1–14–99
Vol. 64 No. 9
Pages 2419–2544

Federal Register

Thursday
January 14, 1999

Now Available Online via

GPO Access

Free online access to the official editions of the *Federal Register, the Code of Federal Regulations* and other Federal Register publications is available on *GPO Access*, a service of the U.S. Government Printing Office at:

http://www.access.gpo.gov/nara/index.html

For additional information on ***GPO Access*** products, services and access methods, see page II or contact the *GPO Access* User Support Team via:

★ Phone: toll-free: 1-888-293-6498

★ Email: gpoaccess@gpo.gov

Attention: Federal Agencies

Plain Language Tools Are Now Available

The Office of the Federal Register offers Plain Language Tools on its Website to help you comply with the President's Memorandum of June 1, 1998—Plain Language in Government Writing (63 FR 31883, June 10, 1998). Our address is: http://www.nara.gov/fedreg

For more in-depth guidance on the elements of plain language, read ''Writing User-Friendly Documents'' on the National Partnership for Reinventing Government (NPR) Website at: http://www.plainlanguage.gov

The **FEDERAL REGISTER** is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see http://www.nara.gov/fedreg.

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and it includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

GPO Access users can choose to retrieve online **Federal Register** documents as TEXT (ASCII text, graphics omitted), PDF (Adobe Portable Document Format, including full text and all graphics), or SUMMARY (abbreviated text) files. Users should carefully check retrieved material to ensure that documents were properly downloaded.

On the World Wide Web, connect to the **Federal Register** at http://www.access.gpo.gov/nara. Those without World Wide Web access can also connect with a local WAIS client, by Telnet to swais.access.gpo.gov, or by dialing (202) 512-1661 with a computer and modem. When using Telnet or modem, type swais, then log in as guest with no password.

For more information about GPO Access, contact the GPO Access User Support Team by E-mail at gpoaccess@gpo.gov; by fax at (202) 512–1262; or call (202) 512–1530 or 1–888–293–6498 (toll free) between 7 a.m. and 5 p.m. Eastern time, Monday–Friday, except Federal holidays.

The annual subscription price for the **Federal Register** paper edition is $555, or $607 for a combined **Federal Register,** Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $220. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $8.00 for each issue, or $8.00 for each group of pages as actually bound; or $1.50 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 64 FR 12345.

Printed on recycled paper.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**512–1806**
General online information	**202–512–1530; 1–888–293–6498**

Single copies/back copies:

Paper or fiche	**512–1800**
Assistance with public single copies	**512–1803**

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	**523–5243**
Assistance with Federal agency subscriptions	**523–5243**

NOW AVAILABLE ONLINE

The October 1998 Office of the Federal Register Document Drafting Handbook

Free, easy online access to the newly revised October 1998 Office of the Federal Register Document Drafting Handbook (DDH) is now available at:

http://www.nara.gov/fedreg/draftres.html

This handbook helps Federal agencies to prepare documents for publication in the **Federal Register.**

For additional information on access, contact the Office of the Federal Register's Technical Support Staff.

Phone: 202–523–3447

E-mail: info@fedreg.nara.gov

Contents

Federal Register

Vol. 64, No. 9

Thursday, January 14, 1999

Reader Aids
Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Federal Register
Vol. 64, No. 9
Thursday, January 14, 1999

Presidential Documents

Title 3—

The President

Executive Order 13110 of January 11, 1999

Nazi War Criminal Records Interagency Working Group

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Nazi War Crimes Disclosure Act (Public Law 105–246) (the ''Act''), it is hereby ordered as follows:

Section 1. *Establishment of Working Group.* There is hereby established the Nazi War Criminal Records Interagency Working Group (Working Group). The function of the Group shall be to locate, inventory, recommend for declassification, and make available to the public at the National Archives and Records Administration all classified Nazi war criminal records of the United States, subject to certain designated exceptions as provided in the Act. The Working Group shall coordinate with agencies and take such actions as necessary to expedite the release of such records to the public.

Sec. 2. *Schedule.* The Working Group should complete its work to the greatest extent possible and report to the Congress within 1 year.

Sec. 3. *Membership.* (a) The Working Group shall be composed of the following members:

(1) Archivist of the United States (who shall serve as Chair of the Working Group);

(2) Secretary of Defense;

(3) Attorney General;

(4) Director of Central Intelligence;

(5) Director of the Federal Bureau of Investigation;

(6) Director of the United States Holocaust Memorial Museum;

(7) Historian of the Department of State; and

(8) Three other persons appointed by the President.

(b) The Senior Director for Records and Access Management of the National Security Council will serve as the liaison to and attend the meetings of the Working Group. Members of the Working Group who are full-time Federal officials may serve on the Working Group through designees.

Sec. 4. *Administration.* (a) To the extent permitted by law and subject to the availability of appropriations, the National Archives and Records Administration shall provide the Working Group with funding, administrative services, facilities, staff, and other support services necessary for the performance of the functions of the Working Group.

(b) The Working Group shall terminate 3 years from the date of this Executive order.

THE WHITE HOUSE,
January 11, 1999.

[FR Doc. 99–980
Filed 1–13–99; 8:45 am]
Billing code 3195–01–P

Rules and Regulations

Federal Register

Vol. 64, No. 9

Thursday, January 14, 1999

OFFICE OF GOVERNMENT ETHICS

5 CFR Parts 2634, 2635 and 2636

RINs 3209–AA00, 3209–AA04 and 3209–AA13

Corrections and Updating to Certain Regulations of the Office of Government Ethics

AGENCY: Office of Government Ethics (OGE).

ACTION: Final rule; technical amendments.

SUMMARY: The Office of Government Ethics is correcting and updating some of the sections of its executive branch regulations on financial disclosure, standards of ethical conduct and outside employment limitations.

EFFECTIVE DATE: January 14, 1999.

FOR FURTHER INFORMATION CONTACT: William E. Gressman, Senior Associate General Counsel, Office of Government Ethics, telephone: 202–208–8000, ext. 1110; TDD: 202–208–8025; FAX: 202–208–8037.

SUPPLEMENTARY INFORMATION:

The Office of Government Ethics is amending a few sections of its executive branch ethics regulations on financial disclosure, standards of ethical conduct (the Standards), and outside employment and affiliations, as codified at 5 CFR parts 2634, 2635 and 2636. These technical amendments correct a couple of typographical errors and make some minor updates.

The updates include a revised citation in 5 CFR 2635.203 of the Standards regulation to the new travel promotional materials and frequent traveler programs regulation of the General Services Administration (now codified at 41 CFR part 301–53). In addition, OGE is adding the citation to the Foreign Agents Registration Act, as codified at 22 U.S.C. 611 through 621, to paragraph (q) of § 2635.902 of the Standards, which references related statutes. The Office of Government Ethics is also making a minor revision to the first part of the citation in paragraph (o) of that section of the Standards to the political activities restrictions in order to specify the particular sections of 5 U.S.C. concerned (sections 7321 through 7326). Furthermore, OGE is amending the citation in paragraph (z) of § 2635.902 to one of the statutory prohibitions against disclosure of classified information, now found at 50 U.S.C. 783(a) as redesignated and somewhat revised.

In addition, OGE is updating references in the definition of ''covered noncareer employee'' in 5 CFR 2636.303(a) and Example 1 thereto to positions ''above GS–15'' in the General Schedule (or non-General Schedule positions for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule). In accordance with section 4(b) of Pub. L. No. 102–378, which amended title V of the Ethics in Government Act of 1978 (the Ethics Act), at 5 U.S.C. appendix, title V, and consistent with section 101 (c) and (d) of the Federal Employees Pay Comparability Act of 1990, section 529 of Pub. L. No. 101–509, at 5 U.S.C. 5376 note, these references replace the old references to the now superseded ''GS–16, step 1'' General Schedule positions as the threshold rate of basic pay for the application to certain noncareer employees of the limitations on outside earned income, employment and affiliations under title V of the Ethics Act. Finally, OGE is removing from 5 CFR 2636.304(a)(4) an out-of-date reference to a prior Office of Personnel Management regulation formerly codified at 5 CFR 305.601.

Matters of Regulatory Procedure

Administrative Procedure Act

Pursuant to 5 U.S.C. 553 (b) and (d), as Director of the Office of Government Ethics, I find good cause exists for waiving the general notice of proposed rulemaking, opportunity for public comment and 30-day delay in effectiveness as to these minor corrections and updates. The notice, comment and delayed effective date provisions are being waived in part because these minor amendments concern matters of agency organization, practice and procedure. Further, it is in the public interest that correct and up-to-date information be contained in the affected sections of OGE's regulations as soon as possible.

Executive Order 12866

In promulgating these minor amendments, OGE has adhered to the regulatory philosophy and the applicable principles of regulation set forth in section 1 of Executive Order 12866, Regulatory Planning and Review. These amendments have not been reviewed by the Office of Management and Budget under that Executive order, since they are not deemed ''significant'' thereunder.

Regulatory Flexibility Act

As Director of the Office of Government Ethics, I certify under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this rulemaking will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this amendatory rulemaking does not contain information collection requirements that require the approval of the Office of Management and Budget.

List of Subjects

5 CFR Part 2634

Administrative practice and procedure, Certificates of divestiture, Conflict of interests, Financial disclosure, Government employees, Penalties, Privacy, Reporting and recordkeeping requirements, Trusts and trustees.

5 CFR Part 2635

Conflict of interests, Executive branch standards of ethical conduct, Government employees.

5 CFR Part 2636

Administrative practice and procedure, Conflict of interests, Government employees, Penalties.

Approved: January 7, 1999.

Stephen D. Potts,

Director, Office of Government Ethics.

Accordingly, the Office of Government Ethics pursuant to its authority under the Ethics in Government Act and Executive Order 12674, as modified by E.O. 12731, is

amending and correcting 5 CFR parts 2634, 2635 and 2636 as follows:

PART 2634—[AMENDED]

1. The authority citation for part 2634 continues to read as follows:

Authority: 5 U.S.C. App. (Ethics in Government Act of 1978); 26 U.S.C. 1043; E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

§ 2634.304 [Corrected]

2. Section 2634.304 is amended by removing the word ''proceding'' between the words ''the'' and ''statement'' in the last sentence of paragraph (f)(3)(iii) and adding in its place the word ''preceding''.

§ 2634.904 [Corrected]

3. Section 2634.904 is amended by removing the word ''of'' between the words ''industry'' and ''other'' in the last sentence of paragraph (b) (before the examples) and adding in its place the word ''or''.

PART 2635—[AMENDED]

4. The authority citation for part 2635 continues to read as follows:

Authority: 5 U.S.C. 7301, 7351, 7353; 5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

§ 2635.207 [Amended]

5. Section 2635.203 is amended by removing the citation ''41 CFR 301–1.103(b) and (f)'' from the end of the last sentence of the Note following paragraph (b)(7) and adding in its place the citation ''41 CFR part 301–53''.

6. Section 2635.902 is amended by removing the terms ''*et seq.*'' from the first part of the citation in paragraph (o) and adding in their place the terms ''through 7326'', by removing the section citation ''783(b)'' from the second statute cited in paragraph (z) and adding in its place the section citation ''783(a)'', and by revising paragraph (q) to read as follows:

§ 2635.902 Related statutes.

* * * * *

(q) The general prohibition (18 U.S.C. 219) against acting as the agent of a foreign principal required to register under the Foreign Agents Registration Act (22 U.S.C. 611 through 621).

* * * * *

PART 2636—[AMENDED]

7. The authority citation for part 2636 continues to read as follows:

Authority: 5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

8. Section 2636.303 is amended by removing the words ''set forth in § 305.601 of this title'' from paragraph (a)(4), by removing the two references to ''GS–16, Step 1'' from Example 1 following the undesignated text after paragraph (a)(4) and adding in their place in each instance the reference ''a position above GS–15'', and by revising the introductory text of paragraph (a) to read as follows:

§ 2636.303 Definitions.

* * * * *

(a) *Covered noncareer employee* means an employee, other than a Special Government employee as defined in 18 U.S.C. 202, who occupies a position classified above GS–15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule, and who is:

* * * * *

[FR Doc. 99–769 Filed 1–13–99; 8:45 am]
BILLING CODE 6345–01–U

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 982

[Docket No. FV99–982–1 IFR]

Hazelnuts Grown in Oregon and Washington; Establishment of Final Free and Restricted Percentages for the 1998–99 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule establishes final free and restricted percentages for domestic inshell hazelnuts for the 1998–99 marketing year under the Federal marketing order for hazelnuts grown in Oregon and Washington. The percentages allocate the quantity of domestically produced hazelnuts which may be marketed in the domestic inshell market. The percentages are intended to stabilize the supply of domestic inshell hazelnuts to meet the limited domestic demand for such hazelnuts and provide reasonable returns to producers. This rule was recommended unanimously by the Hazelnut Marketing Board (Board), which is the agency responsible for local administration of the order.

DATES: Effective January 15, 1999. Comments which are received by March 15, 1999, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Fruit and Vegetable Programs, AMS, USDA, Room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; Fax: (202) 205–6632, or E-mail: moabdocket__clerk@usda.gov. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Teresa L. Hutchinson, Northwest Marketing Field Office, Fruit and Vegetable Programs, Agricultural Marketing Service, USDA, 1220 SW Third Avenue, Room 369, Portland, OR 97204; telephone: (503) 326–2724, Fax: (503) 326–7440 or George J. Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, Room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 205–6632. Small businesses may request information on complying with this regulation, or obtain a guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders by contacting: Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456; telephone: (202)720–2491, Fax: (202) 205–6632, or E-mail: Jay__N__Guerber@usda.gov. You may view the marketing agreement and order small business compliance guide at the following web site: http://www.ams.usda.gov/fv/moab.html.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 115 and Order No. 982 (7 CFR Part 982), both as amended, regulating the handling of hazelnuts grown in Oregon and Washington, hereinafter referred to as the ''order.'' The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

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

This rule has been reviewed under Executive Order 12988, Civil Justice

Reform. It is intended that this action apply to all merchantable hazelnuts handled during the 1998–99 marketing year (July 1, 1998, through June 30, 1999). This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule establishes marketing percentages which allocate the quantity of inshell hazelnuts that may be marketed in domestic markets. The Board is required to meet prior to September 20 of each marketing year to compute its marketing policy for that year and compute and announce an inshell trade demand if it determines that volume regulations would tend to effectuate the declared policy of the Act. The Board also computes and announces preliminary free and restricted percentages for that year.

The inshell trade demand is the amount of inshell hazelnuts that handlers may ship to the domestic market throughout the marketing season. The order specifies that the inshell trade demand be computed by averaging the preceding three ''normal'' years' trade acquisitions of inshell hazelnuts, rounded to the nearest whole number. The Board may increase the three-year average by up to 25 percent, if market conditions warrant an increase. The Board's authority to recommend volume regulations and the computations used to determine the percentages are specified in § 982.40 of the order.

The National Agricultural Statistics Service (NASS) estimated hazelnut production at 16,500 tons for the Oregon and Washington area. The majority of domestic inshell hazelnuts are marketed in October, November, and December. By November, the marketing season is well under way.

The quantity marketed is broken down into free and restricted percentages to make available hazelnuts which may be marketed in domestic inshell markets (free) and hazelnuts which must be exported, shelled or otherwise disposed of by handlers (restricted). The preliminary free percentage releases 80 percent of the adjusted inshell trade demand. The preliminary free percentage is expressed as a percentage of the total supply subject to regulation (supply) and is based on the preliminary crop estimate.

At its August 27, 1998, meeting, the Board computed and announced preliminary free and restricted percentages of 18 percent and 82 percent, respectively. The Board used the NASS crop estimate of 16,500 tons. The purpose of releasing only 80 percent of the inshell trade demand under the preliminary percentage was to guard against an underestimate of crop size. The preliminary free percentage released 2,763 tons of hazelnuts from the 1998 supply for domestic inshell use. The preliminary restricted percentage of the 1998 supply for export and kernel markets totaled 12,623 tons.

Under the order, the Board must meet a second time, on or before November 15, to recommend interim final and final percentages. The Board uses current crop estimates to calculate interim final and final percentages. The interim final percentages are calculated in the same way as the preliminary percentages and release the remaining 20 percent (to total 100 percent of the inshell trade demand) previously computed by the Board. Final free and restricted percentages may release up to an additional 15 percent of the average of the preceding three years' trade acquisitions to provide an adequate carryover into the following season; (i.e., desirable carryout). The final free and restricted percentages must be effective by June 1, at least 30 days prior to the end of the marketing year, June 30. The final free and restricted percentages can be made effective earlier, if recommended by the Board and approved by the Secretary. Revisions in the marketing policy can be made until February 15 of each marketing year, but the inshell trade demand can only be revised upward, consistent with § 982.40(e).

The Board met on November 12, 1998, and reviewed and approved an amended marketing policy and recommended the establishment of final free and restricted percentages. The Board decided that market conditions were such that immediate release of an additional 15 percent for desirable carryout would not adversely affect the 1998–99 domestic inshell market. Accordingly, no interim final free and restricted percentages were recommended. Final percentages were recommended at 30 percent free and 70 percent restricted. The final percentages release 4,115 tons of inshell hazelnuts from the 1998 supply for domestic use.

The final marketing percentages are based on the Board's final production estimate (14,500 tons) and the following supply and demand information for the 1998–99 marketing year:

	Tons
Inshell Supply:	
(1) Total production (Board's estimate)	14,500
(2) Less substandard, farm use (disappearance)	1,077
(3) Merchantable production (Board's adjusted crop estimate; Item 1 minus Item 2)	13,423
(4) Plus undeclared carryin as of July 1, 1997, subject to regulation	120
(5) Supply subject to regulation (Item 3 plus Item 4)	13,543
Inshell Trade Demand:	
(6) Average trade acquisitions of inshell hazelnuts for three prior years	4,408
(7) Less declared carryin as of July 1, 1997, not subject to regulation	954
(8) Adjusted Inshell Trade Demand	3,454
(9) Desirable carryout on August 31, 1999 (15 percent of Item 6)	661
(10) Adjusted Inshell Trade Demand plus desirable carryout (Item 8 plus Item 9)	4,115

	Free	Restricted
Percentages:		
(11) Final percentages (Item 10 divided by Item 5) × 100	30	70

In addition to complying with the provisions of the order, the Board also considered the Department's 1982 ''Guidelines for Fruit, Vegetable, and Specialty Crop Marketing Orders'' (Guidelines) when making its computations in the marketing policy. This volume control regulation provides a method to collectively limit the supply of inshell hazelnuts available for sale in domestic markets. The Guidelines provide that the domestic inshell market has available a quantity equal to 110 percent of prior years' shipments before secondary market allocations are approved. This provides for plentiful supplies for consumers and for market expansion, while retaining the mechanism for dealing with

oversupply situations. The established final percentages are based on the final inshell trade demand, and will make available an additional 661 tons for desirable carryout. The total free supply for the 1998–99 marketing year is 5,069 tons of hazelnuts, which is the final trade demand of 4,408 tons plus the 661 tons for desirable carryout. This amount is 115 percent of prior years' sales and exceeds the goal of the Guidelines.

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

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 800 producers of hazelnuts in the production area and approximately 22 handlers subject to regulation under the marketing order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. Using these criteria, virtually all of the producers are small agricultural producers and an estimated 19 of the 22 handlers are small agricultural service firms. In view of the foregoing, it can be concluded that the majority of hazelnut producers and handlers may be classified as small entities.

Board meetings are widely publicized in advance of the meetings and are held in a location central to the production area. The meetings are open to all industry members and other interested persons who are encouraged to participate in the deliberations and voice their opinions on topics under discussion. Thus, Board recommendations can be considered to represent the interests of small business entities in the industry.

Many years of marketing experience led to the development of the current volume control procedures. These procedures have helped the industry solve its marketing problems by keeping inshell supplies in balance with domestic needs. The current volume control procedures fully supply the domestic inshell market while preventing oversupplies in that market.

Inshell hazelnuts sold to the domestic market provide higher returns to the industry than are obtained from shelling. The inshell market is inelastic and is characterized as having limited demand and being prone to oversupply.

Industry statistics show that total hazelnut production has varied widely over the last 10 years, from a low of 13,000 tons in 1989 to a high of 47,000 tons in 1997. Average production has been around 27,000 tons. While crop size has fluctuated, the volume regulations contribute toward orderly marketing and market stability, and help moderate the variation in returns for all producers and handlers, both large and small. For instance, production in the shortest crop year (1989) was 48 percent of the 10-year average (1988–1997). Production in the biggest crop year (1997) was 173 percent of the 10-year average. The percentage releases provide all handlers with the opportunity to benefit from the most profitable domestic inshell market. That market is available to all handlers, regardless of handler size.

NASS statistics show that the producer price per pound has increased over the last 5 years, from $.32 in 1993 to $.45 in 1997.

The Board discussed the only alternative to this rule which was not to regulate. Without any regulations in effect, the Board believes that the industry would oversupply the inshell domestic market. Although the 1998 hazelnut crop is much smaller than last year, the release of 14,500 tons on the domestic inshell market would cause producer returns to decrease drastically, and completely disrupt the market.

While the level of benefits of this rulemaking is difficult to quantify, the stabilizing effects of the volume regulations impact both small and large handlers positively by helping them maintain and expand markets even though hazelnut supplies fluctuate widely from season to season.

Hazelnuts produced under the order comprise virtually all of the hazelnuts produced in the United States. This production represents, on average, less than 5 percent of total U.S. tree nut production, and less than 5 percent of the world's hazelnut production.

This volume control regulation provides a method for the U.S. hazelnut industry to limit the supply of domestic inshell hazelnuts available for sale in the United States. Section 982.40 of the order establishes a procedure and computations for the Board to follow in recommending to the Secretary release of preliminary, interim final, and final quantities of hazelnuts to be released to the free and restricted markets each marketing year. The program results in plentiful supplies for consumers and for market expansion while retaining the mechanism for dealing with oversupply situations.

Currently, U.S. hazelnut production can be successfully allocated between the inshell domestic and secondary markets. One of the best secondary markets for hazelnuts is the export market. Inshell hazelnuts produced under the marketing order compete well in export markets because of quality. Europe, and Germany in particular, is historically the primary world market for U.S. produced inshell hazelnuts, although China was the largest importer in 1997–98. A third market is for shelled hazelnuts sold domestically. Domestically produced kernels generally command a higher price in the domestic market than imported kernels. The industry is continuing its efforts to develop and expand secondary markets, especially the domestic kernel market. Small business entities, both producers and handlers, benefit from the expansion efforts resulting from this program.

There are some reporting, recordkeeping and other compliance requirements under the order. The reporting and recordkeeping burdens have been accepted by the handlers as necessary for compliance purposes and for developing statistical data for maintenance of the program. The forms require information which is readily available from handler records and which can be provided without data processing equipment or trained statistical staff. As with other marketing order programs, reports and forms are periodically studied to reduce or eliminate duplicate information collection burdens by industry and public sector agencies. This interim final rule does not change those requirements. In addition, the Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this regulation.

Further, the Board's meeting was widely publicized throughout the hazelnut industry and all interested persons were invited to attend the meeting and participate in Board deliberations. Like all Board meetings, the November 12, 1998, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue. The Board itself is composed of 10 members, of which 4 are handlers, 5 are producers, and one is a public member.

Any comments received will be considered prior to finalization of this rule.

After consideration of all relevant material presented, including the Board's recommendation and other information, it is found that this interim final rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined, upon good cause, that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The 1998–99 marketing year began July 1, 1998, and the percentages established herein apply to all merchantable hazelnuts handled from the beginning of the crop year; (2) handlers are aware of this rule, which was recommended at an open Board meeting, and need no additional time to comply with this rule; and (3) interested persons are provided a 60-day comment period in which to respond, and all comments timely received will be considered prior to finalization of this action.

List of Subjects in 7 CFR Part 982

Filberts, Hazelnuts, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR Part 982 is amended as follows:

PART 982—HAZELNUTS GROWN IN OREGON AND WASHINGTON

1. The authority citation for 7 CFR part 982 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 982.246 is added to read as follows:

Note: This section will not be published in the annual Code of Federal Regulations.

§ 982.246 Free and restricted percentages—1998–99 marketing year.

The final free and restricted percentages for merchantable hazelnuts for the 1998–99 marketing year shall be 30 and 70 percent, respectively.

Dated: January 7, 1999.

Larry B. Lace,

Acting Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 99–841 Filed 1–13–99; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 989

[FV99–989–1 FIR]

Raisins Produced From Grapes Grown In California; Relaxations to Substandard and Maturity Dockage Systems

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting, as a final rule, without change, an interim final rule relaxing the substandard and maturity dockage systems for raisins covered under the Federal marketing order for California raisins (order). The order regulates the handling of raisins produced from grapes grown in California and is administered locally by the Raisin Administrative Committee (Committee). Relaxing the limits for the 1998 crop reduces the number of lots of raisins returned by handlers to producers or reconditioned by handlers at the producers' expense. This minimizes producers' reconditioning costs and facilitates 1998 crop deliveries.

EFFECTIVE DATE: February 16, 1999.

FOR FURTHER INFORMATION CONTACT: Maureen T. Pello, Marketing Specialist, California Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (559) 487–5901, Fax: (559) 487–5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, or Fax: (202) 205–6632. Small businesses may request information on complying with this regulation, or obtain a guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone (202) 720–2491, Fax: (202) 205–6632, or E-mail: Jay__N__Guerber@usda.gov. You may view the marketing agreement and order small business compliance guide at the following web site: http://www.ams.usda.gov/fv/moab.html.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 989 (7 CFR part 989), both as amended, regulating the handling of raisins produced from grapes grown in California, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department is issuing this rule in conformance with Executive Order 12866.

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

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

Under the order, handlers may acquire raisins from producers under a weight dockage system and adjust the creditable fruit weight acquired according to the percentage of substandard raisins in a lot, or percentage of raisins that fall below certain levels of maturity. Certain marketing order obligations and producer payments are based on the creditable weight of raisins acquired by handlers. Because of unusual crop conditions this year created by the weather phenomenon known as El Nino, the industry predicted that a relatively high percentage of the 1998–99 crop will fall outside the limits of the substandard and maturity dockage systems.

