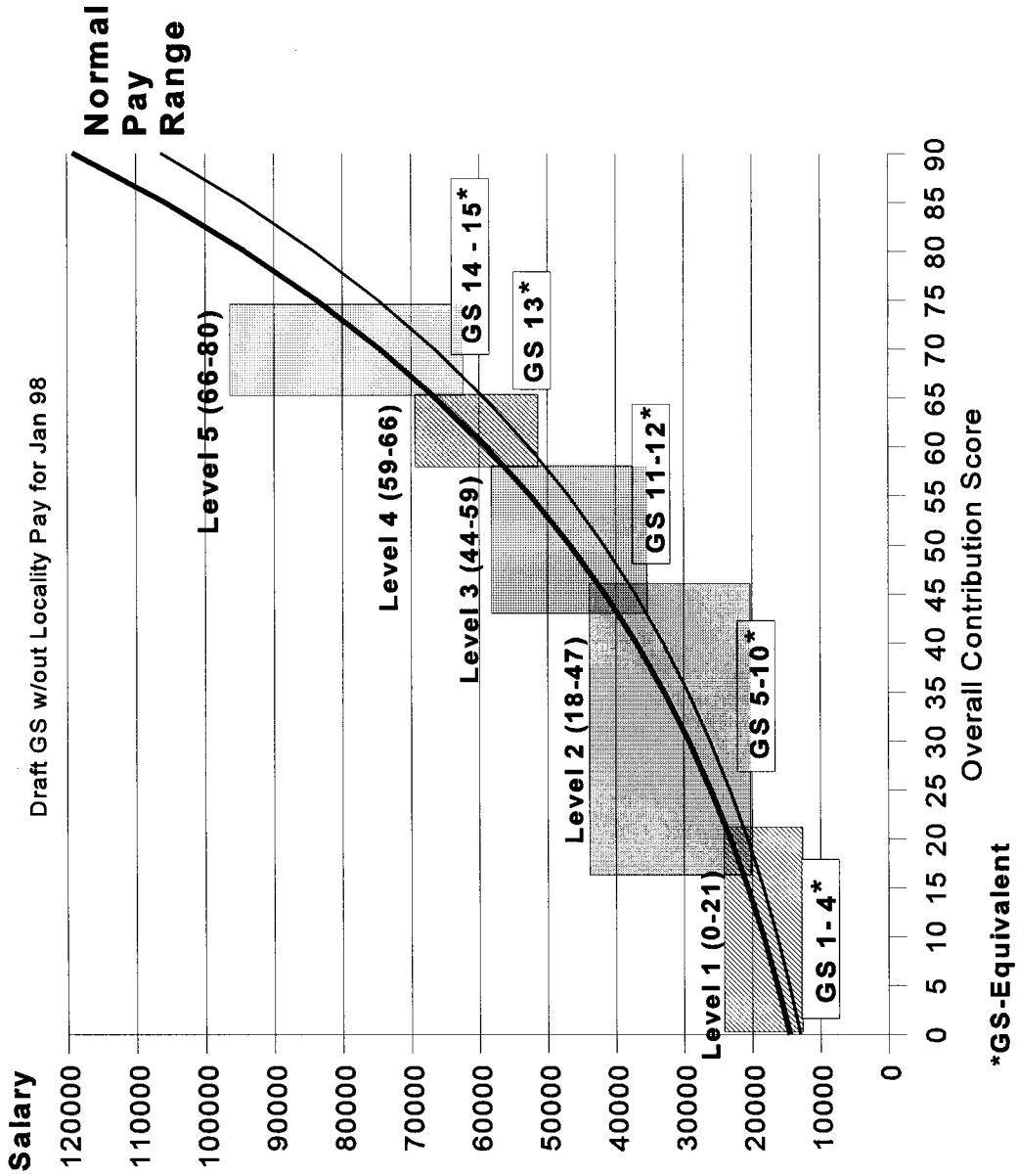
NRL Integrated Pay Schedule in Relation to S&E Professional Career Track



NRL Integrated Pay Schedule in Relation to S&E Technical Career Track



NRL Integrated Pay Schedule in Relation to Administrative Support Career Track



NRL Integrated Pay Schedule in Relation to Administrative Specialist and Professional Career Track

Appendix F: Requirements Document Sample

DATE: 4/18/96
DOC#: K900000000

INCUMBENT:

I. POSITION AND ORGANIZATION INFORMATION

Position: S&E Professional, Career Level II
Specialization: Electronics Engineer, 855
Organizational Location: Electronics S&T Division, Code 6899
Organizational Goals: The Division plays a central role in the source of technical expertise for various agencies within the Navy and the Department of Defense. The Division is composed of Branches which form a broad multi-disciplinary approach to electronic R&D of electronic components and circuits technologies which are relevant to Navy electronic system requirements.
Purpose of Position: Designs devices, systems and circuitry for R&D applications, and constructs digital and microprocessor prototypes. Participates with other engineers and scientists in schematics of circuits; establishes design specifications; and constructs or directs the construction and assembly of prototype equipment. The incumbent possesses a professional knowledge of engineering including the design and development of microprocessor circuitry required to perform hardware and software integration; to design digital and microprocessor-based circuits; to test and debug digital and microprocessor-based circuits. The selective placement factor is demonstrated experience in microprocessor-based circuits

II. CERTIFICATIONS:
Supervisory Certification: I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.

Name and Title of Immediate Supervisor	Signature and Date
Name and Title of Higher-level Supervisor	Signature and Date

Classification Certification: I certify that this position has been classified and graded as required by Title 5 U.S. Code in conformance with the standards applicable to the NRL Demonstration Project.

Name and Title of Classification Official	Signature and Date

III. DUTIES AND RESPONSIBILITIES:

Scientific and Technical Problem Solving: Conducts inhouse technical activities or may provide contract technical support with minimal oversight. Works closely with peers in collectively solving problems of moderate complexity. Accomplishes small tasks independently or assists higher-level scientists and engineers. Recognized internally for technical expertise. Provides data and written analysis to contractual documents, reports and papers and/or reviews contractual reports; work is acknowledged in team publications. Presents oral material effectively to other team members, supervisors and external contractors. Disseminates technical results of own studies, tasks or contract results. Conducts activities under guidance of supervisor and/or team leader.

Cooperation and Supervision: Contributes as a technical researcher or team member to all aspects of team's responsibilities. May technically guide or mentor technician and/or less experienced and junior-level personnel. Receives guidance from supervisor and/or team leader and carries out duties in a professional, responsive and cooperative manner. No supervisory responsibilities are required.

R&D Business Management: As a team member meets with customers to understand customer requirements and demonstrate expertise. Stays current in areas of expertise and contributes as a team member to

new program development. Collects information for proposal marketing activities. Manages elements of inhouse work units or assists in managing a scientific or support contract. Uses personal resources efficiently under guidance of supervisor or team leader. Aware of and makes appropriate use of available resources. Participate as a team member in demonstrating technology and in interacting with customers. With guidance, contributes to technical content of partnerships for transition or transfer (ATD's, MOU's, JDL and Reliance, CRADA's, and other dual-use vehicles).

IV. STAFFING KNOWLEDGE, SKILLS and ABILITIES: Ability to communicate orally and in writing. Ability to recognize and analyze problems, conduct research, summarize results and recommendations. Ability to plan and organize work and set priorities. Professional knowledge of a specialized area of science and/or engineering.

V. OTHER POSITION REQUIREMENTS:
Security Clearance Requirement: Top Secret
FLSA: Non-exempt
Drug Testing Requirement: Testing Designated Position
Financial Disclosure Requirement: None
Sea and Flight Duty: None

VI. REMARKS:
Target Career Level:
Comp Level:
Skills Codes:
Salary Comparison Code:

Revised 11/4/97

Appendix G: Sample OPM Intervention Impact Evaluation Model

INTERVENTIONS COVERAGE:	EXPECTED EFFECTS	MEASURES	DATA SOURCES
1. Contribution-based Compensation **a. broad-banding**	- increased organizational flexibility - reduced administrative work load, paperwork reduction - advanced in-hire rates - slower pay progression at entry levels - increased pay potential - higher average salaries - increased satisfaction with advancement - increased pay satisfaction - improved recruitment	- perceived flexibility - actual/perceived timesaving, length of PDs - starting salaries of banded vs. non-banded employees - progression of new hires over time by band, career path - mean salaries by band, career path, demographics - total payroll cost - employee perceptions of advancement - pay satisfaction, internal/ external equity - offer/acceptance ratios	attitude survey personnel office data, PME results, attitude survey workforce data attitude survey personnel office data
no change in high-grade (GS-14 +) distribution		- number/percentage of white collar employees at hi-grade salaries pre/post banding - number/percentage of white collar employees at SL/ST pre/post banding - percent declinations	workforce data
2. Contribution/Performance Management a. cash awards/bonuses	- reward performance - pay-performance link - support fair and appropriate distribution of awards	- number and average amounts of contribution awards by career path, demographics, performance -perceived fairness of awards -satisfaction with monetary awards	workforce data attitude survey

b. Performance/ contribution-based pay progression	- increased pay-performance link -improved performance feedback, communication - increased retention of high performers/turnover of low performers -differential pay progression of high/low performers - reduced pay for low performers - alignment of organizational and individual performance expectations and results -increased employee involvement in performance planning and assessment	- pay-performance correlations - perceived pay-performance link - perceived fairness of ratings - satisfaction with ratings - employee trust in supervisors - adequacy of performance feedback, communication of expectations - turnover by OCS's -OCS distribution - pay progression by OCS's , career path, demographics - number of employees with reduced pay - linkage of performance plans to strategic plans/goals - performance expectations - perceived involvement - procedures	workforce data attitude survey workforce data performance plans, strategic plans attitude survey/focus groups personnel regulations
c. Supervisory panel review	- increased consistency of OCS's	- perceived fairness of OCS's	attitude survey/focus groups
d. New appraisal process	-reduced administrative burden -improved communication	- employee and supervisor perception of revised procedures	personnel regulations performance plans attitude survey focus groups
f. Performance development	- better communication of performance expectations -improved satisfaction with development	-perceived feedback and communication -organizational commitment -perceived workforce quality -time, funds spent on training by demographics	attitude survey focus groups personnel office data/training records

Appendix H: NRL Internal Evaluation

Interventions	Expected effects	Measures	Data sources
1. Staffing and recruitment	- less recruitment time for general, noncitizen and armed forces members - less recruitment cost - less cost for promotion of noncitizens - increased desire to recruit armed forces members	- management satisfaction with hiring process - time to hire - time to hire - time to promote - number of recruitment actions	survey, focus groups personnel office data personnel office data personnel office data personnel office data
2. Retention	- retain high performing employees with needed skills	- turnover rate by demonstration project category, minority code, females, age, reason for leaving and CCS rating - management satisfaction	personnel office data management survey
3. RIF	- reduced work and cost - minimized adverse effect on women, minorities and veterans'	- time to conduct RIF - number of people impacted and separated - number of separation incentives - number of women, minorities and veterans' impacted	personnel office data personnel office data
4. Details	- less time to process details	- number and length of time of details	personnel office data
5. PPP	- correct skills imbalances - make major work adjustments - manage downsizing more effectively - reduce need to conduct RIF	- number of internal actions - reason for internal placements - time to recruit for internal placements - management satisfaction	personnel office data management survey
6. Salary increases	- wider distribution of pay for contribution - improved external equity	- cost of merit increases - cost of incentive pay - amount of comparability withheld	CCSDS

Interventions	Expected effects	Measures	Data sources
7. Separations	- retain high performing employees with needed skills	- number separated - reason for separation - CCS rating - percent of low performers separated - percent of high performers separated	personnel office data
8. Personnel action processing	- less time to process personnel actions	- number of actions processed - average time to process actions	personnel office data

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Part IV

Nuclear Regulatory Commission

10 CFR Part 50

Changes to Quality Assurance Programs; Final and Proposed Rules

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

RIN 3150–AG20

Changes to Quality Assurance Programs

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to permit power reactor licensees to make certain quality assurance (QA) program changes without obtaining NRC approval of these changes in advance. The final rule allows licensees to make routine or administrative changes that should not have an adverse impact on the effectiveness of their QA programs. This action is intended to reduce the financial and administrative burden on power reactor licensees without adversely impacting public health and safety.

DATES: The Direct Final Rule is effective on April 26, 1999, unless significant adverse comment is received by March 25, 1999. If the rule is withdrawn, timely notice will be published in the **Federal Register**.

ADDRESSES: Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff.

Hand deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:30 am and 4:15 pm on Federal workdays.

Copies of the petition for rulemaking, the public comments received on the **Federal Register** Notice announcing the receipt of the petition, public comments received on this **Federal Register** Notice, and the NRC's response to the petitioner are available for public inspection or copying for a fee in the NRC Public Document Room (PDR), 2120 L Street, NW (Lower Level), Washington, DC.

The public may submit comments via the NRC's interactive rulemaking web site through the NRC home page (http://www.nrc.gov). This site enables commenters to upload comments as files (any format), if their web browser supports that function. For information about the interactive rulemaking site, contact Ms. Carol Gallagher, telephone (301) 415–5905, e-mail cag@nrc.gov.

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

FOR FURTHER INFORMATION CONTACT: Harry S. Tovmassian, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–3092, e-mail hst@nrc.gov.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission (NRC) is amending its regulations to permit power reactor licensees to make certain changes to their QA programs without obtaining NRC approval in advance. This action is being taken in response to a Nuclear Energy Institute (NEI) petition for rulemaking. The changes that a licensee can make under this rulemaking are administrative or routine in nature and should not adversely impact the effectiveness of the licensee's QA program. There may be other QA program areas for which unilateral changes could be made by licensees without prior NRC approval that would not negatively impact the effectiveness of the licensee's QA program. However, the NRC is in the process of developing suitable criteria for such changes. When such criteria have been developed, an additional rulemaking will be undertaken. This action, the publication of the Direct Final Rule, constitutes the NRC's granting of the petition in part. When the Commission decides to undertake a second rulemaking, it would also be considered a partial granting of the petition.

Because the NRC considers this action noncontroversial, the Direct Final Rule will be published in final form. This action will become effective on April 26, 1999. However, if the NRC receives significant adverse comments by March 25, 1999, the NRC will publish a document that withdraws this action. In this separate part of this issue of the **Federal Register**, the NRC is publishing a separate document that will serve as the proposal to approve the rule and to constitute the mechanism through which the NRC will consider its final action on this matter, should adverse comment be received. Any significant adverse comment will be addressed in a subsequent final rule. The NRC will not initiate a second comment period on this action.

Background

By letter dated June 8, 1995, NEI petitioned the NRC to amend its regulations controlling changes to nuclear power plant licensee QA programs. The petition was received by the Commission on June 19, 1995, and assigned Docket No. PRM–50–62. The petitioner requested that the NRC modify 10 CFR 50.54(a) to permit nuclear power plant licensees to make a broader range of changes to their QA programs without prior NRC approval. Currently, 10 CFR 50.54(a)(3) allows licensees to ''* * * make a change to a previously accepted quality assurance program description included or referenced in the Safety Analysis Report, provided the change does not reduce the commitments in the program description previously accepted by the NRC.'' NEI requested that the Commission amend this requirement to allow a licensee to ''* * * make a change to a previously accepted quality assurance program description included or referenced in its Safety Analysis Report without prior Commission approval unless the proposed change involves a change in the technical specifications incorporated in the license or involves an unreviewed safety question,'' consistent with the criteria of 10 CFR 50.59. According to NEI's proposal, changes involving unreviewed safety questions (USQs) would require NRC approval prior to implementation.

The Petition

NEI stated that 10 CFR 50.54(a) is sometimes interpreted by the NRC as requiring NRC approval for any changes in the QA program, regardless of the safety significance associated with the change. As a consequence, there are often prolonged and sometimes unnecessary regulatory debates about the correct interpretation of the term ''reduction in commitment.'' NEI presented the following examples of changes that it believed could be made without the need for prior NRC approval but that have been viewed as ''reductions in commitment,'' requiring prior NRC approval:

1. Changes in the level of approval of administrative, implementation, or policy procedures, regardless of the safety significance;
2. Changes in the company organization as it is described in the licensee's original quality plan;
3. Changes in frequency for audit, review, or surveillance activities that have minimal, if any, safety significance;
4. Adoption of a more recent national standard, which may or may not have been endorsed by the NRC staff, that results in a different implementation methodology, yet fulfills the same function and achieves the same objective as the original standard described in the QA program

description through the use of enhanced technology or other developments; and

5. Adoption of quality processes different or more effective and efficient than those described in a licensee's original quality plan based on the safety significance and past operating performance.

NEI estimated that NRC review and approval of these types of changes cost the industry in excess of $1 million per year. In addition, NEI asserted that licensees occasionally were reluctant to pursue QA program improvements because of the resources required for NRC approval, even though the ultimate result would be improvements in efficiency, quality, or safety.

In NEI's opinion, the acceptability of changes made to a licensee's QA program without NRC approval should be governed by the effect of the change on safety and not by whether the change represents a ''reduction in commitment.'' In this way, the attention and resources of the nuclear industry and the NRC would be more appropriately and effectively focused on issues that could have an impact on public health and safety, rather than on administrative details and issues having minimal or no safety impact. The NEI proposed that the threshold for submittal of QA program changes should be whether or not the change involves a USQ or results in a change to the technical specifications incorporated in the license. This approach is identical to the regulatory control in 10 CFR 50.59, with respect to changes in the facility as described in the SAR, changes in procedures as described in the SAR, and the conduct of tests or experiments not described in the SAR. All these changes may be made without prior NRC approval provided that the relevant thresholds in § 50.59 are not exceeded. These thresholds restrict the licensee from making unilateral changes if the changes involve (i) a change in the technical specifications incorporated in the license, (ii) an increase in the probability of occurrence or the consequences of an accident or malfunction of equipment important to safety previously evaluated in the safety analysis report, (iii) the creation of the possibility for an accident or malfunction of a different type than evaluated previously in the safety analysis report, or (iv) a reduction of the margin of safety as defined in the basis for any technical specification.[1] NEI stated that NRC acceptance of the proposed approach would bring QA program changes under the same umbrella as the regulatory change control in Section 50.59 that has been in effect since 1974.

NEI noted that the NRC's main purpose for the current regulatory change control requirement in 10 CFR 50.54(a) (which was adopted in 1983) was to preclude licensees from making certain changes to QA programs without prior NRC approval because, in the past, some QA programs had been changed and no longer conformed to NRC regulations. NEI claimed that the proposed approach would still address the NRC's concerns because QA program changes would continue to be reported periodically (under 10 CFR 50.71(e)) to the NRC as program updates, and changes that involve a USQ or cause a change to the technical specifications would be formally submitted to the NRC for approval prior to implementation. The petitioner reiterated that this is the same process used for change control for many other aspects of the facility design and operation, and it should be used for QA programs as well. The NEI further stated that the proposed amendment would thereby improve the consistency of the regulatory process and would result in increased safety of commercial nuclear power plants through more efficient use of agency and industry resources.

Commission Action on the Petition

On September 14, 1995 (60 FR 47716), the NRC published a **Federal Register** Notice announcing the receipt of the NEI petition for rulemaking and providing an opportunity for public comment. The **Federal Register** Notice requested that the public comment on the petition and on eight specific questions on critical regulatory aspects of the NEI petition. Seventeen comment letters were received, plus one comment letter that supplemented one of the original letters.

Eleven of the public comment letters were sent by nuclear power plant licensees and NEI; all supported the proposed change in the regulations. The six non-NEI/non-licensee letters were sent by individual concerned citizens (two are currently employed in the nuclear field); all expressed opposition to the relaxation of the current regulatory control of changes. All of the comment letters addressed themselves to issues raised in the petition, particularly to the appropriateness of using the 10 CFR 50.59 criterion for QA program changes.

Commission Decision

The Commission has given careful consideration to the merits of this petition as well as the public comments received in response to the **Federal Register** Notice announcing the receipt of the petition. While the Commission agrees with the NEI proposal to broaden the scope of permitted QA program changes, it does not agree with NEI's central premise that 10 CFR 50.59 criteria, by themselves, can be used to determine the need for prior NRC approval of proposed QA program changes. Section 50.59 requires that a proposed change to a facility description be deemed a USQ if it (1) increases the probability of occurrence or consequences of a previously evaluated accident, (2) creates a possibility of a different type of accident, or (3) reduces the margin of safety. For hardware changes or hardware-related procedural changes, the effect of the change on the availability or unavailability of safety-related equipment can be determined in order to perform the required evaluation. However, for QA program changes, the determination of the effect of the change on plant safety is difficult to quantify. How changes such as organizational responsibilities or QA program training, as examples, will affect the availability of safety-related equipment cannot be determined with any degree of certainty. The NEI petition did not propose any guidance, NRC has not developed an analytical technique to make such a determination, and the NRC staff is not aware of any quantitative correlations between QA elements and equipment performance to provide such a determination. Thus, the NRC has concluded that use of 10 CFR 50.59 criteria for QA program changes is not appropriate.

The NRC does not believe that NEI's draft guidance document, even in conjunction with the other NEI guidance documents cited, would ensure that acceptable QA programs would result. These documents rely heavily on NSAC–125, which is oriented toward hardware changes and does not contain acceptable guidance for determining whether a QA program change constitutes a USQ. In addition, the NRC is concerned with NEI's characterization in its guidance document of certain QA program changes as being administrative in nature and having no relationship to safety.

However, the Commission agrees with NEI that the present 10 CFR 50.54(a) criterion for permitting unilateral QA program changes by licensees is too

[1] The NRC is currently considering changes to the thresholds in § 50.59. See 63 FR 56098 (October 21, 1998).

stringent because it prevents licensees from freely making changes to their QA programs of minor safety significance. The Commission believes that new criteria should be adopted that will broaden the scope of such changes that can be made by the licensee without prior NRC approval. Therefore, the Commission, is accepting the petition in part. The first stage of this partial acceptance is the promulgation of this Direct Final Rule to revise 10 CFR 50.54(a) to allow licensees to make additional changes to selected elements of their QA program without having to obtain prior NRC approval. As of the effective date of the Direct Final Rule, licensees would be permitted to make the following types of unilateral changes to their QA programs:

1. The use of a quality assurance standard approved by the NRC which is more recent than the QA standard in the licensee's current QA program at the time of the change,

2. The use of a quality assurance alternative or exception previously approved by an NRC safety evaluation, provided that the bases of the NRC approval are applicable to the licensee's facility,

3. The use of generic organizational position titles that clearly denote the position function, supplemented as necessary by descriptive text, rather than specific titles,

4. The use of generic organizational charts to indicate functional relationships, authorities, and responsibilities, or, alternately, the use of descriptive text,

5. The elimination of quality assurance program information that duplicates language in quality assurance regulatory guides and quality assurance standards to which the licensee is committed, and

6. Organizational revisions that ensure that persons and organizations performing QA functions continue to have the requisite authority and organizational freedom, including sufficient independence from cost and schedule when opposed to safety considerations.

Licensees shall continue to conform to the requirements in appendix B to 10 CFR Part 50 and 10 CFR 50.34(b)(6)(ii) and to notify the NRC of these changes as required by 10 CFR 50.71(e). The Direct Final Rule will provide some immediate relief to licensees by minimizing the need for debate with the NRC on changes that currently would constitute reductions in commitment which need prior NRC approval, but which are of minor safety significance. This action constitutes the first stage of NRC's partial granting of the NEI petition.

The completion of NRC's action on the NEI petition will be accomplished through a second rulemaking action in which criteria will be developed for determining other areas in which unilateral changes could be made by licensees without prior NRC approval that would not negatively impact on the effectiveness of the licensee's QA program.

Section-by-Section Analysis

This Direct Final Rule amends 10 CFR 50.54(a) by specifying six QA programmatic areas in which licensees may make changes without prior NRC approval. Licensees are at liberty to continue the practice of seeking approval for ''reductions in commitments'' under the provisions of 10 CFR 50.54(a)(3); however, it is expected that most licensees will avail themselves of the relaxations provided by this Direct Final Rule.