This rule continues to relax the substandard and maturity dockage systems for raisins covered under the order. Under the order, handlers may acquire raisins from producers under a weight dockage system and adjust the creditable fruit weight acquired

according to the percentage of substandard raisins in a lot, or percentage of raisins that fall below certain levels of maturity. Some marketing order obligations (assessments and volume control) and producer payments are based on the creditable weight of raisins acquired by handlers. Because of unusual crop conditions this year created by the weather phenomenon known as El Nino, the industry predicted that a relatively high percentage of the 1998–99 crop will fall outside the limits of the substandard and maturity dockage systems. Relaxing the limits for the 1998 crop reduces the number of lots of raisins returned by handlers to producers or reconditioned by handlers at the producers' expense. This minimizes producers' reconditioning costs and facilitates 1998 crop deliveries. This rule was unanimously recommended by the Committee at a meeting on October 8, 1998.

Section 989.58(a) of the order provides authority for quality control regulations whereby natural condition raisins that are delivered by producers to handlers must meet certain incoming quality requirements. This section also contains authority for handlers to acquire natural condition raisins which fall outside the tolerance established for maturity, which includes substandard raisins, under a weight dockage system. Handler acquisitions of raisins and payments to producers are adjusted according to the percentage of substandard raisins in a lot, or percentage of raisins that fall below certain levels of maturity.

Tolerances for Substandard Raisins

Section 989.701 of the order's regulations specifies incoming quality requirements for natural condition raisins. Lots of raisins may contain a maximum percentage, depending on varietal type, of substandard raisins (raisins that show development less than that characteristic of raisins prepared from fairly well-matured grapes). Specifically, lots of Natural (sun-dried) Seedless, Golden Seedless, Dipped Seedless, Oleate and Related Seedless, Monukka, and Other Seedless raisin may contain no more than 5 percent, by weight, of substandard raisins. Lots of Muscat, Sultana, and Zante Currant raisins may contain no more than 12 percent, by weight, of substandard raisins.

Dockage System for Substandard Raisins

Section 989.212 provides that handlers may acquire, under an agreement with a producer, raisins that fall outside the tolerance for substandard raisins specified in § 989.701. Prior to implementation of an interim final rule on October 24, 1998 (63 FR 56781), handlers could acquire any lot of Natural (sun-dried) Seedless, Golden Seedless, Dipped Seedless, Oleate and Related Seedless, Monukka, and Other Seedless raisins containing from 5.1 through 17.0 percent, by weight, substandard raisins under a weight dockage system. Handlers could also acquire, subject to prior agreement, any lot of Muscat (including other raisins with seeds), Sultana, and Zante Currant raisins containing from 12.1 through 20.0 percent, by weight, of substandard raisins under a weight dockage system. The creditable weight of each lot of raisins acquired by handlers under the substandard dockage system is obtained by multiplying the applicable net weight of the lot of raisins by the applicable dockage factor in the tables in § 989.212. The dockage factor reduces the weight of the raisin lot by an amount approximating the weight of the raisins needed to be removed in order for the remainder of the lot to meet minimum grade requirements after processing and packing. The weight determined in this manner represents the creditable weight of the raisins which is used as a basis for applicable marketing order obligations and handler payments to producers. Those raisins failing to meet established substandard tolerance levels are returned to the producer or reconditioned by the handler (at the producer's expense) to bring the lot up to acceptable quality standards.

Adverse crop conditions this year created by the weather phenomenon known as El Nino affected the quality of the grapes used to make raisins by not allowing the grapes to properly mature. Temperatures in the production area stayed below average until about mid-June. In addition, due to the lateness of the 1998 crop (at least 3 to 4 weeks), producers had difficulty finding sufficient labor to harvest the crop. Raisin deliveries from producers to handlers were about 3–4 weeks later than in most crop years. The Committee predicted that a relatively high percentage of the 1998–99 crop would not meet the upper limit (17.0 or 20.0 percent, depending on varietal type) for the amount of substandard raisins permitted in incoming lots of raisins.

Thus, the Committee recommended that the allowable amount of substandard fruit in producer deliveries that can be acquired under the dockage system be increased, for the 1998–99 crop year only, from 17.0 to 25.0 percent for Natural (sun-dried) Seedless, Golden Seedless, Dipped Seedless, Oleate and Related Seedless, Monukka, and Other Seedless raisins. Likewise, the Committee recommended increasing the substandard dockage limit, for the 1998–99 crop year only, from 20.0 to 35.0 percent for Muscat (including other raisins with seeds), Sultana, and Zante Currant raisins. Lots containing more than 25.0 or 35.0 percent, depending on varietal type, of substandard raisins are considered off-grade and require reconditioning before they can be acquired by handlers. Appropriate changes incorporating these recommendations were made to § 989.212 and apply for the 1998–99 crop year only.

Increasing the upper limit allowed for substandard raisins reduces the number of lots of raisins returned by handlers to producers or reconditioned by handlers at the producers' expense. Handlers may acquire more lots of raisins upon first inspection without experiencing further delay while waiting for failing lots to be reconditioned. The ability to acquire more raisins upon first inspection helped handlers better meet early season market needs.

Tolerance for Maturity

Section 989.701 of the order's regulations specifies that lots of certain varietal types of natural condition raisins must contain a minimum percentage of raisins that are well-matured or reasonably well-matured. Specifically, lots of Natural (sun-dried) Seedless, Golden Seedless, Dipped Seedless, Oleate and Related Seedless, Monukka, and Other Seedless raisins must contain at least 50 percent, by weight, of raisins that are well-matured or reasonably well-matured, or what is commonly referred to by the industry as the ''B or better'' maturity standard.

Dockage System for Maturity

Section 989.213 provides that handlers may acquire, under an agreement with a producer, raisins falling outside the tolerance for maturity specified in § 989.701. Prior to implementation of the previously referenced interim final rule on October 24, 1998, handlers could acquire any lot of Natural (sun-dried) Seedless, Golden Seedless, Dipped Seedless, Oleate and Related Seedless, Monukka, and Other Seedless raisins which contained from 35.0 to 49.9 percent, by weight, of well-matured or reasonably well-matured raisins under a weight dockage system. The dockage system is applied similarly to the substandard dockage system previously described. The creditable weight of each lot of raisins acquired by handlers under the maturity dockage

system is obtained by multiplying the applicable net weight of the lot of raisins by the applicable dockage factor in the tables in § 989.213. The dockage factor reduces the weight of the raisins needed to be removed in order for the remainder of the lot to meet minimum maturity requirements after processing and packing. The weight determined in this manner represents the creditable weight of the raisins which is used as a basis for applicable marketing order obligations and handler payments to producers. Those raisins failing to meet the established maturity tolerance level are returned to the producer or reconditioned by the handler (at the producer's expense) to bring the lot up to acceptable quality standards. If a lot of raisins is subject to both a maturity and substandard dockage factor, only the highest of the two dockage factors is applied.

In addition, prior to implementation of the interim final rule, the maturity dockage system was divided into three categories depending on the percentage of well-matured or reasonably well-matured raisins in a lot. The creditable fruit weight of raisins delivered by producers to handlers in the first category, which included lots containing between 45.0 to 49.9 percent well-matured or reasonably well-matured raisins, was reduced .05 percent for each 0.1 percent the lot was below 50.0 percent down to 45.0 percent. The creditable fruit weight of raisins delivered by producers to handlers in the second category, which included lots containing between 40.0 to 44.9 percent well-matured or reasonably well-matured raisins, was reduced 0.1 percent for each 0.1 percent the lot was below 44.9 percent down to 40.0 percent. The creditable fruit weight of raisins delivered by producers to handlers in the third category, which included lots containing between 35.0 to 39.9 percent well-matured or reasonably well-matured raisins, was reduced 0.15 percent for each 0.1 percent the lot was below 39.9 percent down to 35.0 percent. Applicable marketing order obligations and producer payments were reduced accordingly.

Because of the unusual crop conditions this year created by El Nino, the Committee predicted that a relatively high percentage of the 1998–99 crop will fall below the 35.0 percent tolerance level for maturity. Thus, the Committee recommended that the minimum allowable level for maturity in lots of raisins delivered by producers that can be acquired under the dockage system be reduced, for the 1998–99 crop year only, from 35.0 to 30.0 percent.

The Committee also recommended that the creditable fruit weight of raisin deliveries in this fourth category created for the 1998–99 crop year, or lots containing between 30.0 to 34.9 percent well-matured or reasonably well-matured raisins, be reduced 0.2 percent for each 0.1 percent the lot is below 34.9 percent down to 30.0 percent. Applicable marketing order obligations and producer payments are reduced accordingly. Lots containing 29.9 percent or less raisins which are well-matured or reasonably well-matured raisins are considered off-grade and require reconditioning before they can be acquired by handlers. A new paragraph (e) has been added to § 989.213 for this fourth category and applies only to the 1998–99 crop year.

Similar to relaxing the substandard dockage system, reducing the minimum allowable level for maturity for the 1998–99 crop year reduces the number of lots of raisins returned by handlers to producers or reconditioned by handlers at the producers' expense. Handlers may acquire more lots of raisins upon first inspection without experiencing further delay while waiting for failing lots to be reconditioned and reinspected. The ability to acquire more raisins upon first inspection helped handlers better meet early season market needs.

Final Regulatory Flexibility Analysis

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

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 20 handlers of California raisins who are subject to regulation under the order and approximately 4,500 raisin producers in the regulated area. Small agricultural service firms have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those having annual receipts of less than $500,000. No more than 7 handlers, and a majority of producers, of California raisins may be classified as small entities. Thirteen of the 20 handlers subject to regulation have annual sales estimated to be at least $5,000,000, and the remaining 7 handlers have sales less than $5,000,000, excluding receipts from any other sources.

This rule continues to relax the substandard and maturity dockage systems specified in §§ 989.212 and 989.213, respectively, of the order's regulations. These sections allow handlers to acquire raisins from producers under a weight dockage system and adjust their payments and marketing order obligations according to the percentage of substandard raisins in a lot, or percentage of raisins falling below certain levels of maturity. Because of unusual crop conditions this year created by El Niño, the industry predicted that a relatively high percentage of the 1998 crop will fall outside the limits of the dockage systems. Relaxing the limits reduces the number of lots of raisins returned by handlers to producers or reconditioned by handlers at the producers' expense.

Relaxing the dockage limits for the 1998–99 crop year allows handlers to acquire more lots of raisins that fall outside specified tolerances for substandard raisins and maturity. Thus, fewer lots are returned to producers for reconditioning. Transportation costs for hauling raisins to and from the handler's premises (estimated at $5.00 per ton one way) for reconditioning and re-inspection are eliminated. Producers also save on reconditioning costs. Producer costs for reconditioning substandard raisins (a ''dry'' vacuuming process) are estimated at $20.00 per ton. Producer costs for reconditioning raisins falling below certain maturity levels (usually a ''wash and dry'' process) are estimated at $140.00 per ton. Producers also save on re-inspection costs at $8.50 per ton because more of their raisins meet the relaxed incoming substandard and maturity requirements upon first inspection. In summary, producers whose lots of raisins fall into the extended dockage limits for substandard raisins do not have to incur $38.50 per ton in costs for hauling, ''dry'' reconditioning, and re-inspection. Producers whose lots fall into the revised dockage limits for maturity do not have to incur $158.00 per ton in costs for hauling, ''wet'' reconditioning, and re-inspection.

Relaxing the dockage limits may cause handlers to incur some additional costs because, while the incoming quality requirements are relaxed, outgoing quality requirements remain unchanged. Thus, the burden of removing substandard raisins or raisins falling below certain levels of maturity

is shifted from producers to handlers. Although handlers have this additional burden, handlers can more efficiently and economically manage the situation because they already have the processing equipment designed to remove the undesirable fruit.

The Committee considered some alternatives to the recommended action. The Committee has an appointed subcommittee which periodically holds public meetings to discuss changes to the order and other issues. The subcommittee met on October 6, 1998. There was some deliberation at the subcommittee meeting about revising the order's tolerances for mold for the 1998–99 crop year. However, the majority of subcommittee members did not support any change to the mold tolerances at this time.

Another alternative discussed at the subcommittee and Committee meetings was to reduce the maturity dockage limit from 35.0 to 30.0 percent, as recommended, but revise the dockage factor by 0.15 percent rather than the higher increment of 0.20 percent as recommended by the Committee. However, some handlers believe that the higher incremental dockage is necessary to accommodate a handler's ability to meet the minimum outgoing quality requirements for maturity. Thus, the Committee unanimously recommended that the higher increment of 0.20 percent was appropriate.

This rule imposes no additional reporting or recordkeeping requirements on either small or large raisin handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. In addition, as noted in the initial regulatory flexibility analysis, the Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

In addition, the Committee's subcommittee meeting on October 6, 1998, and the Committee meeting on October 8, 1998, where this action was deliberated were public meetings widely publicized throughout the raisin industry. All interested persons were invited to attend the meetings and participate in the industry's deliberations.

An interim final rule concerning this action was published in the **Federal Register** on October 23, 1998, and, as previously noted, effective on October 24, 1998. Copies of the rule were mailed to all Committee members and alternates, the Raisin Bargaining Association, handlers, and dehydrators. In addition, the rule was made available through the Internet by the Office of the Federal Register. That rule provided for a 60-day comment period which ended December 22, 1998. No comments were received.

After consideration of all relevant material presented, including the Committee's recommendation, and other information, it is found that finalizing the interim final rule, without change, as published in the Federal Register (63 FR 56781), will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 989

Grapes, Marketing agreements, Raisins, Reporting and recordkeeping requirements.

Accordingly, the interim final rule amending 7 CFR part 989 which was published at 63 FR 56781 on October 23, 1998, is adopted as a final rule without change.

Dated: January 8, 1999.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 99–842 Filed 1–13–99; 8:45 am]

BILLING CODE 3410–02–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–108–AD; Amendment 39–10802; AD 98–20–35]

RIN 2120–AA64

Airworthiness Directives; Israel Aircraft Industries (IAI), Ltd., Model 1121, 1121A, 1121B, 1123, 1124, and 1124A Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects a typographical error that appeared in airworthiness directive (AD) 98–20–35, that was published in the **Federal Register** on September 29, 1998 (63 FR 51803). The typographical error resulted in referencing a service bulletin that does not pertain to this AD. This AD is applicable to all IAI, Ltd., Model 1121, 1121A, 1121B, 1123, 1124, and 1124A series airplanes. This AD requires repetitive inspections of the trim actuator of the horizontal stabilizer to verify jackscrew integrity and to detect excessive wear of the tie rod, and replacement of the actuator or tie rod, if necessary. This AD also requires accomplishment of the previously optional terminating action.

EFFECTIVE DATE: November 3, 1998.

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: Airworthiness Directive (AD) 98–20–35, amendment 39–10802, applicable to all IAI, Ltd., Model 1121, 1121A, 1121B, 1123, 1124, and 1124A series airplanes, was published in the **Federal Register** on September 29, 1998 (63 FR 51803). That AD requires repetitive inspections of the trim actuator of the horizontal stabilizer to verify jackscrew integrity and to detect excessive wear of the tie rod, and replacement of the actuator or tie rod, if necessary. That AD also requires accomplishment of the previously optional terminating action.

As published, AD 98–20–35 contained an erroneous reference to a service bulletin that was approved previously by the Director of the Federal Register as of April 10, 1998 (63 FR 11106, March 6, 1998), for incorporation by reference in AD 98–05–09, amendment 39–10370. Paragraph (f) of AD 98–20–35 and paragraph (g) of AD 98–05–09 incorrectly reference Westwind Service Bulletin SB 1124–27–046, Revision 1, dated May 28, 1997. The correct service bulletin is Westwind Service Bulletin SB 1123–27–046, Revision 1, dated May 28, 1997.

Since no other part of the regulatory information has been changed, the final rule is not being republished.

The effective date of this AD remains November 3, 1998.

§ 39.13 [Corrected]

On page 51804, in the third column, paragraph (f) of AD 98–20–35 is corrected to read as follows:

* * * * *

(f) The actions shall be done in accordance with the following Westwind and Commodore Jet service bulletins, as applicable, which contain the specified effective pages:

Service bulletin referenced and date	Page number shown on page	Revision level shown on page	Date shown on page
Westwind SB 1124–27–133, August 14, 1996	1–6	Original	August 14, 1996.
Westwind SB 1124–27–133	1–4	1	May 28, 1997.
Revision 1, May 28, 1997	5, 6	Original	August 14, 1996.
Westwind SB 1123–27–046, August 14, 1996	1–6	Original	August 14, 1996.
Westwind SB 1123–27–046	1–4	1	May 28, 1997.
Revision 1, May 28, 1997	5, 6	Original	August 14, 1996.
Westwind SB 1124–27–136, September 1, 1997	1–3	Original	September 1, 1997.
Westwind SB 1123–27–047, September 1, 1997	1–3	Original	September 1, 1997.
Commodore Jet SB 1121–27–025, December 22, 1997	1–3	Original	December 22, 1997.
Commodore Jet SB 1121–27–023, August 14, 1996	1–6	Original	August 14, 1996.
Commodore Jet SB 1121–27–023	1–4	1	May 28, 1997.
Revision 1, May 28, 1997	5, 6	Original	August 14, 1996.

The incorporation by reference was approved previously by the Director of the Federal Register as of April 10, 1998 (63 FR 11106, March 6, 1998). Copies may be obtained from Galaxy Aerospace Corporation, One Galaxy Way, Fort Worth Alliance Airport, Fort Worth, Texas 76177. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW. suite 700, Washington DC.

* * * * *

Issued in Renton, Washington, on January 7, 1999.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–809 Filed 1–13–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Parts 740, 742, and 748

[Docket No. 981208298–8298–01]

RIN 0694–AB82

Exports of High Performance Computers Under License Exception CTP

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Interim rule with request for comments.

SUMMARY: The Bureau of Export Administration (BXA) is amending the Export Administration Regulations by revising the requirements for exports of high performance computers to the People's Republic of China. This rule requires that exports of high performance computers, regardless of value, to the People's Republic of China under License Exception CTP be supported by a PRC End-User Certificate. The PRC End-User Certificate must be obtained by the exporter prior to export. In addition, this rule also removes the $5,000 End-User Certification exemption for license applications for exports of high performance computers to the People's Republic of China.

DATES: *Effective Date:* This rule is effective January 14, 1999.

Comment Date: Comments on this rule must be received on or before March 1, 1999.

ADDRESSES: Written comments should be sent to Patricia Muldonian, Regulatory Policy Division, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Patricia Muldonian, Regulatory Policy Division, Bureau of Export Administration, Telephone: (202) 482–2440.

SUPPLEMENTARY INFORMATION:

Background

The National Defense Authorization Act for Fiscal Year 1998 (NDAA) requires the Department of Commerce to conduct a post shipment verification of each high performance computer exported to a country in Computer Tier 3 as defined § 740.7(d) of the Export Administration Regulations. For purposes of this post shipment verification requirement, the NDAA defines a high performance computer as one with a composite theoretical performance greater than 2,000 millions of theoretical operations per second. Tier 3 includes the People's Republic of China. In order to facilitate the Department's ability to conduct the required verifications, the Bureau of Export Administration is amending the Export Administration Regulations to require the exporter to obtain a PRC End-User Certificate issued by the Ministry of Foreign Trade and Economic Cooperation before exporting any high performance computer to the People's Republic of China if the computer is to be exported under the authority of an export license or License Exception CTP regardless of value. This rule also requires exporters to report the End-User Certificate number to the Bureau of Export Administration. This amendment does not affect the requirements for reexports of high performance computers because the NDAA does not require the Department to conduct post shipment verifications on those computers.

Although the Export Administration Act (EAA) expired on August 20, 1994, the President invoked the International Emergency Economic Powers Act and continued in effect the EAR and, to the extent permitted by law, the provisions of the EAA in Executive Order 12924 of August 19, 1994, as extended by the President's notices of August 15, 1995 (60 FR 42767), August 14, 1996 (61 FR 42527), August 13, 1997 (62 FR 43629) and August 13, 1998 (63 FR 44121).

Savings Clause

Shipments of items now subject to a PRC End-User Certificate as a result of this regulatory action that were on dock for loading, on lighter, laden aboard an exporting carrier, or en route aboard a carrier to a port of export pursuant to actual orders for export before January 28, 1999 may be exported up to and including February 11, 1999. Any such items not actually exported before midnight February 11, 1999, require a PRC End-User Certificate, in accordance with this regulation.

Rulemaking Requirements

1. This interim rule has been determined to be significant for purposes of E.O. 12866.

2. Notwithstanding any other provision of law, no person is required to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the Paperwork Reduction Act (PRA), unless

that collection of information displays a currently valid OMB Control Number. This rule involves collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). These collections have been approved by the Office of Management and Budget under control number 0694–0088, ''Multi-Purpose Application,'' which carries a burden hour estimate of 52.5 minutes per submission and control number 0694–0107, ''National Defense Authorization Act,'' Advance Notifications and Post-Shipment Verification reports. Reports in support of Post-Shipment Verifications require 15 minutes per submission, whether the Post-Shipment Verification is conducted on an export authorized under a license or License Exception CTP. In addition, this rule contains a new collection of information requirement approved under control number 0694–0112, which carries a burden hour estimate of 15 minutes per submission for obtaining and maintaining the PRC End-Use Certificate for License Exception CTP shipments. An additional 1 minute per submission is needed for recordkeeping. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments regarding these burden estimates or any other aspect of the collection of information, including suggestions for reducing the burdens, should be forwarded to Patricia Muldonian, Regulatory Policy Division, Office of Exporter Services, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044, and David Rostker, Office of Management and Budget, OMB/OIRA, 725 17th Street, NW, NEOB Rm. 10202, Washington, DC 20503.

3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (Sec. 5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this interim rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. 553 or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

However, because of the importance of the issues raised by these regulations, this rule is being issued in interim form and comments will be considered in the development of final regulations.

Accordingly, the Department encourages interested persons who wish to comment to do so at the earliest possible time to permit the fullest consideration of views.

The period for submission of comments will close March 1, 1999. The Department will consider all comments received before the close of the comment period in developing final regulations. Comments received after the end of the comment period will be considered if possible, but their consideration cannot be assured. The Department will not accept public comments accompanied by a request that a part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. The Department will return such comments and materials to the persons submitting the comments and will not consider them in the development of final regulations. All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, the Department requires comments in written form.

Oral comments must be followed by written memoranda, which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will not be available for public inspection.

The public record concerning these regulations will be maintained in the Bureau of Export Administration Freedom of Information Records Inspection Facility, Room 4525, Department of Commerce, 14th Street and Pennsylvania Avenue, NW, Washington, DC 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Margaret Cornejo, Bureau of Export Administration Freedom of Information Officer, at the above address or by calling (202) 482–5653.

List of Subjects

15 CFR Parts 740 and 748

Administrative practice and procedure, Exports, Foreign trade, Reporting and recordkeeping requirements.

15 CFR Part 742

Exports, Foreign trade, Terroism.

Accordingly, parts 740, 742, and 748 of the Export Administration Regulations (15 CFR parts 730–799) are amended to read as follows:

1. The authority citation for part 740 is revised to read as follows:

Authority: 50 U.S.C. app. 4201 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; Notice of August 15, 1995, 3 CFR, 1995 Comp. 501 (1996); notice of August 14, 1996 (61 FR 42527, August 15, 1996); Notice of August 13, 1997 (62 FR 43629, August 15, 1997); P.L. 105–85, 111 Stat. 1629; and Notice of August 13, 1998 (63 FR 44121).

2. The authority citation for part 742 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 3 CFR, 1993 Comp., p. 608; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; E.O. 12938, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 3 CFR, 1996 Comp. p. 219; E.O. 13026, 3 CFR, 1996 Comp., p. 228; Notice of August 13, 1997 (62 FR 43629, August 15, 1997); and Notice of August 13, 1998 (63 FR 44121).

3. The authority citation for part 748 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 12924, 3 CFR, 1994 Comp., p. 917; E.O. 13026, 3 CFR, 1996 Comp., p. 228; Notice of August 13, 1997 (62 FR 43629, August 15, 1997); and Notice of August 13, 1998 (63 FR 44121).

PART 740—[AMENDED]

4. Section 740.7 is amended:

a. By redesignating paragraph (d)(4) as paragraph (d)(5) and by adding a new paragraph (d)(4);

b. By amending newly designated paragraph (d)(5) as follows:

i. In newly designated paragraph (d)(5)(iii), revise the phrase ''paragraph (d)(4)(iv) of this section'' to read ''paragraph (d)(5)(iv) of this section'';

ii. In newly designated paragraph (d)(5)(v) introductory text, revise the

phrase ''paragraph (d)(4)(v)'' to read ''paragraph (d)(5)(v)'';

iii. In newly designated paragraph (d)(5)(v)(A) introductory text, revise the phrase ''paragraph (d)(4)(v)(B)'' to read ''paragraph (d)(5)(v)(B)'';

iv. In newly designated paragraph (d)(5)(v)(A), add a ''note'' at the end of paragraph (d)(5)(v)(A)(*8*); and

c. By revising newly designated paragraph (d)(5)(v)(B).

The additions and revision read as follows:

§ 740.7 Computers (CTP).

* * * * *

(d) * * *

(4) *Supporting documentation.* Exports of computers as described by paragraph (d)(2) of this section, regardless of value, to the People's Republic of China must be supported by a PRC End-User Certificate. (See § 748.10(c)(3) of the EAR for information on obtaining the PRC End-User Certificate.) Exporters are required to obtain a PRC End-User Certificate before exporting computers regardless of value to the People's Republic of China. Exporters are also required to provide the PRC End-User Certificate Number to BXA as part of their post-shipment report (see paragraph (d)(5) of this section). When providing the PRC End-User Certificate Number to BXA, you must identify the transaction in the post shipment report to which that PRC End-User Certificate Number applies. The original PRC End-User Certificate shall be retained in the exporter's files in accordance with the recordkeeping provisions of § 762.2 of the EAR.

(5) * * *

(v) * * *

(A) * * *

Note to paragraph (d)(5)(v)(A): For exports authorized under License Exception CTP to the Peoples Republic of China (PRC), you must submit the PRC End-User Certificate Number identifying the transaction for which the End-User Certificate Number applies.