1. Paragraph (a)(3)(i) of § 50.54 specifies that licensees may adopt a QA standard approved by the NRC but only if it is more recent than the QA standard in the licensee's current QA program at the time of the change. The majority of licensee QA programs have committed to implement QA standards endorsed by Regulatory Guide 1.28 (Rev. 2 or earlier) and Regulatory Guide 1.33 (Revision 2 or earlier) that were published in the late 1970s. This provision would allow licensees to adopt a more recent standard (with respect to their previous commitments), provided that the NRC has approved it for use. Under existing regulations, such a change might be considered a reduction in commitment, depending upon the differences between the licensee's QA program and the content of the standard, and could require prior NRC approval. However, if the NRC has evaluated the more recent standard and found it acceptable with respect to the requirements of 10 CFR part 50, appendix B, the licensee would be free to implement the provisions of the standard in lieu of the provisions of their current QA program. Such use would have to account for any conditions of the NRC endorsement of the standard or site-specific situations.

2. Paragraph (a)(3)(ii) of § 50.54 specifies that licensees may use a QA alternative or exception previously approved by the NRC in a safety evaluation, provided that the bases of the NRC approval are applicable to the licensee's facility. The licensee must demonstrate, however, that the plant conditions under which the previously endorsed alternative or exception was granted apply to its plant as well. That is to say that the NRC safety evaluation performed to grant the previous alternative or exception is relevant to the licensee's plant and that any QA elements credited by the original licensee or the NRC staff are applied as part of the implementation of the position. Licensee QA programs typically contain an array of alternate positions and exceptions to NRC QA regulatory guides and QA standards. This provision would allow licensees to use other alternatives and exceptions that have an accompanying NRC safety evaluation. In the event that QA alternatives or exceptions have been approved without a safety evaluation (e.g., prior to 1997, the NRC approval letters for QA program changes did not elaborate on the rationale for accepting the change), the NRC is willing to perform the evaluations for the incorporation of these changes by other licensees, if licensees request such actions.

3. Paragraph (a)(3)(iii) of § 50.54 specifies that licensees may replace specific organizational and position titles with generic titles that clearly denote the position function, supplemented as necessary by descriptive text, without prior NRC approval. This provision permits licensees to revise organizational position titles without the need for prior NRC approval provided that the functional description and organizational relationship of the position remain unchanged, or satisfy the provisions of item 6 below.

4. Paragraph (a)(3)(iv) of § 50.54 specifies that licensees may make use of generic organization charts to indicate functional relationships, authorities, and responsibilities, or alternatively descriptive text, as opposed to specific ones. QA functional relationships and responsibilities, and lines of authority may be described generically by charts or descriptive text provided that the flow of quality assurance authority and responsibility is clearly presented.

5. Paragraph (a)(3)(v) of § 50.54 specifies that licensees may eliminate QA program information that duplicates language in QA regulatory guides and QA standards to which the licensee to committed. Typically, QA programs present information in descriptive text that discusses how each of the 18 criteria of Appendix B are met. In addition, the QA programs describe the level of commitment to QA regulatory guides and QA standards. This permitted change will allow the elimination of information that duplicates the commitments. Licensees should assure that identical provisions exist through their commitments to the

NRC regulatory guides or industry standards.

6. Paragraph (a)(3)(vi) of § 50.54 specifies that licensees may make changes in organization that ensure that persons and organizations performing QA functions continue to have the requisite authority and organizational freedom, including sufficient independence from cost and schedule when opposed to safety considerations. Changes in organization, however, must continue to assure the proper authority and organizational freedom of the QA functions (i.e., to identify quality problems, to promote solutions, and to verify implementation of activities) from cost and schedule pressures by maintaining independence and an adequate level of management reporting. Of particular importance to an effective QA program is the independence between the performing and verifying activities in the areas of auditing, inspection, and procurement.

Finding of No Significant Environmental Impact

The Commission has determined, in accordance with the National Environmental Policy Act of 1969, as amended and the Commission's regulations in subpart A of 10 CFR part 51, that this rulemaking is not a major action significantly affecting the quality of the human environment, and, therefore, an environmental impact statement is not required. This Direct Final Rule amends NRC's regulations pertaining to changes to licensee QA programs that may be made without prior NRC approval. Under the current regulation in 10 CFR 50.54(a), licensees are permitted to make unilateral changes to their QA programs provided that the change does not reduce the commitments in the program description previously approved by the NRC. The Direct Final Rule amends 10 CFR 50.54(a) to define six types of QA program changes, which the NRC considers to be administrative and routine that, henceforth, will not be considered reductions in commitment. The effect that this rule change will have on NRC licensees is that the prior requests for NRC approval will no longer be necessary in these six program areas. The changes that would be permitted by the rule are those which past NRC experience has shown do not result in any significant reduction in the effectiveness of the QA program as implemented by licensees. For example, correction of typographical errors, use of generic organizational charts as a substitute for more detailed charts, and elimination of duplicative language already contained in standards and guidance to which the licensee has committed cannot have any impact upon the effectiveness of the QA program. The use of a QA alternative previously approved by the staff in circumstances where the licensee has reasonably determined that the basis of the NRC approval is applicable to the licensee's facility, should not significantly reduce the effectiveness of the licensee's QA program to the point where there is an unacceptable level of safety. Since proper implementation of the rule would assure that no significant reductions in the QA program will occur, the rule should have no effect on the probability of occurrence of accidents, result in the occurrence of new accident, or change the consequences of accidents previously evaluated. For these reasons, the Commission concludes that this rule should have no significant adverse impact on the operation of any licensed facility or the environment surrounding these facilities.

The conclusion of this environmental assessment is that there will be no significant offsite impact to the general public from this action. However, the general public should note that the NRC has also committed to comply with Executive Order (EO) 12898, ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,'' dated February 11,1994, in all its actions. Therefore, the NRC has also determined that there are no disproportionately high adverse impacts on minority and low-income populations. In the letter and spirit of EO 12898, the NRC is requesting public comment on any environmental justice considerations or questions that the public thinks may be related to this Direct Final Rule. The NRC uses the following working definition of ''environmental justice'': the fair treatment and meaningful involvement of all people, regardless of race, ethnicity, culture, income, or education level with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Comments on any aspect of the environmental assessment, including environmental justice may be submitted to the NRC as indicated under the **ADDRESSES** heading.

The NRC has sent a copy of this Direct Final Rule including the foregoing Environmental Assessment to every State Liaison Officer and requested their comments on this assessment.

Paperwork Reduction Act Statement

The Direct Final Rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). These requirements were approved by the Office of Management and Budget (OMB), approval number 3150–0011.

The public reporting burden reduction for this information collection is estimated to average 40 hours per response, including reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. Send comments on any aspect of this information collection, including suggestions for reducing the burden, to the Records Management Branch (T–6 F33), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by Internet electronic mail at bjs1@nrc.gov; and to the Desk Officer, Office of Information and Regulatory Affairs NEOB–10202, (3150–0011), Office of Management and Budget, Washington, DC 20503.

Public Protection Notification

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

Regulatory Analysis

The Commission has prepared a regulatory analysis on this regulation. The analysis examines the costs and benefits of the alternatives considered by the Commission. The regulatory analysis is available for inspection in the NRC Public Document Room, 2120 L Street NW (Lower Level), Washington, DC. Single copies of the analysis may be obtained from Harry S. Tovmassian, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, telephone (301) 415–3092 or by e-mail at hst@nrc.gov.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980 [5 U.S.C. 605(b)], the Commission certifies that this rule does not have a significant economic impact on a substantial number of small entities. The Direct Final Rule affects only the licensing and operation of nuclear power plants. The companies that operate these plants do not fall within the scope of the definition of ''small entities'' as stated in the Regulatory Flexibility Act or the size standards adopted by the NRC (10 CFR 2.810).

Backfit Analysis

The Direct Final Rule permits licensees to make unilateral QA program changes in several program

areas but does not require them to do so. Licensees are free to continue to seek NRC approval for changes that reduce the commitments as currently required in 10 CFR 50.54(a)(3), and the NRC would continue to review these requests as it has done in the past. Thus, the NRC has determined that the backfit rule does not apply to the Direct Final Rule; therefore, a backfit analysis is not required for this Direct Final Rule because these amendments do not involve any provision that imposes backfits as defined in 10 CFR 50.109(a)(1).

Small Business Regulatory Enforcement Fairness Act

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of the OMB.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Criminal penalties, Fire protection, Intergovernmental relations, Nuclear power plant and reactors, Radiation protection, Reactor siting criteria, Reporting and record keeping requirements.

For the reasons stated in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR part 50.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for part 50 continues to read as follows:

Authority: Secs. 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246, (42 U.S.C. 5841, 5842, 5846).

Section 50.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951, as amended by Pub. L. 102–486, sec. 2902, 106 Stat. 3123, (42 U.S.C. 5851). Sections 50.10 also issued under secs. 101, 185, 68 Stat. 936, 955, as amended (42 U.S.C. 2131, 2235); sec. 102, Pub. L. 910190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.13, 50.54(dd), and 50.103 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138). Sections 50.23, 50.35, 50.55, and 50.56 also issued under sec. 185, 68 Stat. 955 (42 U.S.C. 2235). Sections 50.33a, 50.55a, and Appendix Q also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204, 88 Stat. 1245 (42 U.S.C. 5844). Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Sections 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80, 50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Appendix F also issued under sec. 187, 66 Stat. 955 (42 U.S.C. 2237).

2. In § 50.54(a), paragraph (a)(3) is revised and a new paragraph (a)(4) is added to read as follows:

§ 50.54 Conditions of licenses.

(a) * * *

(3) Each licensee described in paragraph (a)(1) of this section may make a change to a previously accepted quality assurance program description included or referenced in the Safety Analysis Report without prior NRC approval, provided the change does not reduce the commitments in the program description as accepted by the NRC. Changes to the quality assurance program description that do not reduce the commitments must be submitted to the NRC in accordance with the requirements of § 50.71(e). In addition to quality assurance program changes involving administrative improvements and clarifications, spelling corrections, punctuation, or editorial items, the following changes are not considered to be reductions in commitment:

(i) The use of a QA standard approved by the NRC which is more recent than the QA standard in the licensee's current QA program at the time of the change;

(ii) The use of a quality assurance alternative or exception approved by an NRC safety evaluation, provided that the bases of the NRC approval are applicable to the licensee's facility;

(iii) The use of generic organizational position titles that clearly denote the position function, supplemented as necessary by descriptive text, rather than specific titles;

(iv) The use of generic organizational charts to indicate functional relationships, authorities, and responsibilities, or, alternately, the use of descriptive text;

(v) The elimination of quality assurance program information that duplicates language in quality assurance regulatory guides and quality assurance standards to which the licensee is committed; and

(vi) Organizational revisions that ensure that persons and organizations performing quality assurance functions continue to have the requisite authority and organizational freedom, including sufficient independence from cost and schedule when opposed to safety considerations.

(4) Changes to the quality assurance program description that do reduce the commitments must be submitted to the NRC and receive NRC approval prior to implementation, as follows:

(i) Changes made to the quality assurance program description as presented in the Safety Analysis Report or in a topical report must be submitted as specified in § 50.4.

(ii) The submittal of a change to the Safety Analysis Report quality assurance program description must include all pages affected by that change and must be accompanied by a forwarding letter identifying the change, the reason for the change, and the basis for concluding that the revised program incorporating the change continues to satisfy the criteria of appendix B of this part and the Safety Analysis Report quality assurance program description commitments previously accepted by the NRC (the letter need not provide the basis for changes that correct spelling, punctuation, or editorial items).

(iii) A copy of the forwarding letter identifying the change must be maintained as a facility record for three years.

(iv) Changes to the quality assurance program description included or referenced in the Safety Analysis Report shall be regarded as accepted by the Commission upon receipt of a letter to this effect from the appropriate reviewing office of the Commission or 60 days after submittal to the Commission, whichever occurs first.

* * * * *

Dated at Rockville, Maryland, this 17th day of February 1999.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 99–4395 Filed 2–22–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

RIN 3150–AG–20

Changes to Quality Assurance Programs

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to permit power reactor licensees to make certain quality assurance (QA) changes without obtaining NRC review and approval of these changes in advance. The proposed rule would allow licensees to make routine or administrative changes that should not have an adverse impact on effectiveness of their QA programs. This action is intended to reduce the financial and administrative burden on power reactor licensees without adversely impacting public health and safety.

DATES: Comments must be received by March 25, 1999.

ADDRESSES: Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff.