(B) *Mailing address.* A copy of the post-shipment report[s] required under paragraph (d)(5)(v)(A) of this section shall be delivered to one of the following addresses. Note that BXA will not accept reports sent C.O.D.

(*1*) For deliveries by U.S. postal service: Bureau of Export Administration, U.S. Department of Commerce, P.O. Box 273, Attn: HPC Team, Washington, DC 20044.

(*2*) For courier deliveries: U.S. Department of Commerce, Office of the Assistant Secretary for Export Enforcement, Room 3721, 14th Street and Constitution Ave., NW., Washington, DC 20230.

* * * * *

PART 742—[AMENDED]

5. Section 742.12 is amended:

a. By revising paragraph (b)(3)(i)(C); and

b. By revising paragraph (b)(3)(iv)(B) to read as follows:

§ 742.12 High performance computers.

* * * * *

(b) * * *

(3) * * *

(i) * * *

(C) A license may be required to export or reexport computers with a CTP greater than 2,000 MTOPS to countries in Computer Tier 3 pursuant to the NDAA (see § 740.7(d)(5) of the EAR).

* * * * *

(iv) * * *

(B) *Mailing address.* A copy of the post-shipment report[s] required under paragraph (b)(3)(vi)(A) of this section shall be delivered to one of the following addresses. Note that BXA will not accept reports sent C.O.D.

(*1*) For deliveries by U.S. postal service: Bureau of Export Administration, U.S. Department of Commerce, P.O. Box 273, Attn: HPC Team, Washington, DC 20044.

(*2*) For courier deliveries: U.S. Department of Commerce, Office of the Assistant Secretary for Export Enforcement, Room 3721, 14th Street and Constitution Ave., NW., Washington, DC 20230.

* * * * *

PART 748—[AMENDED]

§ 748.9 [Amended]

6. Section 748.9 is amended by removing paragraph (b)(2)(i)(*1*) and redesignating paragraphs (b)(2)(i)(*2*) and (b)(2)(i)(*3*), as paragraphs (b)(2)(i)(A) and (b)(2)(i)(B), respectively.

7. Section 748.10 is amended by removing ''; and'' at the end of paragraph (b)(2) and adding a period in its place, by redesignating paragraph (b)(3) as paragraph (b)(4), by adding a new paragraph (b)(3), and by revising the introductory text of newly designated paragraph (b)(4) to read as follows:

§ 748.10 Import and End-User Certificates.

* * * * *

(b) * * *

(3) Your transaction involves an export of a computer with a Composite Theoretical Performance (CTP) greater than 2,000 Million Operations Per Second (MTOPS) under either a license application or under License Exception CTP to the People's Republic of China, you must obtain a PRC End-User Certificate, regardless of dollar value.

(4) Your license application involves the export of commodities and software classified in a single entry on the CCL, the total value of which exceeds $5,000. Note that this $5,000 threshold, does not apply to exports of computers with a CTP exceeding 2,000 MTOPS to the People's Republic of China.

* * * * *

Dated: January 8, 1999.

R. Roger Majak,

Assistant Secretary for Export Administration.

[FR Doc. 99–867 Filed 1–13–99; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD1–98–183]

RIN 2115–AA97

Safety Zone; Explosive Loads and Detonations Bath Iron Works, Bath, ME

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone to close a portion of the Kennebec River to waterway traffic in a 400 foot radius around Bath Iron Works, Bath, Maine for explosive loads and explosives detonations, from 6 a.m. December 30, 1998 through 12 p.m. January 30, 1999. This safety zone is needed to protect persons, facilities, vessels and others in the maritime community from the safety hazards associated with the handling, detonation and transportation of explosives. Entry into this safety zone is prohibited unless authorized by the Captain of the Port.

DATES: This rule is effective from 6 a.m. Wednesday December 30, 1998 until 12 p.m. Saturday January 30, 1999.

FOR FURTHER INFORMATION CONTACT: Lieutenant J.D. Gafkjen, Chief of Response and Planning, Captain of the Port, Portland at (207) 780–3251.

SUPPLEMENTARY INFORMATION:

Regulatory History

As authorized by 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing a NPRM and for making this regulation effective in less than 30 days after **Federal Register** publication. Due to the complex planning and coordination involved, final details for the closure were not provided to the Coast Guard

until December 28, 1998, making it impossible to publish a NPRM or a final rule 30 days in advance. Publishing an NPRM and delaying its effective date would be contrary to public interest since this safety zone is needed to protect persons, facilities, vessels and others in the maritime community from the safety hazards associated with the handling and detonation of explosives.

Background and Purpose

The Explosive Loads and Detonations will occur from 6 a.m. Wednesday December 30, 1998 until 12 p.m. Saturday January 30, 1999. The safety zone covers the waters of the Kennebec River, Bath, ME, in a 400 foot radius around Bath Iron Works, Bath, ME. This safety zone is required to protect the maritime community from the hazards associated with the loading, detonation and transportation of explosives. Entry into this zone will be prohibited unless authorized by the Captain of the Port.

Regulatory Evaluation

This temporary 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This safety zone involves only a portion of the Kennebec River. Due to the limited duration of the safety zone, the fact that the safety zone will not restrict the entire channel of the Kennebec River, allowing traffic to continue without obstruction, and that advance maritime advisories will be made, the Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. ''Small entities'' may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

For the reasons addressed under the Regulatory Evaluation above, the Coast Guard expects the impact of this regulation to be minimal and 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 rule contains no collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

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

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that, under section 2.B.2.e. of Commandant Instruction M16475.1B, (as revised by 59 FR 38654, July 29, 1994), this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and an Environmental Analysis Checklist is available in the docket for inspection or copying.

List of Subjects in 33 CFR Part 165

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

Regulation

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

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–CGD1–183 to read as follows:

§ 165.T01–CGD1–183 Explosive Load, Bath Iron Works, Bath, ME.

(a) *Location.* The safety zone covers the waters of the Kennebec River, Bath, ME, in a 400 foot radius around Bath Iron Works, Bath, ME.

(b) *Effective date.* The Explosive Loads and Detonations will occur from 6 a.m. Wednesday December 30, 1998 until 12 p.m. Saturday January 30, 1999. The safety zone covers the waters of the Kennebec River, Bath, ME.

(c) *Regulations.*

(1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons 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 the vessel shall proceed as directed.

(3) In accordance with the general regulations in § 165.23 of this part, entry or movement within this zone is prohibited unless authorized by the Captain of the Port, Portland, ME.

John E. Cameron,

Commander, U.S. Coast Guard, Captain of the Port Portland, Maine

[FR Doc. 99–860 Filed 1–13–99; 8:45 am]

BILLING CODE 4910–15–M

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 300–2, 300–3 and 303–70

[FTR Amendment 76—1998 Edition]

RIN 3090–AG76

Federal Travel Regulation, Payment of Expenses Connected With the Death of Certain Employees

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal Travel Regulation (FTR), chapter 303, provisions pertaining to payment by the government of expenses connected with the death of certain employees and their immediate family members. This amendment implements the Administrator's authority under 5 U.S.C. 5721–5738 and 5741–5742 to require agencies to pay certain expenses in connection with the death of certain employees and/or their immediate family members.

DATES: This final rule is effective March 1, 1999, and applies to payment of expenses in connection with the death of certain employees and their immediate family members on or after March 1, 1999.

FOR FURTHER INFORMATION CONTACT: Sandra Batton, telephone (202) 501–1538.

SUPPLEMENTARY INFORMATION: This final rule amends FTR parts 300–2 and 300–

3 to incorporate FTR chapter 303 changes and implements the Administrator of General Services' authority under 5 U.S.C. 5721–5738 and 5741–5742 to require agencies to pay certain expenses in connection with the death of certain employees and/or their immediate family members.

This final rule sets forth the allowable expenses authorized by 5 U.S.C. 5742 for the preparation and transportation of the remains of certain deceased employees, for the transportation of the immediate family and household goods of certain deceased employees, and for the transportation of the remains of a member of the employee's immediate family who dies while residing with the employee outside the continental United States (CONUS) or in transit thereto or therefrom.

A. Background

A proposed rule with request for comments was published in the **Federal Register** on August 27, 1998 (63 FR 45781). All comments received were considered in the formulation of the final rule. The Small Business Administration provided comments requesting provisions for reimbursement of expenses for the escort (based on religious beliefs) of remains, and transportation of the remains of an immediate family member residing within CONUS. The United States Secret Service provided comments requesting provisions for reimbursement of travel expenses for the escort of remains when the employee dies while away from his/her official duty station or assigned overseas in the interest of the government. The Administrator of General Services does not have authority under 5 U.S.C. 5721–5738 and 5741–5742 to authorize agencies to pay these expenses.

The United States Secret Service also provided comments regarding extension of the time provisions of § 303–70.305. These comments were not adopted because the General Services Administration (GSA) believes that the benefits provided in § 303–70.305 are adequate for meeting the needs of the families.

This amendment is written in the ''plain language'' style of regulation writing as a continuation of GSA's effort to make the FTR easier to understand and use. The ''plain language'' style of regulation writing is a new, simpler to read and understand, question and answer regulatory format. Questions are in the first person, and answers are in the second person. Throughout these chapters, the pronouns ''we'', ''you'', and their variants are used to refer to the agency.

What are the significant changes?

There are significant changes for payment of death-related expenses. The final rule:

(a) Removes the $250 limit for preparation and transportation of remains to allow payment of actual costs;

(b) Removes restrictions concerning the return of baggage;

(c) Allows continued payment of the relocation expenses of the employee's immediate family when the employee dies before completion of relocation; and

(d) Requires payment of allowable death-related expenses.

B. Executive Order 12866

GSA has determined that this final rule is not a significant regulatory action for the purposes of Executive Order 12866 of September 30, 1993.

C. Regulatory Flexibility Act

This final rule is not required to be published in the **Federal Register** for notice and comment; therefore, the Regulatory Flexibility Act does not apply.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the revisions do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 501 *et seq.*

E. Small Business Reform Act

This final rule is also exempt from congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Parts 300–2, 300–3 and 303–70

Government employees, Travel and transportation expenses.

For the reasons set forth in the preamble, 41 CFR parts 300–2, 300–3 and 303–70 are amended to read as follows:

PART 300–2—HOW TO USE THE FTR

1. The authority citation for 41 CFR part 300–2 continues to read as follows:

Authority: 5 U.S.C. 5707; 5 U.S.C. 5738; 5 U.S.C. 5741–5742; 20 U.S.C. 905(a); 31 U.S.C. 1353; 40 U.S.C. 486(c); 49 U.S.C. 40118; E.O. 11609, 3 CFR, 1971–1975 Comp., p. 586.

2. Section 300–2.22 is amended by revising the table to read as follows:

§ 300–2.22 Who is subject to the FTR?

* * * * *

For	The employee provisions are contained in	And the agency provisions are contained in
Chapter 301, ...	Subchapters A, B, and C, ...	Subchapter D.
Chapter 303, ...	N/A	Subparts A, B, C, D, E and F.

PART 300–3—GLOSSARY OF TERMS

3. The authority citation for 41 CFR part 300–3 continues to read as follows:

Authority: 5 U.S.C. 5707; 5 U.S.C. 5738; 5 U.S.C. 5741–5742; 20 U.S.C. 905(a); 31 U.S.C. 1353; 40 U.S.C. 486(c); 49 U.S.C. 40118; E.O. 11609, 3 CFR, 1971–1975 Comp., p. 586.

4. Section 300–3.1 is amended by adding in alphabetical order the definition ''Mandatory mobility agreement'' to read as follows:

§ 300–3.1 What do the following terms mean?

* * * * *

Mandatory mobility agreement—Agreement requiring employee relocation to enhance career development and progression and/or achieve mission effectiveness.

* * * * *

5. 41 CFR chapter 303 is amended by removing parts 303–1 and 303–2; and by adding new part 303–70 to read as follows:

Chapter 303—Payment of Expenses Connected With the Death of Certain Employees

PARTS 303–1 and 303–2—[REMOVED]

PART 303–70—AGENCY REQUIREMENTS FOR PAYMENT OF EXPENSES CONNECTED WITH THE DEATH OF CERTAIN EMPLOYEES

Subpart A—General Policies

Sec.

Subpart B—General Procedures

Subpart C—Allowances for Preparation and Transportation of Remains

Subpart D—Transportation of Immediate Family Members, Baggage, and Household Goods

Subpart E—Preparation and Transportation Expenses for Remains of Immediate Family Members

Subpart F—Policies and Procedures for Payment of Expenses

Authority: 5 U.S.C. 5721–5738; 5741–5742; E.O. 11609, 3 CFR, 1971–1975 Comp., p. 586.

Subpart A—General Policies

§ 303–70.1 When must we authorize payment of expenses related to an employee's death?

When, at the time of death, the employee was:

(a) On official travel; or

(b) Performing official duties outside CONUS; or

(c) Absent from duty as provided in § 303–70.3; or

(d) Reassigned away from his/her home of record under a mandatory mobility agreement.

§ 303–70.2 Must we pay death-related expenses when the employee's death is not work-related?

Yes, provided the requirements in § 303–70.1 are met.

§ 303–70.3 Must we pay death-related expenses for an employee who dies while on leave, or who dies on a nonworkday while on TDY or stationed outside CONUS?

Yes. However, payment cannot exceed the amount allowed if death had occurred at the temporary duty station or at the official station outside CONUS.

§ 303–70.4 May we pay death-related expenses under this chapter if the same expenses are payable under other laws of the United States?

No.

Note to Subpart A: When an employee dies from injuries sustained while performing official duty, death-related expenses are payable under the Federal Employees' Compensation Act (FECA), 5 U.S.C. 8134. For further information contact the Department of Labor, Federal Employees' Compensation Division, 200 Constitution Avenue, NW, Washington, DC 20210.

Subpart B—General Procedures

§ 303–70.100 May we pay the travel expenses of an escort for the remains of the decedent?

No.

§ 303–70.101 Must we provide assistance in arranging for preparation and transportation of employee remains?

Yes.

Subpart C—Allowances for Preparation and Transportation of Remains

§ 303–70.200 What costs must we pay for preparation and transportation of remains?

All actual costs including but not limited to:

(a) Preparation of remains:

(1) Embalming or cremation;

(2) Necessary clothing;

(3) A casket or container suitable for shipment to place of burial;

(4) Expenses necessary to comply with local laws at the port of entry in the United States; and

(b) Transportation of remains by common carrier (that is normally used for transportation of remains), hearse, other means, or a combination thereof, from the temporary duty station or official station outside CONUS to the employee's residence, official station, or place of burial, including but not limited to:

(1) Movement from place of death to a mortuary and/or cemetery;

(2) Shipping permits;

(3) Outside case for shipment and sealing of the case if necessary;

(4) Removal to and from the common carrier; and

(5) Ferry fares, bridge tolls, and similar charges.

Note to § 303–70.200: Costs for an outside case are not authorized for transportation by hearse. Costs for transportation by hearse or other means cannot exceed the cost of common carrier (that is normally used for transportation of remains). Transportation costs to the place of burial cannot exceed the actual cost of transportation to the employee's residence.

Subpart D—Transportation of Immediate Family Members, Baggage, and Household Goods

§ 303–70.300 Must we pay transportation costs to return the deceased employee's baggage?

Yes, you must pay transportation costs to return the deceased employee's baggage to his/her official duty station or residence. However, you may not pay insurance of or reimbursement for loss or damage to baggage.

§ 303–70.301 Are there any limitations on the baggage we may transport?

Yes. You may only transport government property and the employee's personal property.

§ 303–70.302 When the employee dies at or while in transit to or from his/her official station outside CONUS, must we return the employee's immediate family, baggage and household goods to the residence or alternate destination?

Yes. However, your agency head or his/her designated representative must approve the family's election to return to an alternate destination, and the allowable expenses cannot exceed the cost of transportation to the decedent's residence. Travel and transportation must begin within one year from the date of the employee's death. A one-year extension may be granted if requested by the family prior to the expiration of the one-year limit.

§ 303–70.303 Must we continue payment of relocation expenses for an employee's immediate family if the employee dies while in transit to his/her new duty station within CONUS?

Yes, if the immediate family chooses to continue the relocation, you must continue payment of relocation expenses for the immediate family if the immediate family was included on the employee's relocation travel orders. (See § 303–70.305.)

§ 303–70.304 Must we continue payment of relocation expenses for an employee's immediate family if the employee dies after reporting to the new duty station within CONUS, but the family was in transit to the new duty station or had not begun its en route travel?

Yes, if the immediate family chooses to continue the relocation, you must continue payment of relocation expenses for the immediate family if the immediate family was included on the employee's relocation travel orders. (See § 303–70.305.)

§ 303–70.305 What relocation expenses must we authorize for the immediate family under §§ 303–70.303 and 303–70.304?

When the immediate family chooses to continue the relocation, the following expenses must be authorized:

(a) Travel to the new duty station; or

(b) Travel to an alternate destination, selected by the immediate family, not to exceed the remaining constructive cost of travel to the new duty station.

(c) Temporary quarters not to exceed 60 days, to be paid at the per diem rate for an unaccompanied spouse and immediate family.

(d) Shipment of household goods to the new or old duty station, or to an alternate destination selected by the immediate family. However, the cost may not exceed the constructive cost of transportation between the old and the new duty stations.

(e) Storage of household goods not to exceed 90 days.

(f) Reimbursement of real estate expenses incident to the relocation.

(g) Shipment of POV to the new or old duty station, or to an alternate destination, selected by the immediate family. However, the cost may not exceed the constructive cost of transportation between the old and the new duty stations.

Subpart E—Preparation and Transportation Expenses for Remains of Immediate Family Members

§ 303–70.400 When an immediate family member, residing with the employee, dies while the employee is stationed outside CONUS, must we furnish mortuary services?

Yes, if requested by the employee and when:

(a) Local commercial mortuary facilities or supplies are not available; or

(b) The cost of available mortuary facilities or supplies are prohibitive as determined by your agency head.

Note to § 303–70.400: The employee must reimburse you for all furnished mortuary facilities and supplies.

§ 303–70.401 When an immediate family member, residing with the employee, dies while the employee is stationed outside CONUS, must we pay expenses to transport the remains?

Yes, if requested by the employee, payment must be made to transport the remains to the residence of the immediate family member. The employee may elect an alternate destination, which must be approved by your agency head or his/her designated representative. In that case, the allowable expenses cannot exceed the cost of transportation to the decedent's residence.

§ 303–70.402 When an immediate family member, residing with the employee, dies while the employee is stationed outside CONUS, may we pay burial expenses?

No.

§ 303–70.403 When a family member, residing with the employee, dies while in transit to the employee's duty station outside CONUS must we furnish mortuary services, and/or transportation of remains?

You must furnish transportation if requested by the employee. You must follow the guidelines in § 303–70.401 for transportation expenses. You must furnish mortuary services only if the conditions in § 303–70.400 are met.

Subpart F—Policies and Procedures for Payment of Expenses

§ 303–70.500 Are receipts required for claims for reimbursement?

Yes.

§ 303–70.501 To whom should we make payment?

You should pay:

(a) The person performing the service; or

(b) Reimburse the person who made the original payment.

Dated: January 6, 1999.

David J. Barram,

Administrator of General Services.

[FR Doc. 99–832 Filed 1–13–99; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

48 CFR Parts 1201, 1205, 1206, 1211, 1213, 1215, 1237, 1252 and 1253

Amendment of Department of Transportation Acquisition Regulations

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: This final rule deletes unnecessary Federal Acquisition Regulation (FAR) implementations which were in the Transportation Acquisition Regulation (TAR), implements and supplements FAR Circulars 97–01 through 97–03, and sequentially aligns Coast Guard TAR Supplements with the applicable TAR Parts 1201, 1205, 1206, 1211, 1213, 1215, 1237, 1252 and 1253.

EFFECTIVE DATE: This final rule is effective February 16, 1999.

FOR FURTHER INFORMATION CONTACT: Charlotte Hackley, Office of Acquisition and Grant Management, M–60, 400 Seventh Street SW., Washington, DC 20590: (202) 366–4267.

SUPPLEMENTARY INFORMATION:

A. Background

Amendments to the Department of Transportation (DOT) Acquisition Regulation (TAR) were published in the **Federal Register** (63 FR 52666) as a proposed rule on October 1, 1998. Public comments were invited but none were received by November 2, 1998, and the final rule does not change the proposed rule. These proposed changes were initiated after the quarterly review of the TAR and the changes cited in FAR Circulars 97–01 through 97–03. The significant changes are to—

1. Provide DOT policy and standard procedures for the receipt, handling and disposition of unsolicited proposals; and

2. Delete Form DOT F 4220.44 and the instructions for completing the form to coincide with the changes made to FAR Part 15. The form is approved under the Office of Management and Budget Control Number 2105–0517 which expires on May 31, 2000.

B. Regulatory Analysis and Notices

The Department has determined that this action is not a significant regulatory action under Executive Order 12866 or under the Department's Regulatory Policies and Procedures. The Department does not believe that there would be significant Federalism implications to warrant the preparation of a Federalism assessment.

C. Regulatory Flexibility Act

The Department certifies that this 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.* The rule makes primarily administrative changes to the TAR and provides DOT policy and procedures for the receipt, handling and disposition of unsolicited proposals.

D. Paperwork Reduction Act

The Department certifies that the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*) does not apply because this rule does not contain information collection requirements.

List of Subjects in 48 CFR Parts 1201, 1205, 1206, 1211, 1213, 1215, 1237, 1252 and 1253

Government procurement.

This rule is issued under the delegated authority of 49 CFR Part 1.59(p).

This authority is delegated to the Senior Procurement Executive, issued this 6th day of January 1999, at Washington, DC.

David J. Litman,

Director of Acquisition and Grant Management.

Adoption of Amendments

For the reasons set out in the preamble, 48 CFR Chapter 12 is amended as follows:

1. The authority citation for 48 CFR Chapter 12, parts 1201, 1205, 1206, 1211, 1213, 1237, 1252 and 1253 continues to read as follows:

Authority: 5 U.S.C. 301; 41 U.S.C. 418(b); 48 CFR 3.1.

PART 1201—FEDERAL ACQUISITION REGULATIONS SYSTEM

2. Section 1201.103 is removed.

2a. In 1201.201–1, paragraph (d) is removed.

3. Section 1201.301 is amended by adding paragraphs (a)(2) introductory text, (a)(2)(i), (a)(2)(ii), and (b) as follows:

1201.301 Policy.

(a) * * *

(2) Acquisition procedures. The authority of the agency head under (FAR) 48 CFR 1.301(a)(2) to issue or authorize the issuance of internal agency guidance at any organizational level has been delegated to the SPE.

(i) Departmentwide acquisition procedures. DOT internal operating procedures are contained in the Transportation Acquisition Manual (TAM).

(ii) OA acquisition procedures. Procedures necessary to implement or supplement the FAR, TAR, or TAM may be issued by the HCA, who may delegate this authority to any organizational level deemed appropriate. OA procedures may be more restrictive or require higher approval levels than those permitted by the TAM unless specified otherwise.

(b) The authority of the agency head under (FAR) 48 CFR 1.301(b) to establish procedures to ensure that agency acquisition regulations are published for comment in the **Federal Register** in conformance with the procedures in FAR Subpart 1.5 is delegated to the Assistant General Counsel for Regulation and Enforcement (C–50).

PART 1205—PUBLICIZING CONTRACT ACTIONS

4. Subpart 1205.90 is revised to read as follows:

Subpart 1205.90—Publicizing Contract Actions for Personal Services Contracting

§ 1205.9000 Applicability. (USCG)

Contracts awarded by the U.S. Coast Guard using the procedures in (TAR) 48 CFR 1237.104–91 are expressly authorized under Section 1091 of Title 10 U.S.C. as amended by Pub. L. 104–106, DOD Authorization Act, Section 733 for the Coast Guard and are exempt from the requirements of (FAR) 48 CFR part 5.

PART 1206—COMPETITION REQUIREMENTS

5. Subpart 1206.90 is revised to read as follows:

Subpart 1206.90—Competition Requirements for Personal Services Contracting

1206.9000 Applicability. (USCG)

Contracts awarded by the U.S. Coast Guard using the procedures in (TAR) 48 CFR 1237.104–91 are expressly authorized under section 1091 of Title 10 U.S.C. as amended by Pub. L. 104–106, DOD Authorization Act, section 733 for the Coast Guard and are exempt

from the competition requirements of (FAR) 48 CFR part 6.

PART 1211—DESCRIBING AGENCY NEEDS

6. Subpart 1211.2 is amended by revising 1211.204–90 as follows:

1211.204–90 Solicitation provision and contract clause. (USCG)

(a) The contracting officer shall insert the USCG clause at (TAR) 48 CFR 1252.211–90, Bar Coding Requirement, (also see (TAR) 48 CFR 1213.507–90(a)) when the bar coding of supplies is necessary.

(b) See (TAR) 48 CFR 1213.507–90 for a provision which is required when the USCG clause at (TAR) 48 CFR 1252.211–90, Bar Coding Requirement, is used with simplified acquisition procedures.

PART 1213—SIMPLIFIED ACQUISITION PROCEDURES

7. Subpart 1213.1 is revised to read as follows:

Subpart 1213.1—Procedures

1213.106 Soliciting competition, evaluation of quotations or offers, award and documentation.

1213.106–190 Soliciting competition. (USCG)

The contracting officer shall insert the USCG provision at (TAR) 48 CFR 1252.213–90, Evaluation Factor for Coast Guard Performance of Bar Coding Requirement, in requests for quotations when the USCG clause at (TAR) 48 CFR 1252.211–90, Bar Coding Requirement, is used with simplified acquisition procedures.

7a. Subpart 1213.3 is added to read as follows:

Subpart 1213.3—Simplified Acquisition Methods

1213.302 Purchase orders.

1213.302–590 Clauses. (USCG)

The contracting officer shall insert the USCG clause at (TAR) 48 CFR 1252.211–90, Bar Coding Requirement, in requests for quotations and purchase orders issued by the Inventory Control Points when bar coding of supplies is necessary.

8. Part 1215 is revised to read as follows:

PART 1215—CONTRACTING BY NEGOTIATION

Subpart 1215.2—Solicitation and Receipt of Proposals and Information

Subpart 1215.4—Contract Pricing

1215.404 Proposal analysis.

1215.404–470 Payment of profit or fee.