Hand-deliver comments to 11555 Rockville Pike, Maryland, between 7:30 am and 4:15 pm on Federal workdays.

Copies of the petition for rulemaking, the public comments received on the **Federal Register** Notice announcing the receipt of the petition, public comments received on this **Federal Register** Notice, and the NRC's response to the petitioner are available for public inspection or copying for a fee in the NRC Public Document Room (PDR), 2120 L Street, NW (Lower Level), Washington, DC.

The public may submit comments via the NRC's interactive rulemaking web site through the NRC home page (http://www.nrc.gov). This site enables commenters to upload comments as files (any format), if their browser supports that function. For information about the interactive rulemaking site, contact Ms. Carol Gallagher, telephone (301) 415–5905, e-mail cag@nrc.gov.

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

FOR FURTHER INFORMATION CONTACT: Harry S. Tovmassian, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–3092, e-mail hst@nrc.gov.

SUPPLEMENTARY INFORMATION: As a partial acceptance of a Nuclear Energy Institute (NEI) petition for rulemaking, the NRC is proposing to amend its regulations related to changes that power reactor licensees may make to their QA programs without obtaining advance NRC approval. This action is necessary because the NRC agrees with NEI's stated position that under the existing regulations many QA program changes that are administrative or routine in nature are burdensome to the industry and NRC because they constitute a ''reduction in commitment'' and thus require NRC staff approval prior to implementation. This proposed action will provide relief to facility licensees by specifying a number of QA program elements that may be changed unilaterally, without the need for prior NRC approval.

Because the NRC considers this action to be noncontroversial, it is publishing this Proposed Rule concurrently with a Direct Final Rule. The Direct Final Rule will become effective on April 26, 1999. However, if the NRC receives significant adverse comment on the Direct Final Rule by March 25, 1999, then the NRC will publish a document that withdraws the Direct Final Rule. If the Direct Final Rule is withdrawn, the NRC will address the comments received in a subsequent final rule. The NRC will not initiate a second comment period on this action.

For additional information, see the Direct Final Rule published in this separate part of this **Federal Register**.

Finding of No Significant Environmental Impact

The Commission has determined, in accordance with the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in subpart A of 10 CFR part 51, that the Proposed Rule, if adopted would not be a major action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The Direct Final Rule amends NRC's regulations pertaining to changes to licensee QA programs which may be made without prior NRC approval. Under the current regulation in 10 CFR 50.54(a), licensees are permitted to make unilateral changes to their QA programs provided that the change does not reduce the commitments in the program description previously approved by the NRC. The Direct Final Rule amends 10 CFR 50.54(a) to define six types of QA program changes, which the NRC considers to be administrative and routine, and would not be considered reductions in commitment. The effect that this rule change will have on NRC licensees is that the prior requirement for NRC approval will no longer apply to these six programmatic areas. These permitted QA programmatic changes, such as adopting NRC endorsed standards and adoption of generic organizational charts, were specifically selected because the NRC has determined that they would not adversely impact the effectiveness of the QA program. The changes that would be permitted by the rule are those which past NRC experience has shown do not result in any significant reduction in the effectiveness of the QA program as implemented by licensees. For example, correction of typographical errors, use of generic organizational charts as a substitute for more detailed charts, and elimination of duplicative language already contained in standards and guidance to which the licensee has committed cannot have any impact upon the effectiveness of the QA program. The use of a QA alternative previously approved by the staff in circumstances where the licensee has reasonably determined that the basis of the NRC approval is applicable to the licensee's facility, should not significantly reduce the effectiveness of the licensee's QA program to the point where there is an unacceptable level of safety. Since proper implementation of the rule would assure that no significant reductions in the QA program will occur, the rule should have no effect on the probability of occurrence of accidents, result in the occurrence of a new accident, or change the consequences of accidents previously evaluated. For these reasons, the Commission concludes that this rule should have no significant adverse impact on the operation of any licensed facility or the environment surrounding these facilities.

The conclusion of this environmental assessment is that there will be no significant offsite impact to the public from this action. However, the general public should note that the NRC has also committed to complying with Executive Order (EO) 12898 ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,'' dated February 11, 1994, in all its actions.

Therefore, the NRC has also determined that there are no disproportionately high adverse impacts on minority and low-income populations. In the letter and spirit of EO 12898, the NRC is requesting public comment on any environmental justice considerations or questions that the public thinks may be related to this Proposed Rule. The NRC uses the following working definition of ''environmental justice'': The fair treatment and meaningful involvement of all people, regardless of race, ethnicity, culture, income, or education level with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Comments on any aspect of the environmental assessment, including environmental justice, may be submitted to the NRC as indicated under the **ADDRESSES** heading.

The NRC has sent a copy of this Proposed Rule, including the foregoing Environmental Assessment, to every State Liaison Officer and requested their comments on this assessment.

Paperwork Reduction Act Statement

This Proposed Rule would amend information collection requirements that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). These requirements have been sent to the Office of Management and Budget for approval.

The burden reduction for public reporting of this information collection is estimated to average 40 hours per response, including reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. Send comments on any aspect of this information collection, including suggestions for reducing the burden, to the Records Management Branch (T–6 F33), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by Internet e-mail at bjs1@nrc.gov; and to the Desk Officer, Office of Information and Regulatory Affairs NEOB–10202, (3150–0011), Office of Management and Budget, Washington, DC 20503.

Public Protection Notification

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

Regulatory Analysis

The Commission has prepared a draft regulatory analysis on this proposed regulation. The analysis examines the costs and benefits of the alternatives considered by the Commission. This draft regulatory analysis is available for inspection in the NRC Public Document Room, 2120 L Street NW (Lower Level), Washington, DC. Single copies of the analysis may be obtained from Harry S. Tovmassian, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, telephone (301) 415–3092 or by e-mail at hst@nrc.gov.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the Commission certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This Proposed Rule affects only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of ''small entities'' as stated in the Regulatory Flexibility Act, or the size standards adopted by the NRC (10 CFR 2.810).

Backfit Analysis

The provisions of the Proposed Rule would permit licensees to make unilateral QA program changes in several program areas but would not require them to do so. Licensees would be free to continue to seek NRC approval for QA program changes that are ''reductions in commitment,'' as currently required in 10 CFR 50.54(a)(3), and the NRC would continue to review these requests as it has done in the past. Thus, the NRC has determined that the backfit rule does not apply to the Proposed Rule; therefore, a backfit analysis is not required because these amendments do not involve any provision that would impose backfits as defined in 10 CFR 50.109(a)(1).

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Criminal penalties, Fire protection, Intergovernmental relations, Nuclear power plant and reactors, Radiation protection, Reactor siting criteria, Reporting and record keeping requirements.

For the reasons stated in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553, the NRC is proposing to adopt the following amendments to 10 CFR part 50.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 continues to read as follows:

Authority: Secs. 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246, (42 U.S.C. 5841, 5842, 5846).

Section 50.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951, as amended by Pub. L. 102–486, sec. 2902, 106 Stat. 3123, (42 U.S.C. 5851). Sections 50.10 also issued under secs. 101, 185, 68 Stat. 936, 955, as amended (42 U.S.C. 2131, 2235); sec. 102, Pub. L. 910190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.13, 50.54(dd), and 50.103 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138). Sections 50.23, 50.35, 50.55, and 50.56 also issued under sec. 185, 68 Stat. 955 (42 U.S.C. 2235). Sections 50.33a, 50.55a, and Appendix Q also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204, 88 Stat. 1245 (42 U.S.C. 5844). Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Sections 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80, 50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Appendix F also issued under sec. 187, 66 Stat. 955 (42 U.S.C. 2237).

2. In § 50.54 (a), paragraph (a)(3) is revised and a new paragraph (a)(4) is added to read as follows:

§ 50.54 Conditions of licenses.

(a) * * *

(3) Each licensee described in paragraph (a)(1) of this section may make a change to a previously accepted quality assurance program description included or referenced in the Safety Analysis Report without prior NRC approval, provided the change does not reduce the commitments in the program description as accepted by the NRC. Changes to the quality assurance program description that do not reduce the commitments must be submitted to the NRC in accordance with the requirements of § 50.71(e). In addition to quality assurance program changes involving administrative improvements and clarifications, spelling corrections, punctuation, or editorial items, the following changes are not considered to be reductions in commitment:

(i) The use of a QA standard approved by the NRC which is more recent than the QA standard in the licensee's current QA program at the time of the change;

(ii) The use of a quality assurance alternative or exception approved by an

NRC safety evaluation, provided that the bases of the NRC approval are applicable to the licensee's facility;

(iii) The use of generic organizational position titles that clearly denote the position function, supplemented as necessary by descriptive text, rather than specific titles;

(iv) The use of generic organizational charts to indicate functional relationships, authorities, and responsibilities, or, alternately, the use of descriptive text;

(v) The elimination of quality assurance program information that duplicates language in quality assurance regulatory guides and quality assurance standards to which the licensee is committed; and

(vi) Organizational revisions that ensure that persons and organizations performing quality assurance functions continue to have the requisite authority and organizational freedom, including sufficient independence from cost and schedule when opposed to safety considerations.

(4) Changes to the quality assurance program description that do reduce the commitments must be submitted to the NRC and receive NRC approval prior to implementation, as follows:

(i) Changes made to the quality assurance program description as presented in the Safety Analysis Report or in a topical report must be submitted as specified in § 50.4.

(ii) The submittal of a change to the Safety Analysis Report quality assurance program description must include all pages affected by that change and must be accompanied by a forwarding letter identifying the change, the reason for the change, and the basis for concluding that the revised program incorporating the change continues to satisfy the criteria of appendix B of this part and the Safety Analysis Report quality assurance program description commitments previously accepted by the NRC (the letter need not provide the basis for changes that correct spelling, punctuation, or editorial items).

(iii) A copy of the forwarding letter identifying the change must be maintained as a facility record for three years.

(iv) Changes to the quality assurance program description included or referenced in the Safety Analysis Report shall be regarded as accepted by the Commission upon receipt of a letter to this effect from the appropriate reviewing office of the Commission or 60 days after submittal to the Commission, whichever occurs first

* * * * *

Dated at Rockville, Maryland, this 17th day of February 1999.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 99–4396 Filed 2–22–99; 8:45 am]

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federal register

Tuesday
February 23, 1999

Part V

Department of Health and Human Services

Centers for Disease Control and Prevention

Interim Polio Vaccine Information Materials; New Vaccine Information Materials for Hepatitis B, Haemophilus influenzae Type b (Hib), and Varicella (Chickenpox) Vaccines, and Revised Vaccine Information Materials for Measles, Mumps, Rubella (MMR) Vaccines; Notices

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Interim Polio Vaccine Information Materials

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention has modified its recommendation for use of the two polio vaccines to discourage use of oral poliovirus vaccine (OPV) for the first two doses administered, except in limited circumstances. This revised recommendation necessitates a revision of the vaccine information statement entitled, ''Polio Vaccines: What You Need to Know'' (dated February 6, 1997), which was developed by the CDC as required by the National Childhood Vaccine Injury Act of 1986 (NCVIA). To ensure that up-to-date information is available regarding this revised recommendation, CDC is distributing the following interim polio vaccine information statement for use pending completion of the formal revision process mandated by the NCVIA.

DATES: Effective February 23, 1999. Beginning as soon as practicable, each health care provider who administers any polio vaccine, prior to administration of each dose of the vaccine, in lieu of providing the February 6, 1997 version of the polio vaccine information materials, should provide a copy of the interim polio vaccine information materials contained in this notice (which are dated February 1, 1999) to the parent or legal representative of any child to whom such provider intends to administer the vaccine and to any adult to whom such provider intends to administer the vaccine.

FOR FURTHER INFORMATION CONTACT: Walter A. Orenstein, M.D., Director, National Immunization Program, Centers for Disease Control and Prevention, Mailstop E–05, 1600 Clifton Road, N.E., Atlanta, Georgia 30333, telephone (404) 639–8200.

SUPPLEMENTARY INFORMATION: The National Childhood Vaccine Injury Act of 1986 (Pub. L. 99–660), as amended by section 708 of Public Law 103–183, added section 2126 to the Public Health Service Act. Section 2126, codified at 42 U.S.C. § 300aa-26, requires the Secretary of Health and Human Services to develop and disseminate vaccine information materials for distribution by all health care providers to any patient (or to the parent or legal representative in the case of a child) receiving vaccines covered under the National Vaccine Injury Compensation Program.