Subpart 1215.6—Unsolicited Proposals

Authority: 5 U.S.C. 301; 41 U.S.C. 418 (b); 48 CFR 3.1.

Subpart 1215.2—Solicitation and Receipt of Proposals and Information

The contracting officer shall insert clause (TAR) 48 CFR 1252.215–70, Key Personnel and/or Facilities, in solicitations and contracts when the selection for award is substantially based on the offeror's possession of special capabilities regarding personnel and/or facilities.

1215.207–70 Handling proposals and information.

(a) Offerors' proposals and information received in response to a request for information shall be marked as required by TAM 1203.104–5, as applicable.

(b) Proposals may be released outside the Government if it is necessary to receive the most competent technical and/or management evaluation available.

Supart 1215.4—Contract Pricing

1215.404 Proposal analysis.

1215.404–470 Payment of profit or fee.

The contracting officer shall not pay profit or fee on undefinitized contracts or undefinitized contract modifications. Any profit or fee earned shall be paid after the contract or modification is definitized.

Subpart 1215.6—Unsolicited Proposals

1215.602 Policy.

It is the policy of the Department of Transportation (DOT) to encourage the submission of new and innovative ideas which will support DOT's mission. Through the various Operating Administrations (OA), DOT is responsible for transportation safety improvements and endorsement, international transportation agreements and the continuity of transportation services in the public interest.

1215.603 General.

DOT will accept for review and consideration, unsolicited proposals from any entity. However, DOT will not pay any costs associated with the preparation of these proposals. Proposals which do not meet the definition and applicable content and marking requirements of (FAR) 48 CFR 15.6 will not be considered under any circumstances and will be returned to the submitter.

1215.604 Agency points of contact.

(a) The DOT does not have a centralized location to receive unsolicited proposals. The effort submitted in the proposal determines which DOT OA should receive and evaluate the proposal.

(b) Proposers should submit proposals to the cognizant OA contracting office for appropriate handling. Specific information concerning each DOT OA and the type of commodities which they normally procure are available on the worldwide web at http://www.dot.gov. Proposers are urged to contact these contracting/procurement offices prior to submitting a proposal to ensure that the proposal is being submitted to the appropriate contracting office for action. This action will serve to reduce paperwork and time for the Government and the proposer.

1215.606 Agency procedures.

(a) The OA contracting office is designated as the point of contact for receipt of unsolicited proposals. Persons within DOT (e.g., technical personnel) who receive unsolicited proposals shall forward the document to their cognizant contracting office.

(b) Within ten working days after receipt of an unsolicited proposal, the contracting office shall review the proposal and determine whether the proposal meets the content and marking requirements of (FAR) 48 CFR 15.6. If the proposal does not meet these requirements, it shall be returned to the submitter giving the reasons for noncompliance.

1215.606–2 Evaluation.

(a) If the proposal is in compliance, the contracting office shall acknowledge receipt of the proposal to the proposer and give the date the proposal evaluation is expected to be completed. The proposal shall be marked as required by (FAR) 48 CFR 15.609 and forwarded to the appropriate technical office for evaluation. The evaluating office shall be given reasonable time to complete the evaluation. However, in no event should an evaluation take more than sixty calendar days after receipt of

the proposal except under extenuating circumstances. Contracting offices shall establish a system to ensure that this timeframe is met. If the date can not be met, the proposer shall be advised accordingly and be given a revised evaluation completion date.

(b) The evaluating office shall neither reproduce nor disseminate the proposal to other offices without the consent of the contracting office from which the proposal was received for evaluation. If additional information from the proposer is required by the evaluating office, the evaluator shall convey this request to the contracting office in lieu of the proposer. The evaluator shall not communicate directly with the originator of the proposal.

(c) If the evaluator recommends acceptance of the proposal, the cognizant contracting officer shall ensure compliance with all of the requirements of (FAR) 48 CFR 15.607.

PART 1237—SERVICE CONTRACTING

9. Subpart 1237.1 is amended by revising §§ 1237.104, 1237.104–90, and 1237.104–91 to read as follows:

Subpart 1237.1—Service Contracts—General

1237.104 Personal services contracts. (USCG)

1237.104–90 Delegation of authority. (USCG)

(a) Section 733(a) of Pub. L. 104–106, the DOD Authorization Act of 1996, amended Title 10 of the United States Code to include a new provision which authorizes the Secretary, with respect to the Coast Guard, to enter into personal services contracts at medical treatment facilities (10 U.S.C. 1091).

(b) The authority of the Secretary of Transportation under Pub. L. 104–106 to award personal services contracts for medical services at facilities for the Coast Guard is delegated to the HCA with the authority to redelegate to contracting officers under procedures established by the HCA, who will address applicable statutory limitations under section 1091A of Title 10 U.S.C.

1237.104–91 Personal services contracts with individuals under the authority of 10 U.S.C. 1091. (USCG)

(a) Personal services contracts for health care services are authorized by 10 U.S.C. 1091 for the Coast Guard. Sources for contracts for health care services under the authority of 10 U.S.C. 1091 shall be selected through procedures established in this section. These procedures do not apply to contracts awarded to business entities other than individuals. Selections made using the procedures in this section are exempt by statute from (TAR) 48 CFR part 1206 competition requirements (see (TAR) 48 CFR part 1206.9000 (USCG)) and from (FAR) 48 CFR part 6 competition requirements.

(b) The contracting officer must provide adequate advance notice of contracting opportunities to individuals residing in the area of the facility. The notice should include the qualification criteria against which individuals responding shall be evaluated. Contracting officers shall solicit offerors through the most effective means of seeking competition, such as a local publication which serves the area of the facility. Acquisitions for health care services using personal services contracts are exempt from posting and synopsis requirements of (FAR) 48 CFR part 5.

(c) The contracting officer shall provide the qualifications of individuals responding to the notice to the representative(s) responsible for evaluation and ranking in accordance with the evaluation procedures. Individuals must be considered solely on the professional qualifications established for the particular health care services being acquired and the Government's estimate of reasonable rates, fees, or costs. The representative(s) responsible for the evaluation and ranking shall provide the contracting officer with rationale for the ranking of the individuals consistent with the required qualifications.

(d) Upon receipt of the ranked listing of offerors, the contracting officer shall either:

(1) Enter into negotiations with the highest ranked offeror. If a mutually satisfactory contract cannot be negotiated, the contracting officer shall terminate negotiations with the highest ranked offeror and enter into negotiations with the next highest, or;

(2) Enter into negotiations with all qualified offerors and select on the basis of qualifications and rates, fees, or other costs.

(e) In the event only one individual responds to an advertised requirement, the contracting officer is authorized to negotiate the contract award. In this case, the individual must still meet the minimum qualifications of the requirement and the contracting officer must be able to make a determination that the price is fair and reasonable.

(f) If a fair and reasonable price cannot be obtained from a qualified individual, the requirement should be canceled and acquired using procedures other than those set forth in this section.

(g) The total amount paid to an individual in any year for health care services under a personal services contract shall not exceed the paycap in COMDTINST M4200.19 (series), Coast Guard Acquisition Procedures.

(h) The contract may provide for the same per diem and travel expenses authorized for a Government employee, including actual transportation and per diem in lieu of subsistence for travel between home or place of business and official duty station and only for travel outside the local area in support of the statement of work.

(i) Coordinate benefits, taxes and maintenance of records with the appropriate office(s).

(j) The contracting officer shall insure that contract funds are sufficient to cover all contingency items that may be cited in the statement of work for health care services.

9a. Subpart 1237.90 is revised to read as follows:

Subpart 1237.90—Mortuary Services

1237.9000 Solicitation provisions and contract clauses. (USCG)

(a) The contracting officer shall insert the following clauses in solicitations and contracts for mortuary services. However, USCG clauses (TAR) 48 CFR 1252.237–91 and 1252.237–97 shall not be inserted in solicitations and contracts that include port of entry requirements:

(1) (TAR) 48 CFR 1252.237–90, Requirements;

(2) (TAR) 48 CFR 1252.237–91, Area of Performance;

(3) (TAR) 48 CFR 1252.237–92, Performance and Delivery;

(4) (TAR) 48 CFR 1252.237–93, Subcontracting;

(5) (TAR) 48 CFR 1252.237–94, Termination for Default;

(6) (TAR) 48 CFR 1252.237–95, Group Interment;

(7) (TAR) 48 CFR 1252.237–96, Permits;

(8) (TAR) 48 CFR 1252.237–97, Facility Requirements; and

(9) (TAR) 48 CFR 1252.237–98, Preparation History.

(b) The contracting officer shall insert USCG provision (TAR) 48 CFR 1252.237–99, Award to Single Offeror, in all sealed bid solicitations for mortuary services. Use the basic provision with Alternate I in negotiated solicitations for mortuary services.

(c) The contracting officer shall insert (FAR) 48 CFR 52.245–4, Government-Furnished Property (Short Form) in solicitations and contracts that include port of entry requirements.

PART 1252—SOLICITATION AND PROVISIONS AND CONTRACT CLAUSES

Subpart 1252.2—Texts of Provisions and Clauses

1252.211–71, 1252.215–70, 1252.216–71, 1252.216–72, and 1252.216–73 [Amended]

10. Section 1252.211–71, first paragraph is amended by removing the citation''A(TAR) 48 CFR 1211.204'' and adding in its place the citation ''A(TAR) 48 CFR 1211.204–70'';

10a. 1252.215–70, first paragraph is amended by removing the citation ''A(TAR) 48 CFR 1215.106'' and adding in its place the citation ''A(TAR) 48 CFR 1215.204–3'';

10b. 1252.216–71, first paragraph is amended by removing the citation ''A(TAR) 48 CFR 1216.405(a)'' and adding in its place the citation ''A(TAR) 48 CFR 1216.406'';

10c. 1252.216–72, first paragraph is amended by removing the citation ''A(TAR) 48 CFR 1216.405(b)'' and adding in its place the citation ''A(TAR) 48 CFR 1216.406'';

10d. 1252.216–73, first paragraph is amended by removing the citation ''A(TAR) 48 CFR 1216.405(c)'' and adding in its place the citation ''A(TAR) 48 CFR 1216.406''.

11. Section 1252.211–90 is added and sections 1252.213–90, 1252.220–90, 1252.228–90, and 1252–237–90 thru 1252–237.99 are revised to read as follows:

1252.211–90 Bar coding requirement. (USCG)

As prescribed in USCG guidance at (TAR) 48 CFR 1211.204–90 and 1213.302–590, insert the following clause:

Bar Coding Requirements (Oct 1996)

Item markings shall include bar coding in accordance with MIL–STD–1189 as clarified below:

(a) The stock number shall be bar coded with no prefixes, dashes, spaces, or suffixes encoded. The contract number, the delivery order, or call order number, when used, shall be bar coded with no spaces or dashes encoded.

(b) Prefixes and suffixes to the stock number may be included in the OCR–A in-the-clear markings, but not in the bar code.

(c) Preferred Bar Code Density (characters per inch as defined in MIL–STD–1189) is ''standard,'' but densities from ''standard'' to ''low'' are acceptable.

(d) OCR–A characters do not have to be machine readable.

(e) Bar coding shall be machine readable.

(f) Unless otherwise specified herein, minimum bar code height shall be 0.25 inch (6.4 mm) or 15 percent of the bar code length, whichever is greater.

(g) The preferred position of the OCR–A characters is below the bar codes, but the OCR–A characters may be above the bar codes.

(h) On outer containers contractors shall either:

(1) Encode the stock numbers and contract number in one line of bar code with the stock number appearing first; or

(2) Encode the item stock number and contract number on two labels, with the top label containing the stock number and the lower label containing the contract number.

(i) On unit and intermediate containers, the item stock number in bar code with OCR–A below may be on the same label as the other data (identification markings) required by MIL–STD–129H. However, the bar code stock number shall appear on the top line with OCR–A characters on the second line; the OCR–A characters may include the stock number prefix and suffix, or alternatively, the complete stock number including any prefix and suffix, shall be repeated as part of the identification markings.

(j) Exclusions from bar code markings are:

(1) Multi-packs/consolidation containers (containers with two or more different stock numbers within).

(2) Reusable shipping containers used for multiple/different stock number applications.

(3) Items consigned to a prime contractor's plant for installation in production.

(End of clause)

1252.213–90 Evaluation factor for Coast Guard performance of bar coding requirement. (USCG)

As prescribed in USCG guidance at (TAR) 48 CFR 1213.106–190, insert the following provision:

Evaluation Factor for Coast Guard Performance of Bar Coding Requirement (Oct 1994)

If a small business cannot provide the bar coding requirement, as indicated elsewhere in the schedule, the contracting officer will apply the following formula to the quoted amounts:

(a) Unit price quoted by small business $_____

(b) Add unit cost to the USCG to provide bar coding $_____

(c) Adjusted unit price (add lines a. and b.) $_____

The line (c) amount will become the amount the contracting officer considered when determining the lowest quoted amount.

(End of provision)

1252.220–90 Local hire. (USCG)

As prescribed in USCG guidance at (TAR) 48 CFR 1220.9001, insert the following clause:

Local Hire (Oct 1994)

The Contractor shall employ, for the purpose of performing this contract in whole or in part in a State that has an unemployment rate in excess of the national average rate of unemployment (as defined by the Secretary of Labor), individuals who are local residents and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills. Local Resident means a resident or an individual who commutes daily to that State.

(End of clause)

1252.228–90 Notification of Miller Act payment bond protection. (USCG)

As prescribed in USCG guidance at (TAR) 48 CFR 1228.106–490, insert the following clause:

Notification of Miller Act Payment Bond Protection (Oct 1994)

This notice clause shall be inserted by first tier subcontractors in all their subcontracts and shall contain the surety which has provided the payment bond under the prime contract.

(a) The prime contract is subject to the Miller Act (40 U.S.C. 270), under which the prime contractor has obtained a payment bond. This payment bond may provide certain unpaid employees, suppliers, and subcontractors a right to sue the bonding surety under the Miller Act for amounts owned for work performed and materials delivery under the prime contract.

(b) Persons believing that they have legal remedies under the Miller Act should consult their legal advisor regarding the proper steps to take to obtain these remedies. This notice clause does not provide any party any rights against the Federal Government, or create any relationship, contractual or otherwise, between the Federal Government and any private party.

(c) The surety which has provided the payment bond under the prime contract is:

_____

(Name)

_____

(Street Address)

_____

(City, State, Zip Code)

_____

(Contact & Tel. No.)

(End of clause)

1252.237–90 Requirements. (USCG)

As prescribed in USCG guidance at (TAR) 48 CFR 1237.9000, insert the following clause:

Requirements (Oct 1994)

(a) Except as provided in paragraphs (c) and (d) of this clause, the Government will order from the Contractor all of its requirements in the area of performance for the supplies and services listed in the schedule of this contract.

(b) Each order will be issued as a delivery order and will list—

(1) The supplies or services being ordered;

(2) The quantities to be furnished;

(3) Delivery or performance dates;

(4) Place of delivery or performance;

(5) Packing and shipping instructions;

(6) The address to send invoices; and

(7) The funds from which payment will be made.

(c) The Government may elect not to order supplies and services under this contract in instances where the body is removed from the area for medical, scientific, or other reason.

(d) In an epidemic or other emergency, the contracting activity may obtain services beyond the capacity of the Contractor's facilities from other sources.

(e) Contracting Officers of the following activities may order services and supplies under this contract—

_____

_____

(End of clause)

1252.237–91 Area of performance. (USCG)

As prescribed in USCG guidance at (TAR) 48 CFR 1237.9000, insert the following clause:

Area of Performance (Oct 1994)

(a) The area of performance is as specified in the contract.

(b) The Contractor shall take possession of the remains at the place where they are located, transport them to the Contractor's place of preparation, and later transport them to a place designated by the Contracting Officer.

(c) The Contractor will not be reimbursed for transportation when both the place where the remains were located and the delivery point are within the area of performance.

(d) If remains are located outside the area of performance, the Contracting Officer may place an order with the Contractor under this contract or may obtain the services elsewhere. If the Contracting Officer requires the Contractor to transport the remains into the area of performance, the Contractor shall be paid the amount per mile in the schedule for the number of miles required to transport the remains by a reasonable route from the point where located to the boundary of the area of performance.

(e) The Contracting Officer may require the Contractor to deliver remains to any point within 100 miles of the area of performance. In this case, the Contractor shall be paid the amount per mile in the schedule for the number of miles required to transport the remains by a reasonable route from the boundary of the area of performance to the delivery point.

(End of clause)

1252.237–92 Performance and delivery. (USCG)

As prescribed in USCG guidance at (TAR) 48 CFR 1237.9000, insert the following clause:

Performance and Delivery (Oct 1994)

(a) The Contractor shall furnish the material ordered and perform the services specified as promptly as possible but not later than 36 hours after receiving notification to remove the remains, excluding the time necessary for the Government to inspect and check results of preparation.

(b) The Government may, at no additional charge, require the Contractor to hold the remains for an additional period not to exceed 72 hours from the time the remains are casketed and final inspection completed.

(End of clause)

1252.237–93 Subcontracting. (USCG)

As prescribed in USCG guidance at (TAR) 48 CFR 1237.9000, insert the following clause:

Subcontracting (Oct 1994)

The Contractor shall not subcontract any work under this contract without the Contracting Officer's written approval. This clause does not apply to contracts of employment between the Contractor and its personnel.

(End of clause)

1252.237–94 Termination for default. (USCG)

As prescribed in USCG guidance at (TAR) 48 CFR 1237.9000, insert the following clause:

Termination for Default (Oct 1994)

(a) This clause supplements and is in addition to the Default clause of this contract.

(b) The Contracting Officer may terminate this contract for default by written notice without the ten day notice required by paragraph (a)(2) of the Default clause if—

(1) The Contractor, through circumstances reasonably within its control or that of its employees, performs any act under or in connection with this contract, or fails in the performance of any service under this contract and the act or failures may reasonably be considered to reflect discredit upon the Department of Transportation in fulfilling its responsibility for proper care of remains;

(2) The Contractor, or its employees, solicits relatives or friends of the deceased to purchase supplies or services not under this contract. (The Contractor may furnish supplies or arrange for services not under this contract, only if representatives of the deceased voluntarily request, select, and pay for them.);

(3) The services or any part of the services are performed by anyone other than the Contractor or the Contractor's employees without the written authorization of the Contracting Officer;

(4) The Contractor refuses to perform the services required for any particular remains; or (5) The Contractor mentions or otherwise uses this contract in its advertising in any way. (End of clause)

1252.237–95 Group interment. (USCG)

As prescribed in USCG guidance at (TAR) 48 CFR 1237.9000, insert the following clause:

Group Interment (Oct 1994)

The Government will pay the Contractor for supplies and services provided for remains interred as a group on the basis of the number of caskets furnished, rather than on the basis of the number of persons in the group.

(End of clause)

1252.237–96 Permits. (USCG)

As prescribed in USCG guidance at (TAR) 48 CFR 1237.9000, insert the following clause:

Permits (Oct 1994)

The Contractor shall meet all State and local licensing requirements and obtain and furnish all necessary health department and shipping permits at no additional cost to the Government. The Contractor shall ensure that all necessary health department permits are in order for disposition of the remains.

(End of clause)

1252.237–97 Facility requirements. (USCG)

As prescribed in USCG guidance at (TAR) 48 CFR 1237.9000, insert the following clause:

Facility Requirements (Oct 1994)

(a) The Contractor's building shall have complete facilities for maintaining the highest standards for solemnity, reverence, assistance to the family, and prescribed ceremonial services.

(b) The Contractor's preparation room shall be clean, sanitary, and adequately equipped.

(c) The Contractor shall have, or be able to obtain the necessary items (e.g. catafalques, structures, trucks, equipment) for religious services.

(d) The Contractor's funeral home, furnishings, grounds, and surrounding area shall present a clean and well-kept appearance.

(End of clause)

1252.237–98 Preparation history. (USCG)

As prescribed in USCG guidance at (TAR) 48 CFR 1237.9000, insert the following clause:

Preparation History (Oct 1994)

For each body prepared, or for each casket handled in a group interment, the Contractor shall state briefly the results of the embalming process on a certificate furnished by the Contracting Officer.

(End of clause)

1252.237–99 Award to single offeror. (USCG)

As prescribed in USCG guidance at (TAR) 48 CFR 1237.9000, insert the following provision:

Award to Single Offeror (Oct 1994)

(a) Award shall be made to a single offeror.

(b) Offerors shall include unit prices for each item. Failure to include unit prices for each item will be cause for rejection of the entire offer.

(c) The Government will evaluate offers on the basis of the estimated quantities shown.

(d) Award will be made to that responsive, responsible offeror whose total aggregate offer is the lowest price to the Government.

(End of provision)

Alternate I (Oct 1994)

If mortuary services are procured by negotiations, substitute the following paragraph (d) for paragraph (d) of the basic provision:

(d) Award will be made to that responsive, responsible offeror whose total aggregate offer is in the best interest of the Government.

PART 1253—FORMS

12. Sections 1253.215 and 1253.215–270 are removed.

Appendix to Subpart 1253.3—[Amended]

13. The TAR Matrix in the Appendix to Subpart 1253.3 is redesignated as the Appendix to Part 1252 and revised to read as follows:

BILLING CODE 4910–62–P

TAR MATRIX

Key:

P or C = Provision or Clause
IBR = Is Incorporation By Reference authorized?
UCF = Uniform Contract Format Section, when applicable

R = Required
A = Required-When-Applicable
O = Optional

X = Revision

Principle type and/or purpose of contract:

FP SUP = Fixed-Price Supply
CR SUP = Cost-Reimbursement Supply
FP R&D = Fixed-Price Research & Development
CR R&D = Cost-Reimbursement Research & Development
FP SVC = Fixed-Price Service
CR SVC = Cost Reimbursement Service
FP CON = Fixed-Price Construction
CR CON = Cost Reimbursement Construction
T&M LH = Time & Material/Labor Hours
LMV = Leasing of Motor Vehicles
COM SVC = Communication Services
DDR = Dismantling, Demolition, or Removal of Improvements
A-E = Architect-Engineering
FAC = Facilities
IND DEL = Indefinite Delivery
TRN = Transportation
SP = Small Purchases
UTL SVC = Utility Services

Provision or Clause	Prescribed In	P or C	IBR	UCF	Principle Type and/or Purpose of Contract																	
					FP SUP	CR SUP	FP R&D	CR R&D	FP SVC	CR SVC	FP CON	CR CON	T&M LH	LMV	COM SVC	DDR	A&E	FAC	IND DEL	TRN	SP	UTL SVC
1252.209-70 Disclosure of Conflicts of Interest	1209.507	P	YES	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A
1252.211-70 Brand Name or Equal	1211.204-70	P	YES	L	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A
1252.211-71 Index for Specifications	1211.204-70	C	YES	I	A	A	A				A	A				A		A	A		A	
1252.211-90 (USCG) Bar Coding Requirement	USCG 1211.204-90 & 1213.302-590	C	YES	I	A	A													A		A	
1252.213-90 (USCG) Evaluation Factor for Coast Guard Performance of Bar Coding Requirement	USCG 1213.106-190	P	YES	M																	A	
1252.215-70 Key Personnel and/or Facilities	1215.204-3	C	YES	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A
1252.216-70 Evaluation of Offers Subject to an Economic Price Adjustment Clause	1216.203-470	P	YES	M	A		A		A		A		A	A	A	A	A	A	A	A		A
1252.216-71 Determination of Award Fee	1216.406	C	YES	I		A		A		A		A	A		A	A			A	A		
1252.216-72 Performance Evaluation Plan	1216.406	C	YES	I		A		A		A		A	A		A	A			A	A		
1252.216-73 Distribution of Award Fee	1216.406	C	YES	I		A		A		A		A	A		A	A			A	A		
1252.216-74 Settlement of Letter Contract	1216.603-4	C	YES	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A
1252.217-71 Delivery & Shifting of Vessel	1217.7000.	C	YES	I					A													

(EXCEL)

1

1/99

TAR MATRIX-CONT.

Provision or Clause	Prescribed In	P or C	IBR	UCF	Principle Type and/or Purpose of Contract																	
					FP SUP	CR SUP	FP R&D	CR R&D	FP SVC	CR SVC	FP CON	CR CON	T&M LH	LMV	COM SVC	DDR	A&E	FAC	IND DEL	TRN	SP	UTL SVC
1252.217-72 Performance	1217.7000.	C	YES	I					A													
1252.217-73 Inspection and Manner of Doing Work	1217.7000.	C	YES	I					A													
1252.217-74 Subcontracts	1217.7000.	C	YES	I					A													
1252.217-75 Lay Days	1217.7000.	C	YES	I					A													
1252.217-76 Liability and Insurance	1217.7000.	C	YES	I					A													
1252.217-77 Title	1217.7000.	C	YES	I					A													
1252.217-78 Discharge of Liens	1217.7000.	C	YES	I					A													
1252.217-79 Delays	1217.7000.	C	YES	I					A													
1252.217-80 Department of Labor Safety and Health Regulations for Ship Repair	1217.7000.	C	YES	I					A													
1252.217-81 Guarantee	1217.7000.	C	YES	I					A													
1252.219-70 Small Business and Small Disadvantaged Business Subcontracting Report	1219.708-70	C	YES	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A
1252.220-90 (USCG) Local Hire	USCG 1220.9001	C	YES	I					A	A	A	A			A		A		A			A
1252.222-70 Strikes or Picketing Affecting Timely Completion of the Contract Work	1222.101-71	C	YES	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
1252.222-71 Strikes or Picketing Affecting Access to a DOT Facility	1222.101-71	C	YES	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
1252.223-70 Removal or Disposal of Hazardous Substances - Applicable Licenses and Permits	1223.303	C	YES	I					A	A	A	A	A			A		A			A	
1252.223-71 Accident and Fire Reporting	1223.7000.	C	YES	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
1252.223-72 Protection of Human Subjects	1223.7000.	C	YES	I	A	A	A	A	A	A			A						A		A	
1252.228-70 Loss of or Damage to Leased Aircraft	1228.306-70	C	YES	I					A	A			A								A	
1252.228-71 Fair Market Value of Aircraft	1228.306-70	C	YES	I					A	A			A								A	

TAR MATRIX-CONT.

Provision or Clause	Prescribed In	P or C	IBR	UCF	Principle Type and/or Purpose of Contract																	
					FP SUP	CR SUP	FP R&D	CR R&D	FP SVC	CR SVC	FP CON	CR CON	T&M LH	LMV	COM SVC	DDR	A&E	FAC	IND DEL	TRN	SP	UTL SVC
1252.228-72 Risk and Indemnities	1228.306-70	C	YES	I					A	A			A								A	
1252.228-90 (USCG) Notification of Miller Act Payment Bond Protection	USCG 1228.106-490	C	YES	I							A	A										
1252.231-70 Date of Incurrence of Costs	1231.205-32	C	YES	I		A		A		A		A										
1252.236-70 Special Precautions for Work at Operating Airports	1236.570.	C	YES	I							A	A	A			A	A	A			A	A
1252.237-70 Qualifications of Employees	1237.110.	C	YES	I					A	A					A							A
1252.237-71 Certification of Data	1237.7101	P	YES	K					A	A					A				A		A	
1252.237-72 Prohibition on Advertising	1237.7101	C	YES	I					A	A					A				A		A	
1252.237-90 (USCG) Requirements	USCG 1237.9000.	C	YES	I					A	A									A			
1252.237-91 (USCG) Area of Performance	USCG 1237.9000.	C	YES	I					A	A									A		A	
1252.237-92 (USCG) Performance and Delivery	USCG 1237.9000.	C	YES	I					A	A									A		A	
1252.237-93 (USCG) Subcontracting	USCG 1237.9000.	C	YES	I					A	A									A		A	
1252.237-94 (USCG) Termination for Default	USCG 1237.9000.	C	YES	I					A	A									A		A	
1252.237-95 (USCG) Group Interment	USCG 1237.9000.	C	YES	I					A	A									A		A	
1252.237-96 (USCG) Permits	USCG 1237.9000.	C	YES	I					A	A									A		A	
1252.237-97 (USCG) Facility Requirements	USCG 1237.9000.	C	YES	I					A	A									A		A	
1252.237-98 (USCG) Preparation History	USCG 1237.9000.	C	YES	I					A	A									A		A	
1252.237-99 (USCG) Award to Single Offeror	USCG 1237.9000.	P	YES	I					A	A									A		A	
1252.242-70 Dissemination of Information - Educational Institutions	1242.203-70	C	YES	I			A	A														
1252.242-71 Contractor Testimony	1242.203-70	C	YES	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
1252.242-72 Dissemination of Contract Information	1242.203-70	C	YES	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A

TAR MATRIX-CONT.

Provision or Clause	Prescribed In	P or C	IBR	UCF	Principle Type and/or Purpose of Contract																	
					FP SUP	CR SUP	FP R&D	CR R&D	FP SVC	CR SVC	FP CON	CR CON	T&M LH	LMV	COM SVC	DOR	A&E	FAC	IND DEL	TRN	SP	UTL SVC
1252.242-73 Contracting Officers Technical Representative	1242.7000	C	YES	I	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A		
1252.245-70 Government Property Reports	1245.505-70	C	YES	I	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A		
1252.247-70 Acceptable Service at Reduced Rates	1247.104-370	C	YES	I		A				A												
1252.247-71 F.O.B. Origin Information	1247.305-70	P	YES	L	A									A					A		A	
1252.247-72 F.O.B. Origin Only	1247.305-70	P	YES	L	A									A					A		A	
1252.247-73 F.O.B. Destination Only	1247.305-70	P	YES	L	A									A					A		A	
1252.247-74 Shipments to Ports and Air Terminals	1247.305-70	P	YES	L	A									A					A		A	
1252.247-75 F.O.B. Designated Air Carrier's Terminal, Port of Exportation	1247.305-70	P	YES	L	A									A					A		A	
1252.247-76 Nomination of Additional Ports	1247.305-70	P	YES	L	A									A					A		A	
1252.247-77 Supply Movement in the Defense Transportation System	1247.305-71	C	YES	F	A									A					A		A	

14. Appendix to Subpart 1253.3 is amended by deleting Form DOT F 4220.44.

[FR Doc. 99–767 Filed 1–13–99; 8:45 am]

BILLING CODE 4910–62–C

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–98–4980; Notice 1]

RIN 2127–AH25

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

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

ACTION: Final rule.

SUMMARY: This document amends the Federal Motor Vehicle Safety Standard on occupant crash protection, FMVSS No. 208, to provide vehicle manufacturers greater flexibility regarding the location of the telltale for air bag on-off switches in new motor vehicles. It eliminates the requirement that the telltale be located on the vehicle dashboard. Retention of that requirement is unnecessary since the standard continues to require that the telltale must be clearly visible from all front seat seating positions. This rule also adds a requirement that the telltale be located within the vehicle's interior. The rule makes the telltale location requirements in the standard consistent with those in the agency's regulation permitting the retrofitting of used vehicles with air bag on-off switches.

EFFECTIVE DATE: This rule is effective on January 14, 1999.

FOR FURTHER INFORMATION CONTACT:

For non-legal issues: Mr. Clarke Harper, Chief, Light Duty Vehicle Division, NPS–11, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366–2264. Fax: (202) 366–4329.

For legal issues: Ms. Rebecca MacPherson, Office of Chief Counsel, NCC–20, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366–2992. Fax: (202) 366–3820.

SUPPLEMENTARY INFORMATION:

I. Background

This rule responds to a petition from Volkswagen of America, Inc. requesting the agency to amend Federal Motor Vehicle Safety Standard No. 208 (FMVSS No. 208) by eliminating the requirement that the telltale for air bag on-off (cutoff) switches in new motor vehicles be located on the vehicle dashboard. Elimination of this requirement would make the telltale requirements for new vehicles equipped with an on-off switch consistent with the requirements in Part 595 for the telltales for retrofit on-off switches, i.e., switches installed in used vehicles. Part 595 exempts commercial entities from the statutory prohibition against making federally-required vehicle safety equipment inoperative for the purpose of allowing those entities to install retrofit switches.

On October 7, 1994, NHTSA published a notice of proposed rulemaking proposing to amend FMVSS No. 208 by giving manufacturers the option of installing a manual passenger-side air bag on-off switch in new vehicles that either lacked a rear seat or had a rear seat too small to accommodate a rear-facing infant restraint (59 FR 51158). The proposal was issued in response to concerns that deploying air bags can seriously injure children appropriately restrained in a rear-facing infant restraint.

In that document, NHTSA proposed requiring ''a telltale light on the dashboard that is clearly visible from both the driver and front passenger seating positions and that is illuminated whenever the passenger air bag has been deactivated by means of the cutoff device.'' NHTSA went on to explain that it

> believes that the indicator should be visible to the driver as a reminder that the passenger air bag is, or is not, functioning. NHTSA believes that the indicator should be also visible from the passenger seating position as a warning to non-infant occupants that they are not protected by their air bag.

On May 23, 1995, NHTSA issued a final rule giving vehicle manufacturers the option of installing a manual passenger-side air bag on-off switch in vehicles with either no rear seat or with a rear seat inadequate for accommodating a rear-facing infant restraint (60 FR 27233). The final rule required the on-off switch be operable by the ignition key, be separate from the ignition switch, remain deactivated until affirmatively reactivated by turning the switch, and be accompanied by the telltale that is the subject of this rule.

On November 21, 1997, NHTSA issued a final rule establishing Part 595 and allowing owners of used vehicles to have their vehicles retrofitted by commercial entities with air bag on-off switches, subject to certain conditions (62 FR 62406). Such switches are available for both driver and passenger seating positions as long as the conditions for each seating position are met by the vehicle owner and the entity that installs the switches. The switch requirements were largely patterned after the requirements for a passenger-side switch in FMVSS No. 208. However, in order to provide vehicle manufacturers with more flexibility in fitting a telltale light into a vehicle not originally designed to accommodate it, Part 595 did not include a requirement that the telltale for retrofit switches be installed in the vehicle dashboard. It did adopt the requirement that the telltale for a passenger-side air bag switch be clearly visible from both the driver and front passenger seat positions.

On March 23, 1998, Volkswagen of America, Inc. submitted a petition requesting the agency to initiate a rulemaking proceeding to amend FMVSS No. 208 by eliminating the requirement that the telltale for an on-off switch in a new motor vehicle be located on the vehicle dashboard. Volkswagen maintained that the current requirement is unnecessarily design restrictive and that eliminating the dashboard requirement would not be detrimental to motor vehicle safety.

NHTSA proposed eliminating that requirement in a notice of proposed rulemaking (NPRM) published on July 20, 1998 (63 FR 38795) because the agency tentatively concluded that the requirement is not necessary to ensure the telltale's visibility. The agency articulated its belief that there are other locations (e.g., the console) within the vehicle's interior in which the telltale would be sufficiently noticeable by all front seat occupants. For example, General Motors installs telltale lights above the rearview mirror for vehicles with retrofit on-off switches.

NHTSA noted that in the final rule establishing Part 595, it did not require that the telltale be located on the vehicle dashboard. Instead, it simply specified that the telltale must be visible from the driver and front passenger seating positions and that the telltale must be located within the vehicle's interior. These conditions allow, but do not require, the placement of the telltale on the vehicle dashboard.

NHTSA proposed amending FMVSS No. 208 to allow the placement of a telltale in a location other than the vehicle dashboard as long as the telltale is visible to all occupants of the front seat and is located within the vehicle's interior. This second requirement was proposed to make FMVSS No. 208 consistent with Part 595 and because NHTSA believed external conditions like rain or snow could prevent the telltale from being clearly visible at all times.

The agency sought comment on whether there would be any degradation of safety by not requiring uniformity of the telltale's location, i.e., on the vehicle dashboard.

II. Discussion of Comments and Agency Decision

NHTSA received six comments in response to its NPRM. Four of these, representing the interests of vehicle manufacturers,[1] supported the proposed change without significant comment. A comment filed by Advocates for Highway and Auto Safety (Advocates) basically supported the proposed change, but suggested that wording be added to require the telltale to remain within the driver's immediate forward field of vision. The Alliance of American Insurers (AAI) opposed the proposed change.

While Advocates agreed that a telltale could be placed somewhere within the interior of the vehicle other than the dashboard and still be clearly visible to all front seat occupants, it expressed a concern that under the proposed language there was no requirement that the telltale be within the driver's immediate forward field of vision. The agency agrees that the proposed regulatory text does not contain such a requirement. It is not persuaded, however, by Advocates' position that, under the proposed regulatory text, a location outside a driver's immediate field of vision ''can distract the driver from the driving task''. Advocates cited the location of sunroof operation switches as support for its position. The agency believes that situation is inapposite. The telltale is a warning light that may or may not be located immediately adjacent to the on-off switch. Accordingly, the telltale has no operational function, and its status can be checked with a quick glance. Presumably, any distractions posed by sunroof operational switches are the result of drivers trying to operate the sunroof while driving rather than the mere presence of the switch.

Nevertheless, NHTSA shares Advocates' concern that a telltale switch could theoretically be placed in a location where it is arguably clearly visible to all front seat occupants but not within the normal range of vision while operating or riding in a vehicle (e.g., near the interior overhead light or along the vehicle's A-pillar). The agency does not believe it is necessary to define specific parameters for installation to assure visibility.

Instead, NHTSA has added a definition of ''clearly visible'' to the regulatory text. Under the final rule, the term shall mean clearly visible within the normal range of vision throughout normal driving operations. Likewise, the telltale should be visible regardless of ambient light conditions.[2] Any telltale that necessitates the driver or passenger moving out of his or her normal riding position because of the telltale's location, or that cannot be seen because of adverse ambient lighting, is not clearly visible to an occupant.

The agency expects vehicle manufacturers to use common sense and their knowledge of driving kinematics to design telltales that can be easily seen by the driver and other front seat passengers of the vehicle during normal driving operations. Should the agency determine that manufacturers are not exercising such care, the agency will commence rulemaking to return to a requirement that the telltale be located on the dashboard.

AAI objected to the proposed change in regulatory text for three reasons. NHTSA has already addressed one of its concerns, poor lighting conditions, in the previous paragraph. AAI's other concerns deal with education and driver and passenger awareness of the switch.

AAI contended that locating the telltale on the dashboard offers a safeguard not found in Part 595. This safeguard, it avers, is needed because FMVSS No. 208 does not require the extensive educational effort required under Part 595.

The agency disagrees. As an initial matter, FMVSS No. 208 does require strong warnings in the vehicle owner's manual, providing educational guidance for vehicle owners. NHTSA is also unconvinced that the location of a telltale on the dashboard rather than in some other clearly visible location actually acts as an additional safeguard. AAI asserted that for the telltale to ''be a constant reminder, visible to the driver throughout the operation of the vehicle'', the telltale must remain on the dashboard. NHTSA rejects this contention and directs the reader to its response to Advocates' comments.

AAI also maintains that:

> [W]hile removal of the telltale to another location may still assure it's [sic] visibility, it may be easy to disregard, ignore, or more importantly, forget, if it is not within constant view along with other gauges and lights. Further, passengers are more likely to take notice of an indicator light on a dashboard rather than one located elsewhere, especially in an unfamiliar vehicle.

The agency does not believe that a warning light that is isolated from other lights is more likely to be ignored than one that is grouped among a cluster of lights. Indeed, it may be possible that a telltale that is physically separate from all other warning or operational signals is more likely to be noticed than one that is part of a cluster of lights. NHTSA believes the difference in the visibility of a telltale, especially to a passenger, on the dashboard versus that of a telltale elsewhere within the interior of the vehicle is minimal as long as the vehicle manufacturer follows the agency's requirement that the telltale be clearly visible to all front seat occupants.

Placement of a telltale in a less restricted area than the dashboard permits wider flexibility in on-off switch design. NHTSA believes that telltales designed in accordance with this final rule will not result in any adverse motor vehicle safety consequences.

III. Proposed Effective Date

Since the adoption of the proposal would relieve a restriction affecting safety, NHTSA is making this rule effective immediately. NHTSA believes a delayed effective date would serve no purpose since the proposed changes would permit, but not require a change in the location of the switch telltale.

IV. Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

NHTSA has considered the impact of this rulemaking action under E.O. 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under E.O. 12866, ''Regulatory Planning and Review.'' This action has been determined to be insignificant under the Department of Transportation's regulatory policies and procedures. NHTSA believes that this rule will not impose any additional cost on manufacturers and consumers since the rule only expands available options for the design of a telltale for factory-installed air bag on-off switches. Accordingly, the agency believes that the economic impacts of this rule are so minimal as not to warrant the preparation of a full regulatory evaluation.

Regulatory Flexibility Act

NHTSA has also considered the impacts of this rule under the Regulatory Flexibility Act. I hereby

[1] Comments were filed by Volkswagen, General Motors, Chrysler Corporation and the Association of International Automobile Manufacturers.

[2] NHTSA has already expressed its position on ''clearly visible'' and adverse ambient light conditions for retrofit on-off switches in a letter to AirBag Options on June 25, 1998. In that letter the agency stated that ''[u]nder Part 595, the on-off switch telltale, which must be illuminated when the air bag has been turned off, must be clearly visible. Ambient light conditions, such as bright sunlight, cannot compromise visibility. If a switch manufacturer cannot guarantee that the switch, when properly installed, is clearly visible whenever the air bag has been turned off, the manufacturer must redesign the switch to resolve this problem.''

certify that this rule does not have a significant economic impact on a substantial number of small entities.

The proposed rule would affect motor vehicle manufacturers. NHTSA estimates that there are only four small manufacturers of passenger cars and light trucks in the United States. These manufacturers serve a niche market, and the agency believes that small manufacturers do not manufacture even 0.1 percent of total U.S. passenger car and light truck production per year. The agency notes that today's amendment will allow, but not require, changes to existing designs for these, as well as other, vehicle manufacturers.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (P.L. 96–511), there are no requirements for information collection associated with this rule.

National Environmental Policy Act

NHTSA has also analyzed this rule under the National Environmental Policy Act and determined that it will not have a significant impact on the human environment.

Executive Order 12612 (Federalism)

NHTSA has analyzed this rule in accordance with the principles and criteria contained in E.O. 12612, and has determined that this rule does not have significant federalism implications to warrant the preparation of a Federalism Assessment.

Unfunded Mandates Act

The Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than $100 million annually (adjusted for inflation with base year of 1995). This proposal does not meet the definition of a Federal mandate because it does not impose requirements on anyone. In addition, annual expenditures will not exceed the $100 million threshold.

Civil Justice Reform

This rule does not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, 49 CFR Part 571 is amended as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for Part 571 of Title 49 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

§ 571.208 [Amended]

2. Paragraph S4.5.4.3 of Section 571.208 is revised to read as follows:

§ 571.208 Standard No. 208, Occupant Crash Protection.

* * * * *

S4.5.4.3 A telltale light in the interior of the vehicle shall be illuminated whenever the passenger air bag is turned off by means of the on-off switch. The telltale shall be clearly visible to occupants of all front seating positions. ''Clearly visible'' means within the normal range of vision throughout normal driving operations. The telltale:

(a) Shall be yellow;

(b) Shall have the identifying words ''PASSENGER AIR BAG OFF'' on the telltale or within 25 millimeters of the telltale;

(c) Shall remain illuminated for the entire time that the air bag is ''off'';

(d) Shall not be illuminated at any time when the air bag is ''on''; and,

(e) Shall not be combined with the readiness indicator required by S4.5.2 of this standard.

* * * * *

Issued on January 8, 1999.

Ricardo Martinez,

Administrator.

[FR Doc. 99–796 Filed 1–13–99; 8:45 am]

BILLING CODE 4910–59–P

Proposed Rules

Federal Register
Vol. 64, No. 9
Thursday, January 14, 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

Animal and Plant Health Inspection Service

9 CFR Part 93

[Docket No. 97–131–2]

Horses From Qatar; Change in Disease Status

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of reopening and extension of comment period.

SUMMARY: We are reopening and extending the comment period for a proposed rule concerning the importation of horses to remove Qatar from the list of regions the Animal and Plant Health Inspection Service considers affected with African horse sickness. This reopening and extension will provide interested groups and individuals with additional time to prepare comments on the proposed rule.

DATES: Consideration will be given only to comments on Docket No. 97–131–1 that are received on or before February 16, 1999.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 97–131–1, 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. 97–131–1. 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; or e-mail: john.w.cougill@usda.gov.

SUPPLEMENTARY INFORMATION: On May 12, 1998, we published in the **Federal Register** (63 FR 26099–26100 Docket No. 97–131–1) a proposed rule concerning the importation of horses to remove Qatar from the list of regions the Animal and Plant Health Inspection Service considers affected with African horse sickness. Comments on the proposed rule were required to be received on or before July 13, 1998.

So that we may consider comments received after that date, we are reopening and extending the public comment period on Docket No. 97–131–1 until 30 days after the date of the publication of this notice in the **Federal Register**. During this period, other interested persons may also submit their comments for our consideration.

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(d).

Done in Washington, DC, this 23rd day of December 1998.

Joan M. Arnoldi,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–799 Filed 1–13–99; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 95–AWA–12]

RIN 2120–AA66

Proposed Modification of the Salt Lake City Class B Airspace Area; UT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This action withdraws the notice of proposed rulemaking (NPRM) published in the **Federal Register** on August 5, 1998. The FAA proposed to reconfigure three existing subarea boundaries in the Salt Lake City Class B airspace area to enhance the efficiency of air traffic operations. However, recent changes in air traffic control (ATC) operational procedures and an ongoing review of Salt Lake City airspace indicate that additional changes to the Class B airspace area may be necessary. The FAA has formed a Capacity Enhancement Task Force, which consists of a group of aviation users in the Salt Lake Valley, to study and recommend design changes needed to modernize the current Salt Lake City Class B airspace area. Therefore, the FAA has determined that withdrawal of the proposed rule is warranted in order to conduct a review of the Salt Lake City terminal airspace area.

EFFECTIVE DATE: January 14, 1999.

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

SUPPLEMENTARY INFORMATION: On August 5, 1998, an NPRM was published in the **Federal Register** (63 FR 41743) proposing to amend 14 CFR part 71 to modify the Salt Lake City, UT, Class B airspace area. Interested parties were invited to participate in the rulemaking process by submitting written data, views, or arguments regarding the proposal.

In response to the proposal, the FAA received two comments, one from the Air Line Pilots Association (ALPA) and one from the National Air Traffic Controllers Association (NATCA).

ALPA, in support of the proposal, stated that the proposed changes would be a ''win-win'' for instrument flight rule (IFR) traffic in the Class B airspace and for visual flight rule (VFR) traffic preferring to operate outside the Class B airspace in the Salt Lake City area. ALPA stated that since the reclassification of airspace ''Airport Traffic Area'' has been eliminated, there is no need to protect a 5-mile radius of the airport. They also stated that because there is no IFR traffic east of the airport below 9,000 feet, the area east of the airport could be used for VFR aircraft to transit the area east of the interstate below 9,000 feet without an ATC clearance. Further, the proposed changes should improve safety and efficiency of air traffic operations in the area and establish boundaries coincident with the Mode C veil.

NATCA, in opposition to the proposal, stated that recent changes in operational procedures, and the potential for an increase in the number of nonparticipating aircraft operating

outside the Class B airspace area, would have a negative impact on the positive control services provided to VFR aircraft in the area. They also question the suitability of the ''see and avoid concept'' for flight in the Salt Lake City area. In addition, NATCA contends that the current Class B airspace boundaries should be increased to the east and the west instead of reduced; the current ceiling should be raised to more accurately reflect current operational practices; and that a full review of the Salt Lake City air traffic operational procedures and airspace is needed. NATCA stated that a review of the current airspace and operational procedures has been initiated by local FAA management and NATCA to identify any required modifications needed for the continued safe and efficient use of the airspace.

In consideration of the comments received and the cited review of operational changes, the FAA has reexamined the proposal and has decided to withdraw the proposal at this time in order to conduct a complete review of the Salt Lake City terminal airspace area. The recently formed Capacity Enhancement Task Force, consisting of aviation users in the Salt Lake Valley, will review the Salt Lake City terminal airspace area configuration and recommend operational and design changes needed to modernize the current Salt Lake City Class B airspace area to the FAA. The FAA will ensure the requirements of all users of the Salt Lake City terminal airspace area are considered when reviewing the recommendations of the task force before any airspace modifications are made.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Withdrawal

In consideration of the foregoing, the Notice of Proposed Rulemaking, Airspace Docket No. 5–AWA–12, as published in the **Federal Register** on August 5, 1998 (63 FR 41743), is hereby withdrawn.

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

Issued in Washington, DC, on January 8, 1999.

Reginald C. Matthews,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 99–853 Filed 1–13–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AAL–15]

RIN 2120–AA66

Proposed Establishment of Colored Federal Airways; AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to establish 17 colored Federal airways located in the State of Alaska (AK). The FAA is proposing this action to improve the management of air traffic operations in the State of Alaska and enhance safety.

DATES: Comments must be received on or before March 1, 1999.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, AAL–500, Docket No. 98–AAL–15, Federal Aviation Administration, 222 West 7th Avenue, #14, Anchorage, AK 99533.

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

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 98–AAL–15.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

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

An electronic copy of this document may be downloaded, using a modem and suitable communications software, from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703–321–3339) or the **Federal Register**'s electronic bulletin board service (telephone: 202–512–1661).

Internet users may reach the FAA's web page at http://www.faa.gov or the **Federal Register**'s web page at http://www.access.gpo.gov/nara/index.html for access to recently published rulemaking documents.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 (part 71) to establish 17 colored Federal airways in AK, specifically, Green-1, Green-2, Green-3, Green-4, Green-16, Green-17, Green-18, Green-19, Red-1, Red-2, Amber-7, Blue-1, Blue-2, Blue-4, Blue-5, Blue-7, and Blue-8. Presently, there are a number of uncharted nonregulatory routes that use the same routings as these proposed colored Federal airways, with the exception of Green-16, Green-17, Green-

18, and Green-19. Green-16, Green-17, Green-18, and Green-19 are being proposed as a result of the commissioning of nondirectional radio beacons at Atqasuk, AK, Wainwright, AK, and Nuiqsut, AK. These newly commissioned navigational facilities would provide a means to establish an airway structure to support the existing commercial air carrier services on the North Slope of Alaska, where currently no airway structure exists. The remaining uncharted nonregulatory routings are used daily by air carrier and general aviation aircraft. The FAA is proposing this action to establish these 17 colored Federal airways for the following reasons: (1) The conversion of these uncharted nonregulatory routes to colored Federal airways would add to the instrument flight rules (IFR) airway and route infrastructure in Alaska; (2) pilots would be provided with minimum en route altitudes and minimum obstruction clearance altitudes information; (3) this amendment would establish controlled airspace, thus eliminating some of the commercial IFR operations in uncontrolled airspace; and (4) addition of these routes would improve the management of air traffic operations and thereby enhance safety.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed 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, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Colored Federal airways are published in paragraph 6009 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The colored Federal airways listed in this document would be published subsequently in the Order.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6009(a)—Green Federal Airways

* * * * *

Green 1 [New]

From Adak, AK, NDB; to Elfee, AK, NDB.

Green 2 [New]

From Borland, AK, NDB; to Woody Island, AK, NDB.

Green 3 [New]

From Elfee, AK, NDB; to Woody Island, AK, NDB.

Green 4 [New]

From Wood River, AK, NDB; INT Illiamna, AK, NDB, 250°T (228°M) and Saldo, AK, 220°T (341°M); to Illiamna, AK, NDB.

* * * * *

Green 16 [New]

From Point Lay, AK, NDB; Wainwright Village, AK, NDB; Browerville, AK, NDB; Nuiqsut Village, AK, NDB; to Put River, AK, NDB.

Green 17 [New]

From Wainwright Village, AK, NDB; Atqasuk, AK, NDB; to Nuiqsut Village, AK, NDB.

Green 18 [New]

From Point Lay, AK, NDB; to Atqasuk, AK, NDB.

Green 19 [New]

From Point Lay, AK, NDB; to Nuiqsut Village, AK, NDB.