Development and revision of the vaccine information materials have been delegated by the Secretary to the Centers for Disease Control and Prevention (CDC). Section 2126 requires that the materials be developed, or revised, after notice to the public with a 60-day comment period, and in consultation with the Advisory Commission on Childhood Vaccines, appropriate health care provider and parent organizations, and the Food and Drug Administration. The law also requires that the information contained in the materials be based on available data and information, be presented in understandable terms, and include:

(1) A concise description of the benefits of the vaccine,

(2) A concise description of the risks associated with the vaccine,

(3) A statement of the availability of the National Vaccine Injury Compensation Program, and

(4) Such other relevant information as may be determined by the Secretary.

Vaccines initially covered under the National Vaccine Injury Compensation Program were diphtheria, tetanus, pertussis, measles, mumps, rubella, and poliomyelitis vaccines. Since April 15, 1992, any health care provider who intends to administer one of these covered vaccines is required to provide copies of the relevant vaccine information materials prior to administration of the vaccine. Effective June 1, 1999, health care providers will also be required to provide copies of vaccine information materials for the following vaccines that have recently been added to the National Vaccine Injury Compensation Program: hepatitis B, *Haemophilus influenzae* Type b (Hib), and varicella (chickenpox) vaccines.

The materials currently in use for Td tetanus diphtheria vaccine were published in a **Federal Register** notice on June 20, 1994 (59 FR 31888). The current materials for diphtheria, tetanus, and pertussis containing vaccines, other than Td vaccine, were published in a **Federal Register** notice on January 9, 1998 (63 FR 1730). Elsewhere in this issue of the **Federal Register**, we have published vaccine information materials for the newly covered vaccines (i.e., hepatitis B, *Haemophilus influenzae* type b (Hib), and varicella (chickenpox) vaccines). In addition, that same notice contains revised vaccine information materials for measles, mumps and rubella vaccines.

The polio vaccine information materials currently in use were published in a **Federal Register** notice on February 6, 1997 (62 FR 5696). The materials contained in that notice included the CDC and Advisory Committee on Immunization Practices (ACIP) recommendations of that time recommending a sequential polio vaccination schedule of two doses of inactivated poliovirus vaccine (IPV), followed by two doses of oral poliovirus vaccine (OPV) as the preferred polio vaccination schedule for routine childhood immunization. Schedules using either all IPV or all OPV were also considered to be acceptable and preferred for some children in certain circumstances.

The CDC noted in the February 6, 1997 **Federal Register** notice that the recommended schedules for polio immunization were expected to change further over time:

''The ACIP based their revised recommendations on a determination that the risk-benefit ratio associated with the exclusive use of OPV for routine immunization has changed because of rapid progress in global polio eradication efforts. In particular, the relative benefits of OPV to the United States population have diminished because of the elimination of wild-virus-associated poliomyelitis in the Western Hemisphere and the reduced threat of poliovirus importation into the United States. The risk for vaccine-associated poliomyelitis caused by OPV is now judged less acceptable because of the diminished risk for wild-virus-associated disease. Consequently, the ACIP recommended a transition policy that will increase use of IPV and decrease use of OPV during the next 3–5 years. Implementation of these recommendations should reduce the risk for vaccine-associated paralytic poliomyelitis and facilitate a transition to exclusive use of IPV following further progress in global polio eradication.''

Further Revised Recommendations for Use of Polio Vaccines

Noting further progress toward global eradication of wild poliovirus and on-going concern regarding the vaccine-associated paralytic poliomyelitis risks associated with administration of OPV vaccine prior to receipt of doses of IPV, the ACIP at its meeting on October 22, 1998, voted to further revise its recommendation for administration of the two polio vaccines to discourage use of OPV vaccine for the first two doses, except in limited circumstances. Specifically, the ACIP approved the following statement:

''Two poliovirus vaccines are currently licensed in the United States: inactivated poliovirus vaccine (IPV) and oral poliovirus vaccine (OPV).

The ACIP, the American Academy of Pediatrics (AAP) and the American Academy of Family Practice (AAFP) now recommend that the first two doses of poliovirus vaccine should be IPV. The ACIP continues to recommend a sequential schedule of two doses of IPV administered at ages 2 and 4 months, followed by two doses of OPV at 12–18 months and 4–6 years. Use of IPV for all doses also is acceptable and is recommended for immunocompromised persons and their household contacts.

OPV is no longer recommended for the first two doses of the schedule and is acceptable only for special circumstances, such as: children of parents who do not accept the recommended number of injections, late initiation of immunization which would require an unacceptable number of injections, and imminent travel to polio-endemic areas.

OPV remains the vaccine of choice for mass immunization campaigns to control outbreaks due to wild poliovirus.''

As noted above, this revised ACIP recommendation is in harmony with recently revised policy recommendations of the AAP and AAFP. The CDC has also adopted the ACIP revised polio vaccination recommendation.

At its October 22, 1998 meeting, the ACIP also expressed its intention to consider the timing for the transition to an all-IPV schedule.

Interim Polio Vaccine Information Materials

CDC intends to initiate formal revision of the polio vaccine information materials of February 6, 1997 in the near future when the potential for further revision of the recommended polio immunization schedule becomes more clear. Pending completion of the formal revision process and to ensure that up-to-date information is available in the interim to patients/parents regarding the current CDC recommended polio immunization schedule, CDC is publishing the following interim polio vaccine information materials, dated February 1, 1999.

The previously mentioned notice published elsewhere in this issue of the **Federal Register** that contains the vaccine information materials for newly covered vaccines includes instructions for use of all vaccine information materials, including these interim polio vaccine information materials. That notice also includes a list of contact telephone numbers for obtaining copies of all of the vaccine information materials.

* * * * *

Polio Vaccines: What You Need to Know

1. Why Get Vaccinated?

Polio is a disease. It can paralyze (make arms and legs unable to move) or even cause death.

Polio vaccine can prevent polio. Before polio vaccine, thousands of our children got polio every year. Polio vaccine is helping to rid the world of polio. When that happens, no one will ever get polio again, and we will not need polio vaccine.

2. There Are 2 Kinds of Polio Vaccine

IPV

Inactivated Polio Vaccine
A shot
Both vaccines work well.

OPV

Oral Polio Vaccine
Drops by mouth

3. Which Vaccine(s) Should My Child Get and When?

Most children should get 4 doses of polio vaccine at these ages:

2 months—IPV
4 months—IPV
12–18 months—OPV or IPV (6–18 months when IPV is used)
4–6 years—OPV or IPV

The Centers for Disease Control and Prevention (CDC) recommends IPV for the 1st and 2nd doses, and OPV drops for the 3rd and 4th doses, because this gives the advantages of both vaccines.

Getting OPV drops for the first two doses is not recommended for most people because of higher risks from OPV for those doses, but is acceptable in very limited situations—for instance, when traveling in certain countries or when the parent is willing to accept the risks from OPV to reduce the number of injections the child gets. See risks in item 4 below.

Polio vaccine may be given at the same time as other vaccines.

4. What Are the Risks and Advantages of Each Vaccine?

Almost all children who get a total of 4 doses of polio vaccine will be protected from polio. As with any medicine, vaccines carry a small risk of serious harm, such as a severe allergic reaction (hives, difficulty breathing, shock) or even death.

Most people have no problems from either IPV or OPV.

IPV

Risks

- Mild soreness where the shot is given.

Other Disadvantages

- Not as good as OPV for protecting the community from polio outbreaks.

Advantages

- Cannot cause polio.
- Safer for immunizing people with immune system problems and people in close contact with them.

OPV

Risks

- OPV has caused several cases of polio each year (about 1 case for every 2.4 million doses of vaccine). This can happen to children who get OPV or people who are in close contact with them. The risk of polio is higher with the first dose than with later doses.

Advantages

- No shots.
- Protects the community from polio outbreaks better than all IPV.
- Better for people traveling to areas where polio is common.

The CDC-recommended vaccination schedule greatly reduces the risk of children getting polio from the oral vaccine (OPV) by using IPV for the 1st and 2nd doses. Getting 2 shots of IPV first should protect most people from getting polio from the later doses of OPV. By using OPV for the 3rd and 4th doses it also helps to protect the community from polio outbreaks. And, it requires only 2 shots.

5. Some Children Should Get Only Shots. And Some Should Get Only Drops

Do not use OPV drops if your child, you, or anyone who takes care of your child:

- Can't fight infections.
- Is taking long-term steroids.
- Has cancer.
- Has AIDS or HIV infection.

Do not use OPV drops if you or anyone who takes care of your child never had polio vaccine.

Do not use IPV shots if your child is allergic to the drugs neomycin, streptomycin, or polymyxin B.

6. Some Children Should Not Get These Vaccines or Should Wait

Tell your doctor or nurse if your child:

- Ever had a serious reaction after getting polio vaccine.
- Now has a moderate or severe illness.

7. What if There Is a Serious Reaction?

What should I look for?

• See item 4 on the other side for possible risks.

What should I do?

• Call a doctor or get the person to a doctor right away.

• Tell your doctor what happened, the date and time it happened, and when the vaccination was given.

• Ask your doctor, nurse, or health department to file a Vaccine Adverse Event Reporting System (VAERS) form, or call VAERS yourself at 1–800–822–7967.

8. The National Vaccine Injury Compensation Program

In the rare event that you or your child has a serious reaction to a vaccine, a federal program has been created to help you pay for the care of those who have been harmed.

For details about the National Vaccine Injury Compensation Program, call 1–800–338–2382 or visit the program's website at http://www.hrsa.dhhs.gov/bhpr/vicp.

9. How Can I Learn More?

• Ask your doctor or nurse. She/he can give you the vaccine package insert or suggest other sources of information.

• Call your local or state health department's immunization program.

• Contact the Centers for Disease Control and Prevention (CDC).

—Call 1–800–232–2522 (English)

—Call 1–800–232–0233 (Español)

—Visit the National Immunization Program's website at http://www.cdc.gov/nip

U.S. Department of Health & Human Services

Centers for Disease Control and Prevention

National Immunization Program

Polio (2/1/99) (Interim) Vaccine Information Statement 42 U.S.C. 300aa–26

Dated: February 17, 1999.

Jeffrey P. Koplan,

Director, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–4387 Filed 2–22–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

New Vaccine Information Materials for Hepatitis B, Haemophilus influenzae type b (Hib), and Varicella (Chickenpox) Vaccines, and Revised Vaccine Information Materials for Measles, Mumps, Rubella (MMR) Vaccines

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: Under the National Childhood Vaccine Injury Act (42 U.S.C. 300aa–26), the CDC must develop vaccine information materials that all health care providers, whether public or private, are required to distribute to patients/parents prior to administration of each dose of specific vaccines. On September 3, 1998, CDC published a notice in the **Federal Register** (63 FR 47026) seeking public comment on proposed vaccine information materials for the newly covered vaccines hepatitis B, Haemophilus influenzae type b, and varicella vaccines, and also seeking comment on proposed revised vaccine information materials for measles, mumps, rubella (MMR) vaccines. The 60 day comment period ended on November 2, 1998. Following review of the comments submitted and consultation as required under the law, CDC has finalized these vaccine information materials. The final materials are contained in this notice.

DATES: Effective June 1, 1999, each health care provider who administers any vaccine that contains hepatitis B, Haemophilus influenzae type b (Hib), varicella (chickenpox), measles, mumps, or rubella vaccines shall, prior to administration of each dose of the vaccine, provide a copy of the relevant vaccine information materials contained in this notice to the parent or legal representative of any child to whom such provider intends to administer the vaccine and to any adult to whom such provider intends to administer the vaccine.

See Instructions for Use of Vaccine Information Materials (Vaccine Information Statements), in the Supplementary Information section of this notice, for information on required use of previously available vaccine information materials.

FOR FURTHER INFORMATION CONTACT: Walter A. Orenstein, M.D., Director, National Immunization Program, Centers for Disease Control and Prevention, Mailstop E–05, 1600 Clifton Road, N.E., Atlanta, Georgia 30333, telephone (404) 639–8200.