* * * * *

Paragraph 6009(b)—Red Federal Airways

* * * * *

Red 1 [New]

St. Paul Island, AK, NDB 20 AGL; INT Elfee, AK, NDB, 327°T (310°M) and St. Paul Island, AK, NDB, 073°T (060°M); INT Cape Newenham, AK NDB, 131°T (113°M) and Saldo, AK, NDB 262°T (241°M); to Saldo, AK, NDB.

Red 2 [New]

From Elfee, AK, NDB; Point Heiden, AK, NDB; to INT Homer, AK 237°T (213°M) radial and Iliamna, AK, NDB, 158°T (136°M) bearing.

* * * * *

Paragraph 6009(c)—Amber Federal Airways

* * * * *

Amber 7 [New]

From Campbell Lake, AK, NDB; to Mineral Creek, AK, NDB.

* * * * *

Paragraph 6009(d)—Blue Federal Airways

* * * * *

Blue 1 [New]

From Yukon River, AK, NDB; Evansville, AK, NDB; Utopia Creek, AK, NDB; Hotham, AK, NDB; to Point Lay, AK, NDB.

Blue 2 [New]

From Point Lay, AK, NDB; Cape Lisburne, AK, NDB; Hotham, AK, NDB; Tin City, AK, NDB; to Fort Davis, AK, NDB.

* * * * *

Blue 4 [New]

From Bishop, AK, NDB; to Utopia Creek, AK, NDB.

Blue 5 [New]

From Cape Lisburne, AK, NDB; to Point Hope, AK, NDB.

* * * * *

Blue 7 [New]

From Chena, AK, NDB; to Utopia Creek, AK, NDB.

Blue 8 [New]

From Shishmaref, AK, NDB; to Tin City, AK, NDB.

* * * * *

Issued in Washington, DC, on January 7, 1999.

Reginald C. Matthews,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 99–854 Filed 1–13–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AAL–13]

RIN 2120–AA66

Proposed Establishment of Jet Routes; AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to establish 11 jet routes located in the State of Alaska (AK). The FAA is proposing this action to improve the management of air traffic operations in the State of Alaska and to enhance safety.

DATES: Comments must be received on or before March 1, 1999.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, AAL–500, Docket No. 98–AAL–13, Federal Aviation Administration, 222 West 7th Avenue, #14, Anchorage, AK 99533.

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

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 98–AAL–13.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

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

An electronic copy of this document may be downloaded, using a modem and suitable communications software, from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703–321–3339) or the **Federal Register**'s electronic bulletin board service (telephone: 202–512–1661).

Internet users may reach the FAA's web page at http://www.faa.gov or the **Federal Register**'s web page at http://www.access.gpo.gov/nara/index.html for access to recently published rulemaking documents.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 (part 71) to establish 11 jet routes in AK, specifically, J–600, J–601, J–602, J–603, J–604, J–605, J–606, J–609, J–617, J–619, and J–711.

Presently, there are a number of uncharted nonregulatory routes that use the same routings as these proposed jet routes. The current routings are used daily by air carrier and general aviation aircraft. The FAA is proposing this action to establish these 11 jet routes for the following reasons: (1) The conversion of these uncharted nonregulatory routes to jet routes would add to the instrument flight rules (IFR) airway and route infrastructure in Alaska; (2) pilots would be provided with minimum en route altitudes and minimum obstruction clearance altitudes information; (3) this amendment would establish controlled airspace, thus eliminating some of the commercial IFR operations in uncontrolled airspace; and (4) addition of these routes would improve the management of air traffic operations and thereby enhance safety.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed 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, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Jet routes are published in paragraph 2004 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The jet routes listed in this document would be published subsequently in the Order.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 2004—Jet Routes

* * * * *

J–600 [New]

From Adak, AK, NDB; to Elfee, AK, NDB.

J–601 [New]

From Turnbull, AK; Cold Bay, AK; INT Dutch Harbor, AK, NDB, 006°T (352°M) and St. Paul Island, AK, NDB, 111°T (098°M); to St.Paul Island, NDB.

J–602 [New]

From Elfee, AK, NDB; to Woody Island, AK, NDB.

J–603 [New]

From Elfee, AK, NDB; to Dillingham, AK.

J–604 [New]

From Borland, AK, NDB; to Woody Island, AK, NDB.

J–605 [New]

From Biorka Island, AK; to Middleton Island, AK.

J–606 [New]

From St. Paul Island, AK, NDB; INT Elfee, AK, NDB, 327°T (310°M) and St. Paul Island, AK, NDB, 073°T (060°M); to INT Cape Newenham, AK, NDB, 131°T (113°M) and Saldo, AK, NDB, AK; 262°T (241°M); Saldo, AK, NDB.

* * * * *

J–609 [New]

From Yukon River, AK, NDB; Evansville, AK, NDB; Utopia Creek, AK, NDB; Hotham, AK, NDB; to Point Lay, AK, NDB.

* * * * *

J–617 [New]

From Homer, AK; to Johnstone Point, AK.

* * * * *

J–619 [New]

From Cape Newenham, AK, NDB; to St. Paul Island, AK, NDB.

* * * * *

J–711 [New]

From Biorka Island, AK; INT Hinchinbrook, AK, NDB; 117°T (090°M) Yakutat, AK, 213°T (184°M) to Hinchinbrook, AK, NDB.

* * * * *

Issued in Washington, DC, on January 7, 1999.

Reginald C. Matthews,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 99–852 Filed 1–13–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AAL–14]

RIN 2120–AA66

Proposed Establishment of VOR Federal Airways; AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to establish four Very High Frequency Omnidirectional Range (VOR) Federal airways located in the State of Alaska (AK). The FAA is proposing this action to improve the management of air traffic operations in the State of Alaska and to enhance safety.

DATES: Comments must be received on or before March 1, 1999.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, AAL–500, Docket No. 98–AAL–14, Federal Aviation Administration, 222 West 7th Avenue, #14, Anchorage, AK 99533.

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

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 98–AAL–14.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

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

An electronic copy of this document may be downloaded, using a modem and suitable communications software, from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703–321–3339) or the Federal Register's electronic bulletin board service (telephone: 202–512–1661).

Internet users may reach the FAA's web page at http://www.faa.gov or the Federal Register's web page at http://www.access.gpo.gov/nara/index.html for access to recently published rulemaking documents.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 (part 71) to establish four VOR Federal airways in AK, specifically, V–603, V–605, V–617, and V–621. Presently, there are a number of uncharted nonregulatory routes that use the same routings as these proposed airways. The current routings are used daily by air carrier and general aviation aircraft. The FAA is proposing to establish these four Federal airways for

the following reasons: (1) The conversion of these uncharted nonregulatory routes to VOR Federal airways would add to the instrument flight rules (IFR) airway and route infrastructure in Alaska; (2) pilots would be provided with minimum en route altitudes and minimum obstruction clearance altitudes information; (3) this amendment would establish controlled airspace, thus eliminating some of the commercial IFR operations in uncontrolled airspace; and (4) addition of these routes would improve the management of air traffic operations and thereby enhance safety.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed 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, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Alaskan VOR Federal airways are published in paragraph 6010(b) of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Alaskan VOR Federal airways listed in this document would be published subsequently in the Order.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6010(b)—Alaskan VOR Federal Airways

* * * * *

V–603 [New]

From Elfee, AK, NDB, 20 AGL; to Dillingham, AK.

* * * * *

V–605 [New]

From Biorka Island, AK; to Middleton Island, AK.

* * * * *

V–617 [New]

From Homer, AK; to Johnstone Point, AK.

* * * * *

V–621 [New]

From Barrow, AK, VOR; to Atqasuk, AK, NDB.

* * * * *

Issued in Washington, DC, on January 7, 1999.

Reginald C. Matthews,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 99–855 Filed 1–13–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 806

RIN 0691–AA32

Direct Investment Surveys: Raising Exemption Level for Annual Survey of Foreign Direct Investment in the United States

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document sets forth proposed rules to amend its regulation by raising the exemption level for reporting in the annual survey of foreign direct investment in the United States. The survey is a mandatory survey conducted by the Bureau of Economic Analysis (BEA), U.S. Department of Commerce, under the authority of the International Investment and Trade in Services Survey Act.

DATES: Comments on the proposed rule will receive consideration if submitted in writing on or before February 16, 1999.

ADDRESSES: Mail comments to the Office of the Chief, International Investment Division (BE–50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230, or hand deliver them to Room M–100, 1441 L Street NW, Washington, DC 20005. Comments received will be available for public inspection in Room 7005, 1441 L Street NW, between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: R. David Belli, Chief, International Investment Division (BE–50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone 202–606–9800.

SUPPLEMENTARY INFORMATION: The Annual Survey of Foreign Direct Investment in the United States (Form BE–15) is part of BEA's regular data collection program for foreign direct investment in the United States. The surveys are mandatory and are conducted pursuant to the International Investment and Trade in Services Survey Act (22 U.S.C. 3101–3108, as amended). The annual survey is necessary to provide reliable, useful, and timely measures of foreign direct investment in the United States. The survey covers all affiliates above a size-exemption level and collects annual data on the financial structure and operations of nonbank U.S. affiliates of foreign companies needed to update similar data for the universe of U.S. affiliates collected once every 5 years in the BE–12 benchmark survey. The data are used to derive annual estimates of the operations of U.S. affiliates of foreign companies, including their balance sheets; income statements; property, plant, and equipment; external financing; employment and employee compensation; merchandise trade; sales of goods and services; taxes; and research and development (R&D) activity. The data will also be used to measure the economic significance of foreign direct investment in the United States and to analyze its effect on the U.S. economy. Finally, they will be used in formulating, and assessing the impact of, U.S. policy on foreign direct investment.

Several revisions to the survey are being proposed to bring it into conformity with the BE–12 Benchmark Survey of Foreign Direct Investment in the United States—1997. The BE–12 is BEA's quinquennial census of foreign direct investment in the United States; it collects annual data and is intended to cover the universe of U.S. affiliates. (A U.S. affiliate is a U.S. business enterprise in which a foreign person

owns or controls ten percent or more of the voting stock, or an equivalent interest in an unincorporated business enterprise.) Key changes proposed by BEA for the BE–15 survey will raise the exemption level for the survey to $30 million on the BE–15(SF) short form, up from $10 million (measured by the company's total assets, sales, or net income or loss), and increasing the exemption level at which the long form will be required to $100 million, up from $50 million. Both changes reduce respondent burden for smaller companies. In addition, BEA proposes several other changes that do not require a rule change. The revised forms will base industry coding on the North American Industry Classification System (NAICS) in place of the U.S. Standard Industrial Classification system, and will modify the detail collected on the composition of external financing of the reporting enterprise, on research and development expenditures, and on the operations of foreign-owned businesses in individual States.

A copy of the proposed survey forms may be obtained from: Chief, Direct Investment in the United States Branch, International Investment Division, BE–49, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone (202) 606–5577.

Executive Order 12612

These proposed rules do not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under E.O. 12612.

Executive Order 12866

These proposed rules have been determined to be not significant for purposes of E.O. 12866.

Paperwork Reduction Act

These proposed rules contain a collection of information requirement subject to the Paperwork Reduction Act. The collection of information requirement contained in the proposed rule has been submitted to the Office of Management and Budget for review under section 3507 of the Paperwork Reduction Act.

Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection displays a currently valid Office of Management and Budget Control Number. Such a Control Number (0608–0034) has been displayed.

Public reporting burden for this collection of information is estimated to vary from 2 to 550 hours per response, with an average of 26 hours per response. This includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the agency, including whether the information will have practical utility; (b) the accuracy of the burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Comments should be addressed to: Director, Bureau of Economic Analysis (BE–1), U.S. Department of Commerce, Washington, DC 20230; and to the Office of Management and Budget, O.I.R.A., Paperwork Reduction Project 0608–0034, Washington, DC 20503.

Regulatory Flexibility Act

The Assistant General Counsel for Legislation and Regulation, Department of Commerce, has certified to the Chief Counsel for Advocacy, Small Business Administration, under provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this proposed rulemaking, if adopted, will not have a significant economic impact on a substantial number of small entities. Most small businesses are not foreign owned, and many that are will not be required to report in the survey because their assets, sales, and net income are each below the exemption level at which reporting is required. In addition, the proposed rule changes increase the exemption level at which reporting will be required, thereby eliminating the reporting requirement for a number of companies. In addition, the exemption level at which the long form version of the survey is required is being raised from $50 million to $100 million, thus minimizing the reporting requirements for many companies who previously filed the long form. These provisions are intended to reduce the reporting burden on smaller companies.

List of Subjects in 15 CFR Part 806

Economic statistics, Foreign investment in the United States, Reporting and recordkeeping requirements.

J. Steven Landefeld,

Director, Bureau of Economic Analysis.

For the reasons set forth in the preamble, BEA proposes to amend 15 CFR part 806 as follows:

PART 806—DIRECT INVESTMENT SURVEYS

1. The authority citation for 15 CFR part 806 continues to read as follows:

Authority: 5 U.S.C. 301, 22 U.S.C. 3101–3108, and E.O. 11961 (3 CFR, 1977 Comp., p. 86), as amended by E.O. 12013 (3 CFR, 1977 Comp., p. 147), E.O. 12318 (3 CFR, 1981 Comp., p. 173), and E.O. 12518 (3 CFR, 1985 Comp., p. 348).

§ 806.15 [Amended]

2. Section 806.15(i) is amended as follows:

The exemption level of $10,000,000 in the first sentence is revised to read ''$30,000,000''; in the second sentence, the long form exemption level of $50,000,000 is revised to read ''$100,000,000''; and the short form exemption level ''at least one of the three items exceeds $10,000,000 but no one item exceeds $50,000,000 (positive or negative)'' is revised to read ''at least one of the three items exceeds $30,000,000 but no one item exceeds $100,000,000 (positive or negative).''

[FR Doc. 99–797 Filed 1–13–99; 8:45 am]

BILLING CODE 3510–06–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[LA–50–1–7401; FRL–6213–4]

Approval and Promulgation of Air Quality Implementation Plans; Louisiana: Revision to the State Implementation Plan (SIP) for the Ozone Maintenance Plan for St. James Parish

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve a revision to the Louisiana SIP for the St. James Parish ozone maintenance area, submitted by the State of Louisiana on April 23, 1998. The revision includes: an adjustment to the volatile organic compound (VOC) emission inventory for the 1990 base year of the approved maintenance plan, and changes to the approved contingency plan's triggers and control measures. This rulemaking action is

being taken under sections 110, 301 and part D of the Clean Air Act (the Act).

DATES: Comments must be received on or before February 16, 1999.

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section, at the EPA Regional Office listed below. Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations. Persons interested in examining these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. Louisiana Department of Environmental Quality, Office of Air Quality and Radiation Protection, H. B. Garlock Building, 7290 Bluebonnet Blvd., Baton Rouge, Louisiana, 70810.

FOR FURTHER INFORMATION CONTACT: Lt. Mick Cote, Air Planning Section (6PD–L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–7219.

SUPPLEMENTARY INFORMATION:

I. Background

The Clean Air Act as amended in 1977 required areas that were designated nonattainment based on a failure to meet the ozone National Ambient Air Quality Standard (NAAQS) to develop SIPs with sufficient control measures to expeditiously attain and maintain the standard. St. James Parish was designated under section 107 of the 1977 Clean Air Act as nonattainment with respect to the ozone NAAQS on September 11, 1978 (40 CFR 81.319). As required by part D and section 110 of the 1977 Clean Air Act, the State of Louisiana submitted an ozone SIP. The EPA fully approved this ozone SIP on October 29, 1981 (46 FR 53412). Further, the EPA approved a revision to this ozone SIP on May 5, 1994 (59 FR 23164).

On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted (Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q). The ozone nonattainment designation for this parish continued by operation of law according to section 107(d)(1)(C)(i) of the Act, as amended in 1990 (See 56 FR 56694, November 6, 1991). Since the State had not yet collected the required three years of ambient air quality data necessary to petition for redesignation to attainment, this area was designated as unclassifiable-incomplete data for ozone. The Louisiana Department of Environmental Quality (LDEQ) then collected more than 3 years of ambient monitoring data that showed no violations of the one-hour ozone NAAQS of .12 parts per million. A violation of the ozone standard occurs if data show four or more exceedances during a consecutive 3-year period. Accordingly, on May 25, 1993, Louisiana requested the redesignation of St. James Parish to attainment with respect to the ozone NAAQS. This request was accompanied by an ozone maintenance SIP. Certain approvability issues were raised, and the State submitted a revised redesignation request and maintenance plan on December 15, 1994.

Region 6 evaluated the December 1994 submittal, and published its direct final approval rule in the **Federal Register** on September 12, 1995 (60 FR 47280). No adverse comments were received on the direct final, and the attainment designation and maintenance plan approval for St. James Parish were effective on November 13, 1995. For detailed information concerning the ozone redesignation and SIP approval process and the applicable Federal guidance, please review the September 12, 1995, direct final **Federal Register** rule.

Our office received the Governor's submittal of the April 23, 1998, SIP revision for St. James Parish on April 30, 1998. The technical evaluation that follows includes a thorough review of the overwhelming transport demonstration, the emissions inventory revision, the revised growth projections, and the revised contingency measures. We have also reviewed LDEQ's approach to ensure that this action is consistent with actions taken elsewhere in the Nation.

II. Analysis of the Current Contingency Plan

The ozone monitor in St. James Parish recorded three exceedances of the one-hour ozone standard in 1995. The approved maintenance plan for St. James Parish included contingency measures to be adopted and implemented if future air quality conditions warranted such action. These future conditions were identified in the contingency plan as self-generated or transport ozone exceedances. To this end, the State intended to review any future ozone exceedance to determine whether the episode was due to local emissions or transport from an upwind source. If the ozone exceedance was a result of local conditions, then the contingency measure corresponding to that particular exceedance would be triggered, and the State would begin the rulemaking process to adopt the triggered measure into the State's regulations.

The LDEQ discussed with us its belief that the three ozone exceedances recorded in 1995 were the result of transport from the Baton Rouge area. Given that St. James Parish did not violate the ozone standard in 1995, and that the intent of the contingency plan language was to ensure that the State had the opportunity to review the source of the ozone exceedances to determine whether a contingency measure was triggered, EPA agreed to provide LDEQ with the additional time necessary for completion of a transport demonstration. Further, it was EPA's position that, if the ozone exceedances were determined to be the result of transport and not self-generated, implementation of a local contingency measure would not contribute to local improvements.

On July 31, 1996, LDEQ submitted a trajectory analysis to EPA. This analysis was intended to demonstrate overwhelming transport from the Baton Rouge area as the cause of the three 1995 exceedances in St. James Parish. A September 5, 1996, letter from EPA to LDEQ raised questions about the demonstration, and suggested three options for the State to consider to meet its SIP obligation.

The LDEQ opted to use the EPA recommended Urban Airshed Model (UAM) to demonstrate overwhelming transport. In addition, the LDEQ revised its contingency plan for St. James Parish to make it consistent with contingency plans elsewhere in the State and the Nation.

III. Analysis of State Submittal

The revision to the ozone SIP for St. James Parish is comprised of the following elements: (1) A correction to the 1990 point source inventory and growth projections, (2) a change to the contingency plan triggering event from three exceedances of the one-hour ozone standard to a violation of the one-hour ozone standard (four exceedances in any consecutive three-year period), and (3) a clarification to the narrative portion of the contingency plan, which discusses the State's procedures for evaluation of whether a triggering event has occurred.

A. 1990 Point Source Inventory

The LDEQ compiled a comprehensive inventory of VOCs, oxides of nitrogen (NO_X), and carbon monoxide (CO) to represent emissions from area, stationary, and mobile sources in St. James Parish. This inventory was included as part of the December 15,

1994, redesignation request from the State, and was approved by EPA on September 12, 1995 (60 FR 47280). The LDEQ later discovered a reporting error which resulted in a 1,052 ton per year overestimation of the VOC emissions generated in St. James Parish. A facility named LAJET had ceased operations prior to 1990, but its VOC emissions were inadvertently left on the State's emission data base. The EPA regional office has researched both the State's data base and EPA's Aerometric Information Retrieval System, and has confirmed that the facility did cease operations prior to 1990. Both databases have been adjusted to correct this error.

The LDEQ has corrected the 1990 base year source and emissions inventory, and submitted it to EPA as a revision to the ozone SIP for St. James Parish. The revision also includes new growth projections for each category of source (point, area, mobile) and pollutant (VOCs, NO_X, CO) through 2005.

The EPA agrees with the contents of the revised 1990 base year inventory, and the projections through 2005 still demonstrate maintenance of the one-hour ozone standard. The State followed EPA guidance in projecting growth, and its methodology for growth factor selection is acceptable. For these reasons, EPA proposes to approve the revised 1990 base year inventory and projections for St. James Parish as listed below.

REVISED POINT SOURCE EMISSIONS

Company	SIC code	CO TPY	NO_X TPY	VOC TPY
St. James Sugar Cooperative	2061	78	57	78
Colonial Sugar	2062	12	76	6
Occidental Chemical	2812	4	96	2
Kaiser Aluminum & Chemical Co	2819	98	11,105	35
Chevron Chemical Co	2865	63	518	68
Laroche Chemicals	2869	0	0	27
Faustina	2873	274	767	143
Agrico—Uncle Sam Faustina	2874	2	18	1
Star Enterprise	2911	321	1,566	1,662
Calciner Industries	2999	0	305	0
Agrico Faustina	4911	1	7	0
Transcontinental Gas Pipeline	4922	18	142	6
Agrico—Uncle Sam	4961	0	20	1
Totals	.....	871	14,677	2,029

REVISED POINT SOURCE PROJECTED EMISSIONS REPORTED IN TONS PER YEAR

SIC code	CO TPY	NO_X TPY	VOC TPY	1990–1995 growth factor	Growth projections for 1995			1995–2000 growth factor	Growth projections for 2000			2000–2005 growth factors	Growth Projections for 2005		
					CO	NO_X	VOC		CO	NO_X	VOC		CO	NO_X	VOC
20	90	133	84	.96	86	128	81	.97	83	124	77	.96	80	119	74
28	441	12,504	276	.99	437	12,379	273	1.00	437	12,379	273	.99	433	12,255	270
29	321	1,871	1,662	1.00	321	1,871	1,662	1.01	324	1,890	1,679	.98	318	1,852	1,645
4919	19	169	7	1.06	20	179	7	1.06	21	190	7	1.03	22	196	7
Total	871	14,677	2,029	.....	864	14,557	2,023	.....	865	14,583	2,036	.....	853	14,422	1,996

REVISED EMISSION BUDGET FOR ST. JAMES PARISH IN TONS PER YEAR

	1990	1995	2000	2005
Point Source CO	871	864	865	853
Point Source NO_X	14,677	14,557	14,583	14,422
Point Source VOC	2,029	2,023	2,036	1,996
Area Source CO	93	93	95	95
Area Source NO_X	36	36	37	37
Area Source VOC	435	436	444	445
Mobile Source Nonroad CO	2,386	2,393	2,438	2,442
Mobile Source Nonroad NO_X	1,397	1,401	1,427	1,430
Mobile Source Nonroad VOC	551	552	563	564
Mobile Source CO	6,315	5,048	4,064	3,582
Mobile Source NO_X	1,250	1,117	1,026	989
Mobile Source VOC	763	576	515	493
Total CO	9,665	8,398	7,462	6,972
Total NO_X	17,360	17,111	17,073	16,878
Total VOC	3,778	3,587	3,558	3,498

B. St. James Parish Ozone Contingency Plan

Section 175A of the Act requires that an ozone maintenance plan include contingency provisions, as necessary, to promptly correct any violation of the one-hour ozone standard that occurs after redesignation of the area to attainment. The existing contingency plan for St. James Parish includes measures to be adopted prior to a recorded violation of the one-hour ozone standard. This more stringent approach identified VOC offsets and applicable reasonably available control technology (RACT) regulations to be adopted, based on two and three recorded ozone exceedances, respectively.

The approved contingency plan requires a review of the exceedance to determine whether the cause is due to local emissions or emissions transported from other areas. It was our interpretation that if the source of the exceedance was transport, no contingency measure would need to be implemented. If the source of the exceedances was determined to be local, then appropriate measures were identified for implementation.

The LDEQ submitted UAM results as part of its April 23, 1998, SIP revision. This UAM demonstration was developed in accordance with the EPA's *Guideline For Regulatory Application of The Urban Airshed Model* (July 1991), and the September 1, 1994, general transport guidance document entitled *Ozone Attainment Dates for Areas Affected by Overwhelming Transport.* This guidance identified modeling criteria for demonstrations from downwind areas where ozone transport makes it practically impossible for the area to attain the standard by its own attainment date.

The UAM demonstration submitted to EPA as part of the April 23, 1998, SIP revision indicates that ozone formed in the Baton Rouge nonattainment area in 1995 and was transported to St. James Parish, causing separate exceedances of the ozone standard. The EPA has evaluated this UAM demonstration and agrees that overwhelming transport from the Baton Rouge area was responsible for the three ozone exceedances recorded in St. James Parish in 1995. Further, a determination of transport for these 1995 ozone exceedances relieves LDEQ from any requirement to implement VOC offsets or any additional RACT in St. James Parish, since the source of the exceedances was not located within the parish. Please see the technical support document available from the EPA Regional Office listed above for a detailed evaluation of the UAM demonstration.

The LDEQ has revised its existing contingency plan to base the triggering event on a localized violation of the one-hour ozone standard (four exceedances in a consecutive three-year period). Additionally, the revised contingency plan identifies a menu of one or more contingency measures to be adopted if a future violation is recorded and determined to be due to local conditions. The menu includes:

1. Limiting VOC emissions from filling of gasoline storage vessels;
2. Limiting VOC emissions from graphic arts for rotogravure and flexographic processes;
3. Limiting VOC emissions for Synthetic Organic Chemical Manufacturing Industry reactor processes and distillation operations;
4. Limiting VOC emissions from batch processing;
5. Limiting VOC emission from cleanup solvent processing;
6. Limiting VOC emissions from industrial wastewater; and/or,
7. Implementing a 1.1 to 1 offset ratio for permits.

If it is determined, within 120 days after the recorded violation, that the recorded violation is not due to transport from an upwind area, the Secretary of LDEQ then has six months to select an appropriate measure, and an additional 20 months for implementation of that contingency measure to be completed. The selected contingency measure, therefore, will be implemented within 30 months of the recorded violation.

These contingency measures and the schedule for implementation satisfy the requirements of section 175A(d) of the Act, and EPA is today proposing approval of the revised contingency plan for St. James Parish.

C. One Hour Ozone Standard Revocation

On July 18, 1997, EPA finalized a revision to the NAAQS for ozone which changed the standard from 0.12 parts per million (ppm) averaged over one hour, to 0.08 ppm, averaged over eight hours. The EPA revoked the one hour standard based on an area's attainment of the one hour ozone standard. The revocation of the one hour standard was based on quality assured air monitoring data for the years 1994–1996.

On July 16, 1997, President Clinton issued a directive to Administrator Browner on implementation of the new ozone standard, as well as the current one hour ozone standard (62 FR 38421). In that directive the President laid out a plan for how the new ozone and particulate matter standards, as well as the current one hour standard, are to be implemented. A December 29, 1997, memorandum entitled ''Guidance for Implementing the 1-Hour Ozone and Pre-Existing PM10 NAAQS,'' signed by Richard D. Wilson, EPA's Acting Assistant Administrator for Air and Radiation, reflected that directive. The purpose of the guidance reflected in the memorandum is to ensure that the momentum gained by States to attain the one hour ozone NAAQS was not lost when moving toward implementing the eight hour ozone NAAQS.

The guidance document explains that maintenance plans will remain in effect for areas where the one hour standard is revoked; however, those maintenance plans may be revised to withdraw certain contingency measure provisions that have not been triggered or implemented prior to EPA's determination of attainment and revocation. Where the contingency measure is linked to the one hour ozone standard or air quality ozone concentrations, the measures may be removed from the maintenance plan. Measures linked to non-air quality elements, such as emissions increases or vehicle miles traveled, may be removed if the State demonstrates that removing the measure will not affect an area's ability to attain the eight hour ozone standard.

After the one hour standard is revoked for an area, EPA believes it is permissible to withdraw contingency measures designed to correct exceedances or violations of that standard. Since such measures were designed to address future violations of a standard that no longer exists, it is no longer necessary to retain them. Furthermore, EPA believes that future attainment and maintenance planning efforts should be directed toward attaining the eight hour ozone NAAQS. As part of the implementation of the eight hour ozone standard, the State's ozone air quality will be evaluated and eight hour attainment and nonattainment designations will be made.

The final revocation action was published on June 5, 1998 (63 FR 31013). St. James Parish was included as an area whose air quality data qualified it for having the one-hour ozone standard revoked, and as such the State now has the option to withdraw any non-triggered contingency measure from the SIP. If EPA approves the UAM demonstration and the revision to the SIP, the State could withdraw any or all non-triggered contingency measures. However, the State has decided to go further than required and continue to

include contingency measures in the revised maintenance plan for St. James Parish.

D. Proposed Rulemaking Action

The EPA has reviewed the SIP submittal for consistency with the Act, applicable EPA regulations and EPA policy, and is proposing to approve this April 23, 1998, UAM demonstration and SIP submittal to revise the ozone maintenance plan for St. James Parish under sections 110(k)(3), 301(a), and part D of the Act.

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

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled ''Regulatory Planning and Review.''.

B. Executive Order 12875

Under Executive Order 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, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires that EPA 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 that EPA 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 Executive Order 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have 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 rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under Executive Order 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, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to 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 officials 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. The rule 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 rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 600 *et. seq.*, 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 proposed 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 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 impose 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 Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.*, v. *U.S. EPA*, 427 U.S. 246, 256–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, 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 costs to State, local, or tribal governments in the aggregate; or to the 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.

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: December 18, 1998.

Jerry Clifford,

Acting Regional Administrator, Region 6.

[FR Doc. 99–664 Filed 1–13–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60, 61, 63, and 65

[AD–FRL–6218–3]

RIN 2060–AG28

Consolidated Federal Air Rule for the Synthetic Organic Chemical Manufacturing Industry—Reopening of Public Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; Reopening of public comment period.

SUMMARY: The EPA is reopening the public comment period on the Notice of Proposed Rulemaking (NPRM) for the consolidated Federal Air Rule for the Synthetic Organic Chemical Manufacturing Industry, which was published in the **Federal Register** on October 28, 1998 (63 FR 57748). The purpose of this document is to reopen the public comment period from January 11, 1999, to February 10, 1999, in order to provide commenters adequate time to review the NPRM.

DATES: The EPA will accept written comments on the NPRM until February 10, 1999.

ADDRESSES: Comments on the NPRM should be submitted (in duplicate) to: Air and Radiation Docket and Information Center (MC–6102), Attention, Docket No. A–96–01, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC, 20460. The EPA requests that a separate copy also be sent to the contact person listed below (Mr. Rick Colyer). The docket may be inspected at the above address between 8:00 a.m. and 5:30 p.m. on weekdays. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: For information concerning the NPRM, contact Mr. Rick Colyer, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, N.C., 27711, telephone number (919) 541–5262, fax number (919) 541–0942, or e-mail: colyer.rick@epa.gov.

Dated: January 4, 1999.

Robert Perciasepe,

Assistant Administrator, OAR.

[FR Doc. 99–775 Filed 1–13–99; 8:45 am]

BILLING CODE: 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 745

[OPPTS–62156F; FRL–6056–1]

RIN 2070–AC63

Lead: Identification of Dangerous Levels of Lead; Reopening of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reopening of comment period.

SUMMARY: EPA is reopening the comment period on a proposed rule that would provide guidelines for managing lead in paint, dust, and soil in residences and child-occupied facilities. EPA has received additional comments from various parties involved with environmental justice issues regarding extension of the comment period. In order to ensure that all parties, including those that may lack access to the various publications in which EPA has publicized the issuance of the proposal, have sufficient opportunity to submit their comments, the Agency will continue to accept comments until March 1, 1999.

DATES: The comment period is reopened and comments are due on or before March 1, 1999.

ADDRESSES: Each written comment must bear the docket control number OPPTS–62156F. All comments should be sent in triplicate to: OPPT Document Control Officer (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. G–099, East Tower, Washington, DC 20460.

Written comments and data may also be submitted electronically to: oppt.ncic@.epa.gov. Follow the instructions in Unit II. of this document. No Confidential Business Information (CBI) should be submitted through e-mail.

All written comments which contain information claimed as CBI must be clearly marked as such. Three copies, sanitized of any comments containing information claimed as CBI, must also be submitted and will be placed in the public record for this rulemaking. Persons submitting information, any portion of which they believe is entitled to treatment as CBI by EPA, must assert a business confidentiality claim in accordance with 40 CFR 2.203(b) for each such portion. This claim must be made at the time that the information is submitted to EPA. If a submitter does not assert a confidentiality claim at the time of submission, EPA will consider this as a waiver of any confidentiality claim and the information may be made available to the public by EPA without further notice to the submitter.

FOR FURTHER INFORMATION CONTACT: *General information*: National Lead Information Center's Clearinghouse, 1–800–424–LEAD (5323).

Technical and policy questions: Jonathan Jacobson, Office of Pollution Prevention and Toxics (7404), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone: (202) 260–3779; e-mail address: jacobson.jonathan@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of June 3, 1998 (63 FR 30302) (FRL–5791–9), EPA published a proposed rule under Title IV of the Toxic Substances Control Act (TSCA). Section 403 of TSCA (15 U.S.C. 2683) directs EPA to promulgate regulations identifying lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil. Section 402 of TSCA (15 U.S.C. 2682) directs EPA to promulgate regulations governing lead-based paint activities. Section 404 of TSCA (15 U.S.C. 2684) requires that any State that seeks to administer and enforce the requirements established by the Agency under section 402 of TSCA must submit to the Administrator a request for authorization of such a program.

On October 1 and November 5, 1998, EPA announced in the **Federal Register** extensions to the comment period for this proposed rule (63 FR 52662 (FRL–6037–7) and 63 FR 59754 (FRL–6044–9), respectively). The last extension gave the public until December 31, 1998, to submit comments. EPA has decided to reopen the comment period as discussed in the ''SUMMARY'' of this document. Comments that were submitted between December 31, 1998 (the closing date of the previous comment period) and January 14, 1999, need not be resubmitted. The Agency will accept any comments submitted on or before March 1, 1999. The Agency is not likely to extend the comment period beyond that date.

II. Public Record and Electronic Submissions

The official record for this rulemaking, as well as the public version, has been established for this rulemaking under docket control number OPPTS–62156F (including comments and data submitted electronically as described in this unit). 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 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located in the TSCA Nonconfidential Information Center, Rm. NE–B607, 401 M St., SW., Washington, DC. Electronic comments can be sent directly to EPA at:

oppt.ncic@epa.gov.

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 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–62156F. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries.

List of Subjects in 40 CFR Part 745

Environmental protection, Hazardous substances, Lead-based paint, Lead poisoning, Reporting and recordkeeping requirements.

Dated: January 7, 1999.

William H. Sanders, III,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 99–894 Filed 1–13–99; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 73, and 76

[MM Docket No. 98–204, DA 99–105]

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*, DA 99–105, released January 5, 1999, the Commission grants a motion for extension of time. The National Association of Broadcasters requests the extension of time in order that its Board of Directors have sufficient time, during their board meeting in mid-January, to review the issues and proposals raised in the Commission's *Notice of Proposed Rule Making* (*NPRM*) and, thereafter to prepare comments concerning these issues and proposals. The Minority Media and Telecommunications Council expressed support for this request in a letter to the Commission. The Commission believes that the public interest would be served by an extension of the comment period in this proceeding because it would enable commenters to file comprehensive comments on the important issues raised in the *NPRM*.

DATES: Comments due February 18, 1999; reply comments due March 23, 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''). 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. In support of its request, the NAB asserts that the *NPRM* raises many important issues and proposals ''that need to be fully reviewed and discussed by the NAB Board of Directors,'' and that grant of the extension would allow time for the NAB Board to conduct such a review and discussion at their January Board Meeting (which occurs January 9–13, 1999) and, thereafter, ''for NAB staff to prepare comments consistent with the decisions made by the Board.'' [1]

3. On January 4, 1999, the Minority Media and Telecommunications Council (''MMTC'') sent a letter to the Commission expressing support for the NAB's Motion. The MMTC stated that ''[o]wing to the extensive amount of detail requested of commenters [in the *NPRM*], it would be virtually impossible [for MMTC] to file comprehensive comments by the initial due date.'' [2]

4. We believe the public interest would be served by an extension of the comment period in this proceeding because it would enable commenters to file comprehensive comments on the important issues raised in the *NPRM*. Accordingly, we will extend the date for filing comments to February 18, 1999, and extend the date for filing reply comments to March 23, 1999. We do not contemplate further extensions of the comment cycle of this proceeding.

5. Accordingly, it is ordered that the Motion for Extension of Time filed by the National Association of Broadcasters is granted.

6. It is therefore ordered that the dates for filing comments and reply comments in this proceeding are extended to February 18, 1999, and March 23, 1999, respectively.

7. 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. 99–903 Filed 1–13–99; 8:45 am]

BILLING CODE 6712–01–M

[1] National Association of Broadcasters Motion for Extension of Time of Comment and Reply Comment Deadlines, filed December 17, 1998, at 1, 2.

[2] Letter from David Earl Honig, Executive Director, Minority Media and Telecommunications Council, to Renee Licht, Deputy Chief of the Mass Media Bureau, Federal Communications Commission, dated January 4, 1999, at 1.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[ET Docket No. 98–237, FCC 98–337]

3650–3700 MHz Government Transfer Band

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to allocate the 3650–3700 MHz band to the non-Government fixed service on a primary basis. In addition, we order that applications for use of this band by new or major modified earth station facilities in the fixed-satellite service (''FSS'') will no longer be accepted, as December 18, 1998, the release date of this *Notice of Proposed Rule Making and Order*. We also propose to delete the existing Government and non-Government radiolocation service allocations from the 3650–3700 MHz band, but will grandfather three existing Government radiolocation sites. We also propose to delete the unused Government aeronautical radionavigation service allocation from the 3650–3700 MHz band. The adoption of these proposals would provide spectrum for new fixed services.

DATES: Comments are due February 16, 1999, reply comments are due March 1, 1999.

ADDRESSES: All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Room TW–A325, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Tom Mooring, Office of Engineering and Technology, (202) 418–2450.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making and Order*, ET Docket No. 98–237, FCC 98–337, adopted December 17, 1998, and released December 18, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, DC, and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Summary of the Notice of Proposed Rule Making and Order

1. *Introduction*. By this action, we propose to allocate the 3650–3700 MHz band to the non-Government fixed service on a primary basis. We envision that this spectrum will be used to provide a broad range of new fixed point-to-point and point-to-multipoint services, directly linking residences, businesses, and other fixed locations to an ever-developing array of networks. Through these new links, traditional voice telephony and a wide variety of new broadband, high-speed, data and video services, such as Internet access and video conferencing, could be delivered to the home and to small businesses. This new fixed service may thus lead to new and more effective competition to existing wireline local exchange carrier services by providing for an economical means to offer competitive ''local loop'' or ''last-mile'' facilities. One such service that could operate in this band is Fixed Wireless Access (''FWA''), but we do not intend to constrain use of the band only to that purpose. In addition, we intend that this proposal will be helpful in achieving the overarching goal of section 706 of the Telecommunications Act of 1996, to ''encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans * * * by utilizing * * * measures that promote competition in the local telecommunications market.''

2. To ensure that adequate opportunities exist for the provision of fixed services in the 3650–3700 MHz band, we will no longer accept applications for use of this band by new or major modified earth station facilities in the FSS, as of December 18, 1998, the release date of the *Notice of Proposed Rule Making and Order*. Existing earth stations, however, will be grandfathered. We also propose to delete the existing Government and non-Government radiolocation service allocations from the 3650–3700 MHz band, but will grandfather three existing Government radiolocation sites. In addition, we propose to delete the unused Government aeronautical radionavigation service allocation from the 3650–3700 MHz band. Finally, we request comment on whether, to realize the full potential benefits of this spectrum, the band should be offered for license as a single 50 megahertz block on either a nationwide or large regional service area basis.

A. Fixed Service Proposal

3. An important spectrum management goal of the Commission for terrestrial commercial wireless services is to promote efficient and flexible use of the electromagnetic spectrum while enabling licensees to use the spectrum free of harmful interference. Specifically for the 3650–3700 MHz band, our reallocation decision must accommodate continued use of the band for incumbent earth station reception of FSS signals—which are significantly weaker than the anticipated terrestrial service signals—and for incumbent high-powered Government radars transmitting from three grandfathered sites. Moreover, our decision must account for the extremely high emissions that are produced by high-powered Government fixed and mobile radar operations in adjacent spectrum below 3650 MHz. In light of this challenging spectrum sharing environment, we tentatively find that mobile service use of the 3650–3700 MHz band would be severely constrained but that the band is well suited for fixed service use. Nonetheless, we believe that there is a broad range of fixed services that could operate in this spectrum. In particular, a fixed service allocation in this band may facilitate an alternative means of providing basic telephone service, thus mitigating the impact of the local loop bottleneck and fostering a competitive market structure for direct PSTN access to residential and small business consumers. A fixed service allocation also may be used to provide broadband access to the Internet, thus furthering the general objectives of section 706 to bring competitive, advanced telecommunications capability to all Americans.

4. Internationally, this type of fixed service is known as FWA and there is strong interest in providing for these services in the 3400–3700 MHz frequency range, especially the 3400–3600 MHz band. In the United States, the 3400–3600 MHz band is not available because it is heavily used by the military, thus allocation of alternative or additional spectrum that could be used for this type of service may be desirable. We believe that the 3650–3700 MHz band is viable for the provision of some types of FWA services. Accordingly, we propose to allocate the 3650–3700 MHz band to the fixed service on a co-primary basis with incumbent non-Government FSS earth stations and with Government radiolocation operations from three grandfathered sites. However, in keeping with our policy favoring a licensee's innovative use of the spectrum in response to consumer market demand, we do not intend to designate the allocation for, or to limit use of this spectrum to, FWA services. Thus, the extent to which FWA—or any other particular fixed services—would be implemented in the proposed

allocation would be determined solely by market forces. We anticipate that this spectrum will be initially licensed by competitive bidding pursuant to the authority granted under section 309(j) of the Communications Act. We seek comment on our proposal.

5. During the coordination process, NTIA informed us that the recently enacted statutory provision concerning payment of the relocation costs of Federal entities does not apply to the 3650–3700 MHz band. Based on our own independent analysis, we reach the same conclusion.

6. Commenters should also address various technical issues pertinent to fixed service use of the 3650–3700 MHz band, including FWA. For example, we are aware that existing FWA technology deployed internationally in the 3400–3600 MHz band uses Frequency Division Duplex (''FDD'') technology with either a 50- or 100-megahertz separation between transmit and receive channels. The amount of spectrum available in the instant allocation, however, lends itself to a maximum separation of 25-megahertz, which may be insufficient to support traditional FDD technology. Nevertheless, fixed services using Time Division Duplex (''TDD'') technology may be viable in the band. We request comment on these technical issues. Commenters should address whether FDD technology could be successfully developed and deployed in this band and whether TDD technology deployment in the band is likely to be viable for service to consumers.

7. We also want to consider the ramifications of our allocation proposal for the development of service rules in a subsequent rulemaking proceeding. Generally, we request comment on whether the Local Multipoint Distribution Service (''LMDS'') (Part 101, Subparts L and M) or Wireless Communications Service (''WCS'') (Part 27) service rules, modified as necessary, or an entirely new set of service rules, should be applied to the fixed services offered pursuant to the new allocation. Specifically, in view of the limited amount of spectrum subject to the proposed allocation and the significant pertinent technical constraints, we request comment on how a choice of initial spectrum licensing blocks and geographic service areas will, in light of the current state of technology, affect the viability in the band of the various fixed services, including FWA. In particular, we seek comment on the size of the spectrum blocks within the 3650–3700 MHz band that should be offered for initial licensing. For instance, should the spectrum be initially licensed as a single 50-megahertz block or would the various fixed services still be viable if initially licensed as two or more blocks of spectrum? If the latter, should the spectrum be initially offered as contiguous or paired blocks and, if paired blocks, should they be symmetric or asymmetric in size. In addition, we seek comment on the appropriate geographic size of service areas for initial licensing. Specifically, we request comment on whether, in order to facilitate widespread competition in the ''local loop'' or ''last-mile'' facilities market, the band should be initially licensed for a single nationwide service area, or for several large regional service areas, or for some other choice of smaller geographic service areas. We invite comment on the competitive ramifications of offering only a single license, covering the entire 50 megahertz of spectrum nationwide. For example, could such a sole licensee garner an economic monopoly or have undue market power, or would it face adequate competition from wireline and wireless service providers? To what extent, if any, would imposition of licensee eligibility requirements affect the answer to the preceding question?

8. The specific radio frequency environment for the 3650–3700 MHz band in the United States raises additional technical issues. Any new service in the band must be able to co-exist with extremely high-powered Government mobile radar systems in the adjacent 3300–3650 MHz band, as well as with occasional high-powered in-band use at three grandfathered sites (Pascagoula, Mississippi; Pensacola, Florida; and Saint Inigoes, Maryland). We request comment on what actions we should take to promote the ability of new services to co-exist with these radars. Also, given the need to protect adjacent band FSS earth station reception, we request comment on whether the out-of-band emissions limit of 43 + 10 log (P) dB should be applied to the proposed fixed service allocation. In addition, we request comment on whether Very Small Aperture Terminals (''VSATs'') should be precluded from operating in spectrum immediately adjacent to the new fixed service allocation, perhaps by requiring a 3.5-meter diameter minimum antenna size for earth stations licensed to receive the 3700–3720 MHz segment.

9. As part of our evaluation of the 3650–3700 MHz band for the proposed fixed service, we are cognizant of the need to protect earth station reception of very weak signals transmitted by geostationary orbit FSS satellites in the band. We are disinclined, however, to apply to this band the spectrum sharing criteria now used in the adjacent 3700–4200 MHz band. In particular, we note that the maximum equivalent isotropically radiated power limit now employed for long-haul fixed point-to-point transmissions in the 3700–4200 MHz band—55 dBW per polarization—appears inappropriate for short-haul fixed point-to-multipoint services that licensees may wish to provide in the 3650–3700 MHz band. Specifically, we observe that high-power, fixed point-to-point operations co-exist with C-band earth stations because of the extremely large coordination distances employed in siting new facilities; but these coordination distances may unnecessarily constrain the deployment in the band of fixed links that require less power. For instance, one frequency coordinator, Comsearch, requires coordination of all new C-band microwave stations that would be located within a 125-mile radius around any FSS earth station operating in C-band. This coordination method, however, appears too onerous for other fixed services that could use the 3650–3700 MHz band. Instead, if appropriately more restrictive power limits were imposed on some fixed service uses of this band, e.g., FWA, we believe that the viability of these services in the band would be unaffected and that the coordination distance requirement could be significantly reduced. For example, we could subject certain fixed stations transmitting in the 3650–3700 MHz band to power limits similar to those now employed for Broadband PCS, i.e., a base station height/power limit of 1640 watts peak e.i.r.p. with an antenna height up to 300 meters (984 feet). We request comment on this issue, and on the appropriate coordination distances needed to protect in-band FSS earth station reception if the above height/power limit and the associated height/power reduction table are ultimately adopted. Commenters should address how the choice of technical parameters affects the viability in the band of various fixed services and their ability to coordinate or share spectrum with FSS earth stations.

B. Other Services

10. *FSS.* In order to preserve the availability of the 3650–3700 MHz band for the proposed fixed service, license applications for new earth stations, major amendments to pending earth station facilities applications,[1] or

[1] *See* 47 CFR 25.116(b)(1),(4). Major amendments resulting from ownership changes or arising under our environmental processing rule may still be filed and will be accepted. *See* 47 CFR 25.116(b)(2),(3).

applications for major modifications to existing earth station facilities [2] filed on or after December 18, 1998, the release date of the *Notice of Proposed Rule Making and Order* will not be accepted. The imposition of this interim change in application processing is procedural in nature and, therefore, not subject to the notice and comment and effective date requirements of the Administrative Procedure Act (''APA''). In addition, we find good cause for imposing immediately this processing change without following these APA requirements because the changes are necessary to preserve the status quo availability of the spectrum for terrestrial wireless services pending the Commission's ultimate determination in this proceeding.[3] Also, in order to permanently implement this action, we propose to add to the United States Table of Frequency Allocations a new non-Government footnote, which would read as follows:

In the 3650–3700 MHz band and for the fixed-satellite service (space-to-Earth), license applications for new earth stations, major amendments to pending earth station facilities applications, or applications for major modifications to existing earth station facilities filed on or after December 18, 1998 shall not be accepted.

We request comment on this proposal, including on how it affects the ability of FSS licensees to satisfy the demand for international intercontinental downlink capacity in this region of the spectrum. In addition, we seek comment on alternative methods to meet the terrestrial fixed service's needs in the 3650–3700 MHz band while minimizing the effect on FSS operations. Commenters should provide detailed supporting engineering data and analysis in support of their positions.

11. We also seek comment on whether the FSS allocation in the band should be deleted. If so, we seek comment on whether we should propose to grandfather the existing earth stations operating in the band, or allow new fixed service licensees to have the right to require grandfathered earth stations to vacate the band, subject to reimbursement in a manner consistent with the Commission's *Emerging Technologies, see* ET Docket No. 92–9, *First Report and Order and Third Notice of Proposed Rulemaking,* 7 FCC Rcd 6886 (1992), 57 FR 49020, October 29, 1992, relocation policies, or whether, in any event, the allocation status of these earth stations should be changed to secondary after a specified time period, for example, 10 years.

12. *Commercial Radar.* Also in order to preserve the availability of this spectrum for the proposed fixed service, we propose to delete the unused secondary non-Government radiolocation service allocation at 3650–3700 MHz. We note that there would remain 550 megahertz of secondary non-Government radiolocation service spectrum at 3100–3650 MHz, which we believe is adequate to accommodate current and future non-Government radiolocation services in this frequency range. Further, because we anticipate that the 3650–3700 MHz band is likely to be intensively utilized by the fixed service, deleting this radiolocation allocation would eliminate potential interference problems between these services. We seek comment on this proposal.

13. *Government Operations.* We propose to delete the Government radiolocation service allocation from the 3650–3700 MHz mixed-use band, except for grandfathering three Government radiolocation sites that would continue operations in the band. This proposal would be implemented by adding a new United States footnote to the Table of Frequency Allocations, which would read as follows:

In the 3650–3700 MHz band, after January 1, 1999, Government operations in the radiolocation service may continue on a primary basis at three sites: Pascagoula, Mississippi (30° 22′ North Latitude, 88° 29′ West Longitude); Pensacola, Florida (30° 21′ 28″ North Latitude, 87° 16′ 26″ West Longitude); and Saint Inigoes, Maryland (38° 10′ North Latitude, 76° 23′ West Longitude). The Commission shall coordinate non-Government fixed stations within 80 kilometers of the grandfathered sites on a case-by-case basis with NTIA through the Frequency Assignment Subcommittee. Naval vessels shall not transmit in the 3650–3700 MHz band until the vessel is at least [distance to be determined] [4] nautical miles off the coasts of the United States, Puerto Rico, the U.S. Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa.

In addition, we propose to delete the unused Government aeronautical radionavigation service (ground-based) allocation from the band. We seek comment on these proposals.

C. Possibility of Land Mobile Use

14. We observe that in ITU Region 2 (the Americas) the 3650–3700 MHz band is also allocated to the mobile except aeronautical mobile service on a primary basis. We have considered whether to propose domestic adoption of this allocation, i.e., an allocation in the United States for land mobile and maritime mobile uses, but not for aeronautical mobile use. We are aware of the difficulties of sharing spectrum between low-power FSS satellite signals and mobile units. Thus, the Commission has traditionally licensed satellite downlinks in bands that are not used by mobile units. Additionally, during the coordination process, NTIA indicated that mobile service operations within 80 kilometers of the three grandfathered sites should be prohibited in order to protect the low-level radar return signals. In this instant proceeding, we tentatively find that allocating the 3650–3700 MHz band to the fixed service only, and not to the land mobile service, would better protect incumbent Government radar operations and non-Government FSS reception from harmful interference. We request comment on this conclusion and, alternatively, on whether we should allocate the 3650–3700 MHz band to the land mobile service. Commenters supporting a land mobile service allocation should submit detailed supporting engineering data and analysis.