SUPPLEMENTARY INFORMATION: The National Childhood Vaccine Injury Act of 1986 (Pub. L. 99–660), as amended by section 708 of Public Law 103–183, added section 2126 to the Public Health Service Act. Section 2126, codified at 42 U.S.C. 300aa–26, requires the Secretary of Health and Human Services to develop and disseminate vaccine information materials for distribution by health care providers to any patient (or to the parent or legal representative in the case of a child) receiving vaccines covered under the National Vaccine Injury Compensation Program.

Development and revision of the vaccine information materials have been delegated by the Secretary to the Centers for Disease Control and Prevention (CDC). Section 2126 requires that the materials be developed, or revised, after notice to the public with a 60-day comment period, and in consultation with the Advisory Commission on Childhood Vaccines, appropriate health care provider and parent organizations, and the Food and Drug Administration. The law also requires that the information contained in the materials be based on available data and information, be presented in understandable terms, and include:

(1) a concise description of the benefits of the vaccine,

(2) a concise description of the risks associated with the vaccine,

(3) a statement of the availability of the National Vaccine Injury Compensation Program, and

(4) such other relevant information as may be determined by the Secretary.

The vaccines initially covered under the National Vaccine Injury Compensation Program were diphtheria, tetanus, pertussis, measles, mumps, rubella, and poliomyelitis vaccines. Since April 15, 1992, any health care provider who intends to administer one of the covered vaccines is required to provide copies of the relevant vaccine information materials prior to administration of any of these vaccines.

The materials currently in use for measles, mumps, and rubella vaccines and the Td tetanus diphtheria vaccine were published in a **Federal Register** notice on June 20, 1994 (59 FR 31888). The current materials for diphtheria, tetanus, and pertussis containing vaccines, other than Td vaccine, were published in a **Federal Register** notice on January 9, 1998 (63 FR 1730). Elsewhere in this issue of the **Federal Register**, we are publishing revised interim polio vaccine information

materials for use pending formal revision of those materials as required under the statute. (The polio vaccine information materials are being revised to inform patients/parents of the most recent recommendations for use of the two polio vaccines.)

(Rotavirus vaccine is in the process of being added to the National Vaccine Injury Compensation Program. Development of vaccine information materials for this vaccine is underway. As part of the process for developing these new materials, CDC will publish draft materials in the **Federal Register** for public comment and will consult with affected parties as required by the statute. Distribution of the vaccine information materials for this newly covered vaccine will be required following publication of the final version of the rotavirus vaccine information materials in the **Federal Register**.)

Newly Covered Vaccines

With passage of Public Law 105–34, Congress expanded coverage of the National Vaccine Injury Compensation Program, effective August 6, 1997, to include the following additional vaccines: hepatitis B, Haemophilus influenzae type b (Hib), and varicella (chickenpox) vaccines. Therefore, as required under 42 U.S.C. 300aa–26, the CDC has developed vaccine information materials covering these vaccines.

Included in this notice are vaccine information materials covering hepatitis B, Haemophilus influenzae type b (Hib), and varicella vaccines.

Revised Measles, Mumps, Rubella Vaccine Information Materials

In addition to vaccine information materials for these newly covered vaccines, this notice also includes revised vaccine information materials for measles, mumps, rubella (MMR) vaccines. The MMR materials are being revised to follow the format of the materials published since 1997.

Development of New/Revised Vaccine Information Materials

On September 3, 1998, CDC published a notice in the **Federal Register** (63 FR 47026) seeking public comment on proposed new vaccine information materials for hepatitis B, Haemophilus influenzae type b, and varicella vaccines, and revised vaccine information materials for measles, mumps, rubella vaccines.

The 60-day comment period ended on November 2, 1998. Comments were submitted by a few individuals and organizations. As required by the statute, CDC has also consulted with various groups, including the Advisory Commission on Childhood Vaccines, Food and Drug Administration, American Academy of Pediatrics, American Nurses Association, Dissatisfied Parents Together, Healthy Start, Immunization Action Coalition, Immunization Education and Action Committee: Healthy Mothers/Healthy Babies Coalition, National Association of Pediatric Nurse Associates and Practitioners, National Association of County Health Officials, National Coalition for Adult Immunization, National Coalition of Hispanic Health and Human Services Organizations (COSSMHO), National Council of La Raza, National Vaccine Advisory Committee, and the National Vaccine Injury Compensation Program. Also, CDC provided copies of the draft materials to other organizations and sought their consultation; however, those organizations did not provide comments. In addition to consultation with these groups, the CDC presented drafts of these vaccine information materials to parents gathered in 18 ethnically and geographically diverse focus groups. Comments provided by the consultants and focus groups, along with the comments submitted in response to the September 3, 1998 **Federal Register** notice, were fully considered in revising the proposed vaccine information materials.

Following consultation and review of comments submitted, the hepatitis B, Haemophilus influenzae type b, varicella, and measles, mumps, rubella vaccine information materials have been finalized and are contained in this notice. They are entitled ''Hepatitis B Vaccine: What You Need to Know,'' ''Haemophilus influenzae type b (Hib) Vaccine: What You Need to Know,'' ''Chickenpox Vaccine: What You Need to Know,'' and ''Measles, Mumps & Rubella Vaccines: What You Need to Know.''

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INSTRUCTIONS FOR USE OF VACCINE INFORMATION MATERIALS (VACCINE INFORMATION STATEMENTS)

Required Use

As required under the National Childhood Vaccine Injury Act (42 U.S.C. 300aa–26), all health care providers in the United States who administer any vaccine containing diphtheria, tetanus, pertussis, measles, mumps, rubella, polio, hepatitis B, Haemophilus influenzae type b (Hib), or varicella (chickenpox) vaccine shall, prior to administration of each dose of the vaccine, provide a copy of the relevant vaccine information materials that have been produced by the Centers for Disease Control and Prevention (CDC):

(a) to the parent or legal representative of any child to whom the provider intends to administer such vaccine, and

(b) to any adult to whom the provider intends to administer such vaccine.

The materials shall be supplemented with visual presentations or oral explanations, in appropriate cases.

''Legal representative'' is defined as a parent or other individual who is qualified under State law to consent to the immunization of a minor.

Additional Recommended Use of Materials

Health care providers may also want to give parents copies of all vaccine information materials prior to the first visit for immunization, such as at the first well baby visit.

Effective Date for Required Use of New Vaccine Information Materials

Effective June 1, 1999, each health care provider who administers any vaccine that contains hepatitis B, Haemophilus influenzae type b (Hib), varicella (chickenpox), measles, mumps, or rubella vaccines shall, prior to administration of each dose of the vaccine, provide a copy of the relevant vaccine information materials, dated December 16, 1998, to the parent or legal representative of any child to whom such provider intends to administer the vaccine and to any adult to whom such provider intends to administer the vaccine.

Use of Interim Polio Vaccine Information Materials

Beginning as soon as practicable after February 23, 1999, health care providers should distribute copies of the interim polio vaccine information materials, dated February 1, 1999, in place of the February 6, 1997 version of the polio materials.

Current Editions of Vaccine Information Materials for Other Covered Vaccines

Diphtheria, Tetanus, Pertussis (DTP/DTaP/DT) Vaccine Information Materials, dated August 15, 1997

Tetanus, Diphtheria (Td) Vaccine Information Materials, dated June 10, 1994

Measles, Mumps, Rubella Vaccine Information Materials, dated June 10, 1994; to be replaced no later than June 1, 1999 by the December 16, 1998 revised Measles, Mumps, Rubella materials

Recordkeeping

Health care providers shall make a notation in each patient's permanent medical record at the time vaccine information materials are provided indicating (1) the edition date of the materials distributed and (2) the date these materials were provided.

This recordkeeping requirement supplements the requirement of 42 U.S.C. § 300aa–25 that all health care providers administering these vaccines must record in the patient's permanent medical record (or in a permanent office log) the name, address and title of the individual who administers the vaccine, the date of administration and the vaccine manufacturer and lot number of the vaccine used.

Applicability of State Law

Health care providers should consult their legal counsel to determine additional State requirements pertaining to immunization. The Federal requirement to provide the vaccine information materials supplements any applicable State law.

Availability of Copies

Single camera-ready copies of the vaccine information materials are available from State health departments. Copies are available in English and in other languages.

February 23, 1999

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List of Contact Telephone Numbers for Copies of Vaccine Information Materials

Single camera-ready copies of the vaccine information materials, and copies of the instructions for their use, are available by calling the telephone number listed below for your location:

Alabama (334) 242–5023
Alaska (907) 269–8000
American Samoa 011–684–633–4606
Arizona (602) 230–5832
Arkansas (501) 661–2723
California (510) 540–2065
  Los Angeles (213) 580–9800
Colorado (303) 692–2669
Connecticut (860) 509–7929
Delaware (302) 739–4746
Florida (850) 487–2755
Georgia (404) 657–3158
Guam (671) 734–7135
Hawaii (808) 586–8330
Idaho (208) 334–5942
Illinois (217) 785–1455
  Chicago (312) 746–6120
Indian Health Service (505) 248–4226
Indiana (317) 233–7010
Iowa (515) 281–4917
Kansas (785) 296–5593
Kentucky (502) 564–4478
Louisiana (504) 483–1900
Maine (207) 287–3746
Mariana Islands (670) 234–8950, x2005
Marshall Islands 011–692–625–3480
Maryland (410) 767–6679
Massachusetts (617) 983–6807
Michigan (517) 335–8159
  Detroit (313) 876–4606
Micronesia 011–691–320–2619
Minnesota (612) 676–5569
Mississippi (601) 576–7751
Missouri (573) 751–6133
Montana (406) 444–5580
Nebraska (402) 471–2937
Nevada (702) 684–5900
New Hampshire (603) 271–4485
New Jersey (609) 588–7520
New Mexico (505) 827–2369
New York State (518) 473–4437
  New York City (212) 676–2293
North Carolina (919) 733–7752
North Dakota (701) 328–2378
Ohio (614) 466–4643
Oklahoma (405) 271–4073
Oregon (503) 731–4020
Palau 011–680–488–1757
Pennsylvania (717) 787–5681
  Philadelphia (215) 685–6749
Puerto Rico (787) 274–5612
Rhode Island (401) 222–4603
South Carolina (803) 898–0460
South Dakota (605) 773–3737
Tennessee (615) 741–7343
Texas (512) 458–7284
  Houston (713) 794–9267
  San Antonio (210) 207–8794
Utah (801) 538–9450
Vermont (802) 863–7638
Virgin Islands (809) 776–8311, ext. 2151
Virginia (804) 786–6246 or 6247
Washington, D.C. (202) 576–7130
Washington (360) 236–3541
West Virginia (304) 558–2188
Wisconsin (608) 266–1339
Wyoming (307) 777–6001

Hepatitis B Vaccine: What You Need To Know

1. Why get vaccinated?

Hepatitis B is a serious disease

The hepatitis B virus can cause short-term (acute) illness that leads to:

- loss of appetite
- diarrhea and vomiting
- tiredness
- jaundice (yellow skin or eyes)
- pain in muscles, joints, and stomach

It can also cause long-term (chronic) illness that leads to:

- liver damage (cirrhosis)
- liver cancer
- death

About 1.25 million people in the U.S. have chronic hepatitis B virus infection.

Each year it is estimated that:

- 200,000 people, mostly young adults, get infected with hepatitis B virus
- More than 11,000 people have to stay in the hospital because of hepatitis B
- 4,000 to 5,000 people die from chronic hepatitis B

Hepatitis B vaccine can prevent hepatitis B. It is the first anti-cancer vaccine because it can prevent a form of liver cancer.

2. How is hepatitis B virus spread?

Hepatitis B virus is spread through contact with the blood and body fluids of an infected person. A person can get infected in several ways, such as:

- during birth when the virus passes from an infected mother to her baby
- by having sex with an infected person
- by injecting illegal drugs
- by being stuck with a used needle on the job
- by sharing personal items, such as a razor or toothbrush with an infected person

People can get hepatitis B virus infection without knowing how they got it. About 1/3 of hepatitis B cases in the United States have an unknown source.

3. Who should get hepatitis B vaccine and when?

(1) Everyone 18 years of age and younger

(2) Adults over 18 who are at risk

Adults at risk for hepatitis B virus infection include people who have more than one sex partner, men who have sex with other men, injection drug users, health care workers, and others who might be exposed to infected blood or body fluids.

If you are not sure whether you are at risk, ask your doctor or nurse.

People should get 3 doses of hepatitis B vaccine according to the following schedule. If you miss a dose or get behind schedule, get the next dose as soon as you can. There is no need to start over.

HEPATITIS B VACCINATION SCHEDULE

When?	Who?		
	Infant whose mother is infected with hepatitis B virus	Infant whose mother is not infected with hepatitis B virus	Older child, adolescent, or adult
First Dose	Within 12 hours of birth	Birth—2 months of age	Any time.
Second Dose	1–2 months of age	1–4 months of age (At least 1 month after first dose).	1–2 months after first dose.
Third Dose	6 months of age	6–18 months of age	4–6 months after first dose.

—The second dose must be given at least 1 month after the first dose

—The third dose must be given at least 2 months after the second dose and at least 4 months after the first.

—The third dose should not be given to infants younger than 6 months of age.

All three doses are needed for full and lasting immunity.

Hepatitis B vaccine may be given at the same time as other vaccines.

4. Some people should not get hepatitis B vaccine or should wait

People should not get hepatitis B vaccine if they have ever had a life-threatening allergic reaction to baker's yeast (the kind used for making bread) or to a previous dose of hepatitis B vaccine.

People who are moderately or severely ill at the time the shot is scheduled should usually wait until they recover before getting hepatitis B vaccine.

Ask your doctor or nurse for more information.

5. What are the risks from hepatitis B vaccine?

A vaccine, like any medicine, is capable of causing serious problems, such as severe allergic reactions. The risk of hepatitis B vaccine causing serious harm, or death, is extremely small.

Getting hepatitis B vaccine is much safer than getting hepatitis B disease.

Most people who get hepatitis B vaccine do not have any problems with it.

Mild P.problems

- soreness where the shot was given, lasting a day or two (up to 1 out of 11 children and adolescents, and about 1 out of 4 adults)
- mild to moderate fever (up to 1 out of 14 children and adolescents and 1 out of 100 adults)

Severe Problems

- serious allergic reaction (very rare).

6. What if There Is a Moderate or Severe Reaction?

What Should I Look For?

- Any unusual condition, such as a serious allergic reaction, high fever or behavior changes. Signs of a serious allergic reaction can include difficulty breathing, hoarseness or wheezing, hives, paleness, weakness, a fast heart beat or dizziness. If such a reaction were to occur, it would be within a few minutes to a few hours after the shot.

What Should I Do?

- Call a doctor or get the person to a doctor right away.
- Tell your doctor what happened, the date and time it happened, and when the vaccination was given.
- Ask your doctor, nurse, or health department to file a Vaccine Adverse Event Reporting System (VAERS) form, or call VAERS yourself at 1–800–822–7967.

7. The National Vaccine Injury Compensation Program

In the rare event that you or your child has a serious reaction to a vaccine, a federal program has been created to help you pay for the care of those who have been harmed.

For details about the National Vaccine Injury Compensation Program, call 1–800–338–2382 or visit the program's website at http://www.hrsa.dhhs.gov/bhpr/vicp

8. How can I Learn More?

- Ask your doctor or nurse. They can give you the vaccine package insert or suggest other sources of information.
- Call your local or State health department's immunization program.
- Contact the Centers for Disease Control and Prevention (CDC):

—Call 1–800–232–2522 or 1–888–443–7232 (English)

—Call 1–800–232–0233 (Espanol)

—Visit the National Immunization Program's website at http://www.cdc.gov/nip or CDC's Hepatitis Branch website at http://www.cdc.gov/ncidod/diseases/hepatitis/

U.S. Department of Health & Human Services, Centers for Disease Control and Prevention, National Immunization Program.

Hepatitis B (12/16/98) Vaccine Information Statement 42 U.S.C. 300aa–26

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Haemophilus Influenzae Type b (Hib) Vaccine: What You Need To Know

1. What Is Hib Disease?

Haemophilus influenzae type b (Hib) disease is a serious disease caused by a bacteria. It usually strikes children under 5 years old.

Your child can get Hib disease by being around other children or adults who may have the bacteria and not know it. The germs spread from person to person. If the germs stay in the child's nose and throat, the child probably will not get sick. But sometimes the germs spread into the lungs or the bloodstream, and then Hib can cause serious problems.

Before Hib vaccine, Hib disease was the leading cause of bacterial meningitis among children under 5 years old in the United States. Meningitis is an infection of the brain and spinal cord coverings, which can lead to lasting brain damage and deafness. Hib disease can also cause:

- pneumonia
- severe swelling in the throat, making it hard to breathe
- infections of the blood, joints, bones, and covering of the heart
- death

Before Hib vaccine, about 20,000 children in the United States under 5 years old got severe Hib disease each year, and nearly 1,000 died.

Hib vaccine can prevent Hib disease

Many more children would get Hib disease if we stopped vaccinating.

2. Who Should Get Hib Vaccine and When?

Children should get Hib vaccine at:

- 2 months of age
- 4 months of age
- 6 months of age*
- 12–15 months of age

*Depending on what brand of Hib vaccine is used, your child might not need the dose at 6 months of age. Your doctor or nurse will tell you if this dose is needed.

If you miss a dose or get behind schedule, get the next dose as soon as you can. There is no need to start over.

Hib vaccine may be given at the same time as other vaccines.

Older Children and Adults

Children over 5 years old usually do not need Hib vaccine. But some older children or adults with special health conditions should get it. These conditions include sickle cell disease, HIV/AIDS, removal of the spleen, bone marrow transplant, or cancer treatment with drugs. Ask your doctor or nurse for details.

3. Some People Should Not Get Hib Vaccine or Should Wait

- People who have ever had a life-threatening allergic reaction to a previous dose of Hib vaccine should not get another dose.
- Children less than 6 weeks of age should not get Hib vaccine.
- People who are moderately or severely ill at the time the shot is scheduled should usually wait until they recover before getting Hib vaccine.

Ask your doctor or nurse for more information.

4. What are the risks from Hib vaccine?

A vaccine, like any medicine, is capable of causing serious problems, such as severe allergic reactions. The risk of Hib vaccine causing serious harm or death is extremely small.

Most people who get Hib vaccine do not have any problems with it.

Mild Problems

- Redness, warmth, or swelling where the shot was given (up to 1/4 of children)
- Fever over 101°F (up to 1 out of 20 children)

If these problems happen, they usually start within a day of vaccination. They may last 2–3 days.

5. What if there is a moderate or severe problem?

What should I look for?

Any unusual condition, such as a serious allergic reaction, high fever or behavior changes. Signs of a serious allergic reaction can include difficulty breathing, hoarseness or wheezing, hives, paleness, weakness, a fast heart beat, or dizziness within a few minutes to a few hours after the shot.

What should I do?

- Call a doctor, or get the person to a doctor right away.
- Tell your doctor what happened, the date and time it happened, and when the vaccination was given.
- Ask your doctor, nurse, or health department to file a Vaccine Adverse Event Reporting System (VAERS) form, or call VAERS yourself at 1–800–822–7967.

6. The National Vaccine Injury Compensation Program

In the rare event that you or your child has a serious reaction to a vaccine, a federal program has been created to help you pay for the care of those who have been harmed.

For details about the National Vaccine Injury Compensation Program, call 1–800–338–2382 or visit the program's website at http://www.hrsa.dhhs.gov/bhpr/vicp

7. How can I learn more?

- Ask your doctor or nurse. They can give you the vaccine package insert or suggest other sources of information.
- Call your local or State health department's immunization program.
- Contact the Centers for Disease Control and Prevention (CDC):

—Call 1–800–232–2522 (English)
—Call 1–800–232–0233 (Español)
—Visit the National Immunization Program's website at http://www.cdc.gov/nip

U.S. Department of Health & Human Services, Centers for Disease Control and Prevention, National Immunization Program.

Hib (12/16/98) Vaccine Information Statement 42 U.S.C. § 300aa–26.

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Chickenpox Vaccine: What You Need to Know

1. Why get vaccinated?

Chickenpox (also called varicella) is a common childhood disease. It is usually mild, but it can be serious, especially in young infants and adults.

- The chickenpox virus can be spread from person to person through the air, or by contact with fluid from chickenpox blisters.
- It causes a rash, itching, fever, and tiredness.
- It can lead to severe skin infection, scars, pneumonia, brain damage, or death.
- A person who has had chickenpox can get a painful rash called shingles years later.
- About 12,000 people are hospitalized for chickenpox each year in the United States.
- About 100 people die each year in the United States as a result of chickenpox.

Chickenpox vaccine can prevent chickenpox

Most people who get chickenpox vaccine will not get chickenpox. But if someone who has been vaccinated does get chickenpox, it is usually very mild. They will have fewer spots, are less likely to have a fever, and will recover faster.

2. Who should get chickenpox vaccine and when?

✔ Children should get 1 dose of chickenpox vaccine between 12 and 18 months of age, or at any age after that if they have never had chickenpox.

People who do not get the vaccine until 13 years of age or older should get 2 doses, 4–8 weeks apart.

Ask your doctor or nurse for details.

Chickenpox vaccine may be given at the same time as other vaccines.

3. Some people should not get chickenpox vaccine or should wait

- People should not get chickenpox vaccine if they have ever had a life-threatening allergic reaction to gelatin, the antibiotic neomycin, or (for those needing a second dose) a previous dose of chickenpox vaccine.
- People who are moderately or severely ill at the time the shot is scheduled should usually wait until they recover before getting chickenpox vaccine.
- Pregnant women should wait to get chickenpox vaccine until after they have given birth.
- Women should not get pregnant for 1 month after getting chickenpox vaccine.
- Some people should check with their doctor about whether they should get chickenpox vaccine, including anyone who:

—Has HIV/AIDS or another disease that affects the immune system
—Is being treated with drugs that affect the immune system, such as steroids, for 2 weeks or longer
—Has any kind of cancer
—Is taking cancer treatment with x-rays or drugs

- People who recently had a transfusion or were given other blood products should ask their doctor when they may get chickenpox vaccine.

Ask your doctor or nurse for more information.

4. What are the risks from chickenpox vaccine?

A vaccine, like any medicine, is capable of causing serious problems,

such as severe allergic reactions. The risk of chickenpox vaccine causing serious harm, or death, is extremely small.

Getting chickenpox vaccine is much safer than getting chickenpox disease.

Most people who get chickenpox vaccine do not have any problems with it.

Mild Problems

- Soreness or swelling where the shot was given (about 1 out of 5 children and up to 1 out of 3 adolescents and adults)
- Fever (1 person out of 10, or less)
- Mild rash, up to a month after vaccination (1 person out of 20, or less). It is possible for these people to infect other members of their household, but this is extremely rare.

Moderate Problems

- Seizure (jerking or staring) caused by fever (less than 1 person out of 1,000).

Severe Problems

- Pneumonia (very rare)

Other serious problems, including severe brain reactions and low blood count, have been reported after chickenpox vaccination. These happen so rarely experts cannot tell whether they are caused by the vaccine or not. If they are, it is extremely rare.

5. What if there is a moderate or severe reaction?

What should I look for?

Any unusual condition, such as a serious allergic reaction, high fever or behavior changes. Signs of a serious allergic reaction can include difficulty breathing, hoarseness or wheezing, hives, paleness, weakness, a fast heart beat or dizziness within a few minutes to a few hours after the shot. A high fever or seizure, if it occurs, would happen 1 to 6 weeks after the shot.

What should I do?

- Call a doctor, or get the person to a doctor right away.
- Tell your doctor what happened, the date and time it happened, and when the vaccination was given.
- Ask your doctor, nurse, or health department to file a Vaccine Adverse Event Reporting System (VAERS) form, or call VAERS yourself at 1–800–822–7967.

6. The National Vaccine Injury Compensation Program

In the rare event that you or your child has a serious reaction to a vaccine, a federal program has been created to help you pay for the care of those who have been harmed.

For details about the National Vaccine Injury Compensation Program, call 1–800–338–2382 or visit the program's website at http://www.hrsa.dhhs.gov/bhpr/vicp

7. How can I learn more?

- Ask your doctor or nurse. They can give you the vaccine package insert or suggest other sources of information.
- Call your local or State health department's immunization program.
- Contact the Centers for Disease Control and Prevention (CDC):

—Call 1–800–232–2522 (English)
—Call 1–800–232–0233 (Español)
—Visit the National Immunization Program's website at http://www.cdc.gov/nip

U.S. Department of Health & Human Services Centers for Disease Control and Prevention National Immunization Program.

Varicella (12/16/98) Vaccine Information Statement 42 U.S.C. § 300aa–26

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Measles, Mumps & Rubella Vaccines: What You Need to Know

1. Why get vaccinated?

Measles, mumps, and rubella are serious diseases

Measles

- Measles virus causes rash, cough, runny nose, eye irritation, and fever.
- It can lead to ear infection, pneumonia, seizures (jerking and staring), brain damage, and death.

Mumps

- Mumps virus causes fever, headache, and swollen glands.
- It can lead to deafness, meningitis (infection of the brain and spinal cord covering), painful swelling of the testicles or ovaries, and, rarely, death.

Rubella (German Measles)

- Rubella virus causes rash, mild fever, and arthritis (mostly in women).
- If a woman gets rubella while she is pregnant, she could have a miscarriage or her baby could be born with serious birth defects.

You or your child could catch these diseases by being around someone who has them. They spread from person to person through the air.

Measles, mumps, and rubella (MMR) vaccine can prevent these diseases

Most children who get their MMR shots will not get these diseases. Many more children would get them if we stopped vaccinating.

2. Who should get MMR vaccine and when?

Children should get 2 doses of MMR vaccine:

✔ The first at 12–15 months of age
✔ and the second at 4–6 years of age.

These are the recommended ages. But children can get the second dose at any age, as long as it is at least 28 days after the first dose.

Some adults should also get MMR vaccine:

Generally, anyone 18 years of age or older, who was born after 1956, should get at least one dose of MMR vaccine, unless they can show that they have had either the vaccines or the diseases.

Ask your doctor or nurse for more information.

MMR vaccine may be given at the same time as other vaccines.

3. Some people should not get MMR vaccine or should wait

- People should not get MMR vaccine who have ever had a life-threatening allergic reaction to gelatin, the antibiotic neomycin, or a previous dose of MMR vaccine.
- People who are moderately or severely ill at the time the shot is scheduled should usually wait until they recover before getting MMR vaccine.
- Pregnant women should wait to get MMR vaccine until after they have given birth. Women should not get pregnant for 3 months after getting MMR vaccine.
- Some people should check with their doctor about whether they should get MMR vaccine, including anyone who:

—Has HIV/AIDS, or another disease that affects the immune system
—Is being treated with drugs that affect the immune system, such as steroids, for 2 weeks or longer
—Has any kind of cancer
—Is taking cancer treatment with x-rays or drugs
—Has ever had a low platelet count (a blood disorder)

- People who recently had a transfusion or were given other blood products should ask their doctor when they may get MMR vaccine.

Ask your doctor or nurse for more information.

4. What are the risks from MMR vaccine?

A vaccine, like any medicine, is capable of causing serious problems, such as severe allergic reactions. The risk of MMR vaccine causing serious harm, or death, is extremely small.

Getting MMR vaccine is much safer than getting any of these three diseases.

Most people who get MMR vaccine do not have any problems with it.

Mild Problems

- Fever (up to 1 person out of 6)

• Mild rash (about 1 person out of 20)

• Swelling of glands in the cheeks or neck (rare)

If these problems occur, it is usually within 7–12 days after the shot. They occur less often after the second dose.

Moderate Problems

• Seizure (jerking or staring) caused by fever (about 1 out of 3,000 doses)

• Temporary pain and stiffness in the joints, mostly in teenage or adult women (up to 1 out of 4)

• Temporary low platelet count, which can cause a bleeding disorder (about 1 out of 30,000 doses)

Severe Problems (Very Rare)

• Serious allergic reaction (less than 1 out of a million doses)

• Several other severe problems have been known to occur after a child gets MMR vaccine. But this happens so rarely, experts cannot be sure whether they are caused by the vaccine or not.

These include:

—Deafness

—Long-term seizures, coma, or lowered consciousness

—Permanent brain damage

5. What if there is a moderate or severe reaction?

What should I look for?

Any unusual condition, such as a serious allergic reaction, high fever or behavior changes. Signs of a serious allergic reaction include difficulty breathing, hoarseness or wheezing, hives, paleness, weakness, a fast heart beat or dizziness within a few minutes to a few hours after the shot. A high fever or seizure, if it occurs, would happen 1 or 2 weeks after the shot.

What should I do?

• Call a doctor, or get the person to a doctor right away.

• Tell your doctor what happened, the date and time it happened, and when the vaccination was given.

• Ask your doctor, nurse, or health department to file a Vaccine Adverse Event Reporting System (VAERS) form, or call VAERS yourself at 1–800–822–7967.

6. The National Vaccine Injury Compensation Program

In the rare event that you or your child has a serious reaction to a vaccine, a federal program has been created to help you pay for the care of those who have been harmed.

For details about the National Vaccine Injury Compensation Program, call 1–800–338–2382 or visit the program's website at http://www.hrsa.dhhs.gov/bhpr/vicp.

7. How can I learn more?

• Ask your doctor or nurse. They can give you the vaccine package insert or suggest other sources of information.

• Call your local or State health department's immunization program.

• Contact the Centers for Disease Control and Prevention (CDC):

—Call 1–800–232–2522 (English)

—Call 1–800–232–0233 (Español)

—Visit the National Immunization Program's website at http://www.cdc.gov/nip.

U.S. Department of Health & Human Services, Centers for Disease Control and Prevention, National Immunization Program.

MMR (12/16/98) Vaccine Information Statement 42 U.S.C. 300aa–26.

Dated: February 17, 1999.

Jeffrey P. Koplan,

Director, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–4388 Filed 2–22–99; 8:45 am]

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federal register

Tuesday
February 23, 1999

Part VI

Department of Commerce

International Trade Administration

Certain Steel Products From the Russian Federation of the United States, Public Hearing on Establishment of Import Restrictions; Notice

DEPARTMENT OF COMMERCE

International Trade Administration

Public Hearing on Establishment of Import Restrictions on Certain Steel Products From the Russian Federation to the United States

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

ACTION: Notice of public hearing.

SUMMARY: Pursuant to section 125(f) of the Trade Act of 1974, the Department of Commerce has scheduled a public hearing on the potential establishment of import restrictions on certain steel products from the Russian Federation to the United States.

DATES: The public hearing will be held on Tuesday, March 2, 1999.

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning the public hearing and/or public comments, contact Lesley Stagliano at (202) 482–0190 or Lyn Baranowski at (202) 482–3208. All other questions should be directed to Edward Yang at (202) 482–0406.

EFFECTIVE DATE: February 23, 1999.

SUPPLEMENTARY INFORMATION: On June 1, 1990, pursuant to Title IV of the Trade Act of 1974 (the Trade Act), the Governments of the United States of America and the Union of Soviet Socialist Republics entered into the Agreement on Trade Relations Between the United States of America and the Union of Soviet Socialist Republics. On June 17, 1992, this agreement became effective between the United States and the Russian Federation (the 1992 Agreement). Article XI of the 1992 Agreement provides that the Parties will consult with a view toward finding means of remedying or preventing actual or threatened market disruption, and it authorizes the Parties to take action, including the imposition of import restrictions, to achieve this goal.

In February 1999, the United States Department of Commerce and the Ministry of Trade of the Russian Federation entered into negotiations and consultations pursuant to Article XI of the Agreement on Trade Between the United States of America and the Russian Federation. The Parties mutually agree that the conditions of Article XI have been met with respect to U.S. imports of certain steel products from Russia.

Pursuant to Article XI, the United States proposes to establish import restrictions on Russian exports to the United States of the following 16 steel products:

1. Certain Cold-Rolled Carbon Steel Quality Products
2. Semifinished Steel Products
3. Galvanized Sheet Products
4. Other Metallic Coated Flat Rolled Products
5. Certain Tin Mill Products
6. Electrical Sheet Products
7. Heavy Structural Shapes
8. Rails
9. Hot-Rolled Bars
10. Cold Finished Bars
11. Pipe and Tube Products
12. Wire Rod Products
13. Tool Steel
14. Drawn Wire Products
15. Hot-Rolled Stainless and Alloy Sheet, Strip, and Plate
16. Pig Iron

Each category of steel would have a separate export limit. In addition to the issuance of export licenses by the Ministry of Trade of the Russian Federation, and consistent with the requests of the Russian officials, the United States would establish a border enforcement mechanism to ensure compliance with the export limits. The border mechanism will be in the form of denial of entry for any shipment of steel, covered by the categories listed above, which exceeds the limits or lacks the required documents.

Section 125(c) of the Trade Act (19 U.S.C. 2135(c)) provides that whenever the United States, acting in pursuance of any of its rights or obligations under any trade agreement entered into pursuant to the Trade Act, modifies any obligation with respect to the trade of any foreign country or instrumentality, the President is authorized to proclaim increased duties or other import restrictions, to the extent, at such times, and for such periods as he deems necessary or appropriate, in order to exercise the rights or fulfill the obligations of the United States.

Section 125(f) of the Trade Act (19 U.S.C. 2135(f)) requires the President to provide the opportunity for interested parties to present views at a public hearing prior to taking action pursuant to section 125(b), (c), or (d) of the Trade Act (19 U.S.C. 2135(b), (c), or (d)). Such an opportunity is being provided by the holding of such a hearing on Tuesday, March 2, 1999, at the United States Department of Commerce. In addition, the Department will separately publish in the **Federal Register** the proposed agreement establishing import restrictions on Russian exports to the United States. For convenience, the Department will also post this agreement on its Import Administration website (http://www.ita.doc.gov/import__admin/records).

NOTICE OF PUBLIC HEARING: Pursuant to section 125(f) of the Trade Act of 1974 (19 U.S.C. 2135(f)), the International Trade Administration of the Department of Commerce, has scheduled a public hearing beginning at 1:30 p.m., on March 2, 1999, at Room 4830 of the Herbert C. Hoover Building, U.S. Department of Commerce, 14th and Constitution Ave., NW, Washington, DC.

REQUESTS TO PRESENT ORAL TESTIMONY: Parties wishing to testify orally at the hearing must provide written notification of their intention not later than 5:00 p.m., February 26, 1999 to Robert S. LaRussa, Assistant Secretary for Import Administration: In re Public Hearing on Establishment of Import Restrictions on Certain Steel Products From the Russian Federation to the United States, Room 1870, Herbert C. Hoover Building, U.S. Department of Commerce, 14th and Constitution Ave., NW, Washington, DC. The notification should include (1) the name of the person presenting the testimony, their address and telephone number; (2) the organization or company they are representing, if appropriate; (3) a list of issues to be addressed; and (4), if applicable, any request for an extension of the time limitation on the oral presentation. This notification may be submitted via facsimile to Vicki Sullivan at (202) 273–0957. Those parties presenting oral testimony must also submit a written brief, in 20 copies, not later than 10:00 a.m., March 2, 1999, to the above-mentioned address. Hearing presentations should be limited to no more than five minutes to allow for possible questions from the Chairman and the panel. Additional time for oral presentations may be granted as time and the number of participants permit. Any business proprietary material must be clearly marked as such on the cover page (or letter) and succeeding pages. Such submissions must be accompanied by a public summary thereof.

WRITTEN BRIEFS: Those persons not wishing to participate in the hearing may submit written comments, in 20 typed copies, not later than 10:00 a.m., March 2, 1999, to Robert S. LaRussa, Assistant Secretary for Import Administration: In re Public Hearing on Establishment of Import Restrictions on Certain Steel Products From the Russian Federation to the United States, Room 1870, Herbert C. Hoover Building, U.S. Department of Commerce, 14th and Constitution Ave., NW, Washington, DC. Comments should state clearly the position taken and describe with particularity the evidence supporting

that position. Any business proprietary material must be clearly marked as such on the cover page (or letter) and succeeding pages. Such submissions must be accompanied by a public summary thereof. Public submissions will be available for public inspection at the Import Administration Central Records Unit. An appointment to review the file may be made by contacting Joni Myers at (202) 482–0865.

Dated: February 22, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–4643 Filed 2–22–99; 10:13 am]

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TRANSPORTATION DEPARTMENT

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TRANSPORTATION DEPARTMENT

Federal Aviation Administration

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TRANSPORTATION DEPARTMENT

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