D. Receiver Standards

15. We decline to propose the transmitter emission and receiver selectivity standards that NTIA requested in the Final Report because we continue to believe that this matter is best left to market forces. Specifically, we believe that, by making the appropriate technical information available to manufacturers, they will, as a matter of course, take into account the electromagnetic environment when designing and building equipment for the 3650–3700 MHz band.[5] This process, we believe, is most likely to encourage the development and implementation of innovative technology that will promote coexistence with high-powered in-band

[2] *See* 47 CFR 25.117. Modifications not requiring prior authorization pursuant to 47 CFR 25.118 would be unaffected.

[3] *See* 5 U.S.C. 553 (b) and (d).

[4] The Commission and NTIA are discussing this issue in the coordination process. We anticipate adopting the distance developed in the coordination process in the Report and Order in this proceeding.

[5] We are working closely with NTIA to make available the information that potential non-Government licensees will need in order to evaluate the viability of new commercial services in the 3650–3700 MHz band. Specifically, we intend to obtain (1) the coordinates of those geographic areas that would be affected by Government systems (assuming signal line-of-sight propagation for an effective 4/3 Earth radius); and (2) the equipment operating characteristics of the Government systems, including the values of radar broadband transmit noise, the radar's e.i.r.p. and spectral characteristics of the e.i.r.p. as a function of frequency. Once NTIA has provided this information, Commission staff will plot the impacted areas and we will make this information available to the public.

and adjacent band Government radar operations. We request comment on our proposal.

E. RF Safety

16. With regard to RF safety requirements, we propose to treat stations operating in the 3650–3700 MHz band in a comparable manner to other services and devices that have similar operating characteristics. Sections 1.1307(b), 2.1091, and 2.1093 of our rules list the services and devices for which an environmental evaluation must be performed. Accordingly, we propose that an environmental evaluation for RF exposure would be required for the following operations: (1) Fixed stations and base stations (if land mobile operations are permitted) that have an e.i.r.p. greater than 1640 watts; and, (2) land mobile stations (if land mobile operations are permitted), including portable devices, that have operating characteristics or functions similar to cellular, PCS or ''covered'' SMR services, i.e., operations that are typified by long periods of use or are interconnected to the public switched telephone network. We invite comment on this proposal and welcome the submission of alternative proposals that would ensure public safety with respect to exposure to RF radiation.

17. Accordingly, *it is ordered* that, pursuant to sections 4(i), 7(a), 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 157(a), 303(c), 303(f), 303(g), and 303(r), the *Notice of Proposed Rule Making and Order* is adopted.

18. *It is further ordered* that, in the 3650–3700 MHz band and for the fixed-satellite service (space-to-Earth), license applications for new earth stations, major amendments to pending earth station applications, or applications for major modifications to existing earth station facilities filed on or after December 18, 1998 shall not be accepted.

19. *It is further ordered* that, in accordance with section 603(a) of the Regulatory Flexibility Act, 5 U.S.C. 603(a), the Office of Public Affairs, Reference Operations Division, shall send a copy of the *Notice of Proposed Rule Making and Order,* including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Initial Regulatory Flexibility Analysis

20. As required by the Regulatory Flexibility Act (''RFA''),[6] the Commission has prepared an Initial Regulatory Flexibility Analysis (''IRFA'') of the possible significant economic impact on small entities by the policies and rules proposed in the *Notice of Proposed Rule Making and Order* (ET Docket No. 98–237). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on this *Notice of Proposed Rule Making and Order.* The Office of Public Affairs, Reference Operations Division, shall send a copy of the *Notice of Proposed Rule Making and Order,* including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration. *See* 5 U.S.C. 603(a). The *Notice of Proposed Rule Making and Order* and the IRFA will be published in the **Federal Register**.

Need for and Objectives of the Proposed Rules

21. This Notice proposes to allocate the 3650–3700 MHz band to the fixed service on a primary basis. We take this action on our own initiative in order to make this transfer spectrum available for commercial services. The adoption of this proposal would accommodate growing demand for fixed services.

Legal Basis

22. This action is taken pursuant to sections 4(i), 7(a), 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 157(a), 303(c), 303(f), 303(g), and 303(r).

Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

23. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' [7] For the purposes of this Notice, the IRFA defines a ''small business'' to be the same as a ''small business concern'' under the Small Business Act,[8] unless the Commission has developed one or more definitions that are appropriate to its activities.[9] Under the Small Business Act, a ''small business concern'' is one that: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) meets any additional criteria established by the Small Business Administration (''SBA'').[10]

24. The Commission has not developed a definition of small entities applicable to Fixed Satellite Service licensees. Therefore, the applicable definition of small entity is the definition under the SBA rules applicable to Communications services, Not Elsewhere Classified. This definition provides that a small entity is one with no more than $11.0 million in annual receipts.[11] According to Census Bureau data, there are 848 firms that fall under the category of Communications Services, Not Elsewhere Classified. Of those, approximately 775 reported annual receipts of $11 million or less and qualify as small entities.[12] We note that new services will be permitted under the adopted designations for FSS, and we are unable at this time to provide a more precise estimate of how many potential small entities will be providing these services.

25. As described, the designations we hereby adopt will permit wireless services, as broadly defined. Neither the Commission nor the SBA has developed a definition of small entities applicable to wireless services licensees. Therefore, the applicable definition of small entity is the definition under the SBA rules applicable to radiotelephone (wireless) companies. This provides that a small entity is a radiotelephone company employing no more than 1,500 persons.[13] According to the Bureau of the Census, only twelve radiotelephone firms out of a total of 1,178 such firms which operated during 1992 had 1,000 or more employees.[14] We note that new services will be permitted under the adopted designations for wireless services, and we are unable at this time to provide a more precise estimate of how many potential small entities will be providing these services.

26. The Commission has not yet determined or proposed how many licenses will be awarded, nor will it know how many licensees will be small businesses until the auction, if required, is held. Even after that, the Commission will not know how many licensees will partition their license areas or

[6] *See* 5 U.S.C. 603. The RFA, *see* 5 U.S.C. 601 *et. seq.*, has been amended by the Contract With America Advancement Act of 1996, Public Law 104–121, 110 Stat. 847 (1996) (''CWAAA'') Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (''SBREFRA'').

[7] *Id.* § 601(6).

[8] 15 U.S.C. 632.

[9] *See* 5 U.S.C. 601(3) (incorporating by reference the definition of ''small business concern'' in 5 U.S.C. 632).

[10] 15 U.S.C. 632.

[11] 13 CFR 121.201, Standard Industrial Classification (SIC) Code 4899.

[12] U.S. Bureau of the Census, U.S. Department of Commerce, 1992 Census of Transportation, Communications, and Utilities, UC92-S–1, Subject Series, Establishment and Firm Size, Table 2D, Employment Size of Firms, 1992, SIC Code 4899 (issued May 1995).

[13] 13 CFR 121.201, SIC code 4812.

[14] *1992 Census, Series UC92–S–1,* at Table 5, SIC code 4812.

disaggregate their spectrum blocks, if partitioning and disaggregation are allowed. This proceeding proposes only to allocate the 3650–3700 MHz band to the non-Government fixed service generally. A future proceeding will address service rules specifically, and we will address small business concerns at that time. We invite comment on this analysis.

Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

27. Rules that may apply to the licensing of these operations or other operating requirements will likely be addressed in a separate rule making proceeding and any reporting, recordkeeping and other compliance requirements will be addressed therein.

Significant Alternatives to Proposed Rules Which Minimize Significant Economic Impact on Small Entities and Accomplish Stated Objectives

28. No Petitions for Rulemaking were filed to initiate this proceeding and there are no comments in this proceeding that suggest alternatives to this proposed allocation and associated technical requirements. We request comment on alternatives that might minimize the amount of economic impact on small entities.

Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

29. None.

List of Subjects in 47 CFR Part 2

Communications equipment, reporting and recordkeeping requirements.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–837 Filed 1–13–99; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 010599A]

New England Fishery Management Council; Public Meeting

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

ACTION: Public meeting.

SUMMARY: The New England Fishery Management Council (Council) will hold a 2-day public meeting to consider actions affecting New England fisheries in the exclusive economic zone.

DATES: The meeting will be held on Wednesday, January 27, 1999, at 9:30 a.m. and on Thursday, January 28, 1999, at 8:30 a.m.

ADDRESSES: The meeting will be held at the Sheraton Harborside Portsmouth, 250 Market Street, Portsmouth, NH 03801; telephone (603) 431–2300. Requests for special accommodations should be addressed to the New England Fishery Management Council, 5 Broadway, Saugus, MA 01906–1036; telephone: (781) 231–0422.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone (781) 231–0422.

SUPPLEMENTARY INFORMATION:

Wednesday, January 27, 1999

The meeting will begin with reports on recent activities from the Council Chairman; the Executive Director; the NMFS Acting Regional Administrator, Northeast Region; Northeast Fisheries Science Center and Mid-Atlantic Fishery Management Council liaisons; and representatives of the Coast Guard, the Atlantic States Marine Fisheries Commission, and the U.S. Fish and Wildlife Service. Following reports, the Chairman of the Whiting Committee will ask for approval of descriptions of measures and the summary of impacts for final submission of Amendment 12 to the Fishery Management Plan (FMP) for the Northeast Multispecies Fishery. Following the Scientific and Statistical Committee's review, the Dogfish Committee will seek approval of an overfishing definition, of a stock rebuilding schedule, and of the Spiny Dogfish FMP for submission to the Secretary of Commerce.

During the afternoon session, the Council will continue its discussion on dogfish and possible approval of a recommendation for emergency or interim action to become effective by May 1, 1999. The Social Sciences Advisory Committee will report on recommendations on information to be included in the Stock Assessment and Fishery Evaluation reports and the social and economic impacts analyses included in the Council FMPs. There will be a Stock Assessment Public Review Workshop on the status of Cape Cod yellowtail flounder, white hake, Georges Bank winter flounder, American plaice and Southern New England/mid-Atlantic winter flounder.

Thursday, January 28, 1999

The Council will take final action on Framework Adjustment 27 to the Northeast Multispecies FMP. Management measures in Framework Adjustment 27 would reduce fishing mortality on Gulf of Maine cod and Georges Bank cod to achieve the 1999 fishing year rebuilding objectives and might include area closures, trip limits, adjustments to days-at-sea, or gear/mesh modifications. During the afternoon session, the Groundfish Committee will consider recommendations on priorities for Council action during 1999 to address latent fishing effort/permits, employment of displaced fishermen in scientific/gear research programs under economic assistance programs, changing the annual Northeast Multispecies FMP adjustment schedule to a calendar year, and/or other measures to address overfishing of identified stocks. The Council also intends to approve initial action on a framework adjustment to the Northeast Multispecies FMP that would adjust regulations to comply with the Harbor Porpoise Take Reduction Plan. Discussion of any other business will take place before the close of the meeting.

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

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

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

Dated: January 8, 1999.

Bruce Morehead,

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

[FR Doc. 99–840 Filed 1–13–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[I.D. 010699C]

Pacific Fishery Management Council; Public Hearings

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

ACTION: Public hearings; request for comments.

SUMMARY: The Pacific Fishery Management Council (Council) will convene four public hearings on Draft Amendment 14 to the Pacific Coast Salmon Plan and its draft supplemental environmental impact statement (draft SEIS).

DATES: Written comments will be accepted at the Council office until March 3, 1999. The hearings will be held from February 1–3, 1999. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The hearings will be held in Washington, Oregon, Idaho, and California. See **SUPPLEMENTARY INFORMATION** for locations of the hearings and special accommodations.

Comments should be sent to Mr. Lawrence D. Six, Executive Director, Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201; telephone (503) 326–6352. Written comments received at the Council office by Thursday, February 18, 1999, will be copied and distributed to the Council approximately 1 week before final consideration of the Amendment. Copies of the draft amendment and the appendices are available from the Council office.

Comments may also be provided during the Council meeting, March 8–12, 1999, at the Doubletree Hotel-Columbia River, 1401 North Hayden Island Drive, Portland, OR.

The hearings will be held in California, Washington, Oregon, and Idaho. See **SUPPLEMENTARY INFORMATION** for locations of the hearings and special accommodations.

FOR FURTHER INFORMATION CONTACT: Lawrence D. Six, Executive Director, Pacific Fishery Management Council, at (503) 326–6352.

SUPPLEMENTARY INFORMATION: The Council is convening four public hearings to discuss Draft Amendment 14 to the salmon fishery management plan (FMP) under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act. Draft Amendment 14 and its accompanying draft SEIS would comprehensively update the salmon FMP. The changes are necessary to make the FMP responsive to the Sustainable Fisheries Act (SFA) of 1996, to reflect increased listings of salmon stocks under the Endangered Species Act, and to include issues identified in amendment scoping sessions. The draft amendment includes a complete updating of the fishery description and identification of what the salmon FMP covers. To be consistent with the SFA, draft Amendment 14 redefines optimum yield, provides new criteria to prevent or end overfishing, describes and defines essential fish habitat, and establishes salmon bycatch reporting specifications. In response to harvest allocation issues, the draft amendment modifies the FMP section on non-Indian harvest allocations north of Cape Falcon, Oregon to (1) allow more flexibility in implementing selective fisheries that target on hatchery fish and (2) formally recognize a recreational allocation for the La Push port area which has been essentially implemented for several years during the preseason management process. The draft amendment also contains many other editorial changes to help clarify the FMP.

Dates, Times, and Locations

Monday, February 1, 1999, 7:00 p.m., Washington Department of Fish and Wildlife, Natural Resources Building, Room 172, 1111 Washington Street NE, Olympia, WA.

Tuesday, February 2, 1999, 7:00 p.m., Red Lion Hotel, South Umpqua Room, 1313 North Bayshore Drive, Coos Bay, OR.

Tuesday, February 2, 1999, 7:00 p.m., Idaho Department of Fish and Game, Commission Room, 600 South Walnut Street, Boise, ID.

Wednesday, February 3, 1999, 7:00 p.m., California Department of Fish and Game, First Floor Auditorium, 1416 Ninth Street, Sacramento, CA.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to John Rhoton at (503) 326–352 at least 5 days prior to the meeting date.

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

Dated: January 8, 1999.

Bruce C. Morehead,

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

[FR Doc. 99–839 Filed 1–13–99; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register

Vol. 64, No. 9

Thursday, January 14, 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

Office of the Secretary

[Docket No. 98–123–1]

Declaration of Emergency Because of Pseudorabies

Pseudorabies, a contagious, infectious, and communicable disease of livestock, primarily swine, is present in the United States. The disease, also known as Aujeszky's disease, mad itch, and infectious bulbar paralysis, is caused by a herpes virus. Pseudorabies does not affect humans.

In 1989 the Animal and Plant Health Inspection Service (APHIS) launched a national pseudorabies eradication program in the United States. This pseudorabies eradication program, conducted in cooperation with the State governments and swine producers, involves the systematic identification of pseudorabies infected swine in the United States and the management of herds to eliminate sources of pseudorabies. By 1992, the program had identified nearly 8,000 swine herds as being infected. Steady progress towards eradication of Pseudorabies has been made since that time, and now only a little over 1,000 infected swine herds remained in the United States. By the end of the year 2000 pseudorabies should be completely eradicated from the United States.

Currently, swine prices in the United States are severely depressed. Not only are swine herd owners unable to sell their animals at a profit, they are actually losing money on these animals by continuing to feed and maintain them. Many of these owners are failing to vaccinate these devalued swine, since the cost of vaccinations cuts even further into the herd owner's financial resources. This poses a serious risk of spreading pseudorabies to additional premises and prolonging eradication efforts. This setback to the pseudorabies eradication program could not only be economically damaging to the swine industry, but also would be costly for the Federal Government.

Therefore, APHIS has determined it is necessary to commence a voluntary accelerated pseudorabies eradication program in which the agency purchases and depopulates, as quickly as possible, as many pseudorabies infected herds at a considerable savings.

However, APHIS resources are insufficient to carry out this accelerated pseudorabies eradication program, therefore, additional funds are needed. These funds would be used for the following activities which are designed to eradicate pseudorabies in the United States well ahead of schedule: Contact swine herd owners in various States and purchase their infected herds from them at fair market value; remove and depopulate these infected herds on a voluntary basis; dispose of the swine carcasses; and conduct surveillance of surrounding herds to ensure that the disease has not spread beyond the infected herd that is being depopulated.

Therefore, in accordance with the provisions of the Act of September 25, 1981, 95 Stat. (7 U.S.C. 147b), I declare that there is an emergency that threatens the livestock industry of this country and hereby authorize the transfer and use of such funds as may be necessary from appropriations or other funds available to the agencies or corporations of the United States Department of Agriculture to commence a voluntary accelerated pseudorabies eradication program in the United States.

Effective Date: This declaration of emergency shall become effective January 7, 1999.

Dan Glickman,

Secretary of Agriculture.

[FR Doc. 99–800 Filed 1–13–99; 8:45 am]

BILLING CODE 3410–34–M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Notice and Request for Comment for Approval of a New Information Collection

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice and request for comments.

SUMMARY: The Commodity Credit Corporation (CCC) is seeking approval from the Office of Management and Budget (OMB) to revise procedures for accepting vendor bids to supply commodities for use under domestic purchase programs. A Domestic Electronic Bid Entry System (DEBES) will provide for electronic submission of bids via the Internet. This will replace the current system, which requires hard-copy bids and manual entry into CCC's system. The new procedure will be more reliable and more efficient than the current procedure.

DATES: Comments on this notice must be received on or before March 15, 1999 to be assured consideration.

ADDITIONAL INFORMATION OR COMMENTS: Contact Tim Mehl, Chief, Planning and Analysis Division, Kansas City Commodity Office (KCCO), 9200 Ward Parkway, Kansas City, Missouri 64114, telephone (816) 926–3536 or fax (816) 926–6767.

SUPPLEMENTARY INFORMATION:

Title: Domestic Electronic Bid Entry System (DEBES)—7 CFR 1496.

OMB Control Number: 0560–New

Type of Request: Approval of a new information collection.

Abstract: The Commodity Credit Corporation (CCC) purchases agricultural commodities to meet domestic program needs. CCC issues invitations to purchase agricultural commodities at various times during the year. Vendors respond by making offers using the CCC Commodity Bid Form (form KC–327). CCC verifies that the KC–327 is responsive and manually enters the information on the form into the bid evaluation program to determine the lowest cost and award data for the creation of contracts. The current keypunching process requires entering data and then verifying the results. The sensitivity of the data and the high value of the contracts at stake requires a reliable and efficient system for capturing the bid data.

Regulations governing paperwork burdens on the public require that before an agency collects information from the public, the agency must receive approval from the Office of Management and Budget (OMB). In accordance with those regulations, CCC is seeking approval for DEBES to provide for the submission of bids through the Internet. Under OMB regulations, comments

concerning DEBES must be submitted to OMB within 30 days of this notice's publication in the **Federal Register**. Within 60 days ''after receipt of the proposed collection of information or publication of the notice'' in the **Federal Register**, whichever is later, OMB shall notify CCC of its decision to approve, require modifications to, or disapprove DEBES.

Bid Process Modifications

Each vendor will be required to use an Internet Service Provider to participate in the DEBES. KCCO will provide vendor training and offer hotline assistance for DEBES. It is anticipated DEBES will be put into operation in the summer of 1999. Vendor participation in the DEBES shall be required to submit bids to CCC for the purchase of agricultural commodities intended for domestic food programs. The DEBES will capture commodity vendor bid data in a more reliable and efficient way than the current system. DEBES provides the data in an electronic and linear format.

Estimate of Burden: Public reporting burden for collecting information under this notice is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Respondents: Businesses and other for profit.

Respondents: 60.

Estimated Number of Annual Responses per Respondent: 24.

Estimated Total Annual Burden on Respondents: 720 hours.

Proposed topics for comments include: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information collected; or (d) ways to minimize the burden of the collection of the information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments regarding this information collection requirement should be directed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Agriculture, Washington, DC 20503, and to Tim Mehl, Chief Planning and Analysis Division, Kansas City Commodity Office, 9200 Ward Parkway, Kansas City, Missouri 64114, telephone (816) 926–3536 or fax (816) 926–6767.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Signed at Washington, DC, on January 7, 1999.

Keith Kelly,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 99–843 Filed 1–13–99; 8:45 am]

BILLING CODE 3410–05–P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Notice; Meeting

AGENCY: U.S. Commission on Civil Rights.

DATE AND TIME: Friday, January 22, 1999, 9:30 a.m.

PLACE: U.S. Commission on Civil Rights, 624 Ninth Street, N.W., Room 540, Washington, DC. 20425.

STATUS:

Agenda

I. Approval of Agenda
II. Approval of Minutes of December 11, 1998 Meeting
III. Announcements
IV. Executive Session
V. Staff Director's Report
VI. State Advisory Committee Report ''Racial Harassment in Vermont Public Schools'' (Vermont)
VII. State Advisory Appointments for District of Columbia, Maryland and New York
VIII. Project Planning
IX. Future Agenda Items

CONTACT PERSON FOR FURTHER INFORMATION: Barbara Brooks, Press and Communications (202) 376–8312.

Stephanie Y. Moore,

General Counsel.

[FR Doc. 99–979 Filed 1–12–99; 2:44 pm]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Submission for OMB Review: Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act of 1995, Public Law 104–13.

Bureau: International Trade Administration.

Title: Format for Petition Requesting Relief Under U.S. Antidumping Duty Law.

Agency Form Number: ITA–357P.

OMB Number: 0625–0105.

Type of Request: Reinstatement.

Burden: 1,520 hours.

Number of Respondents: 38.

Avg. Hours Per Response: 40 hours.

Needs and Uses: The International Trade Administration, Import Administration's, Antidumping/Countervailing Duty (AD/CVD) Enforcement, implements the U.S. antidumping and countervailing duty law. Import Administration investigates allegations of unfair trade practices by foreign governments and producers and, in conjunction with the U.S. International Trade Commission, can impose duties on the product in question to offset the unfair practices. Form ITA–357P—Format for Petition Requesting Relief Under the U.S. Antidumping Duty Law—is designed for U.S. companies or industries that are unfamiliar with the antidumping law and the petition process. The Form is designed for potential petitioners that believe that an industry in the United States is being injured because a foreign competitor is selling a product in the United States at less than fair value. Since a variety of detailed information is required under the law before initiation of an antidumping duty investigation, the Form is designed to extract such information in the least burdensome manner possible. Form ITA–357P is sent by request to potential U.S. petitioners.

Affected Public: Businesses or other for profit, not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit, voluntary.

OMB Desk Officer: David Rostker, (202) 395–7340.

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

Written comments and recommendations for the proposed information collection should be sent to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503 within 30 days of the publication of this notice in the **Federal Register**.

Dated: January 11, 1999.

Linda Engelmeier,

Department Forms Clearance Officer, Office of Chief Information Officer.

[FR Doc. 99–838 Filed 1–13–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

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

ACTION: Notice of opportunity to request administrative review of antidumping or countervailing duty order, finding, or suspended investigation.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended, may request, in accordance with § 351.213 of the Department of Commerce (the Department) Regulations (19 CFR 351.213 (1997)), that the Department conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

Opportunity To Request a Review: Not later than the last day of January 1999, interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in January for the following periods:

	Period
Antidumping Duty Proceedings	
BRAZIL:	
Brass Sheet and Strip A–351–603	1/1/98–12/31/98
Stainless Steel Wire Rod A–351–819	1/1/98–12/31/98
CANADA:	
Brass Sheet and Strip A–122–601	1/1/98–12/31/98
Color Picture Tubes A–122–605	1/1/98–12/31/98
FRANCE:	
Anhydrous Sodium Metasilicate (ASM) A–427–098	1/1/98–12/31/98
Stainless Steel Wire Rods A–427–811	1/1/98–12/31/98
JAPAN: Color Picture Tubes A–588–609	1/1/98–12/31/98
SINGAPORE: Color Picture Tubes A–559–601	1/1/98–12/31/98
SOUTH AFRICA: Brazing Copper Wire and Rod A–791–502	1/1/98–12/31/98
SPAIN: Potassium Permanganate A–469–007	1/1/98–12/31/98
TAIWAN: Stainless Steel Cooking Ware A–583–603	1/1/98–12/31/98
THE PEOPLE'S REPUBLIC OF CHINA: Potassium Permanganate A–570–001	1/1/98–12/31/98
THE REPUBLIC OF KOREA: Brass Sheet and Strip A–580–603	1/1/98–12/31/98
Antidumping Duty Proceedings	
THE REPUBLIC OF KOREA:	
Color Picture Tubes A–580–605	1/1/98–12/31/98
Stainless Steel Cooking Ware A–580–601	1/1/98–12/31/98
Countervailing Duty Proceedings	
BRAZIL: Brass Sheet and Strip C–351–604	1/1/98–12/31/98
SPAIN: Stainless Steel Wire Rod C–469–004	1/1/98–12/31/98
TAIWAN: Stainless Steel Cooking Ware C–583–604	1/1/98–12/31/98
THE REPUBLIC OF KOREA: Stainless Steel Cooking Ware C–580–602	1/1/98–12/31/98
Suspension Agreements	
CANADA: Potassium Chloride A–122–701	1/1/98–12/31/98
JAPAN: Sodium Azide A–588–839	1/1/98–12/31/98

In accordance with section 351.213 of the regulations, an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. The Department changed its requirements for requesting reviews for countervailing duty orders. Pursuant to 771(9) of the Act, an interested party must specify the individual producers or exporters covered by the order or suspension agreement for which they are requesting a review (Department of Commerce Regulations, 62 FR 27295, 27424 (May 19, 1996)). Therefore, for both antidumping and countervailing duty reviews, the interested party must specify for which individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order it is requesting a review, and the requesting party must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which were produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Seven copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, DC 20230. The Department also asks parties to serve a copy of their requests to the Office of Antidumping/Countervailing Enforcement, Attention: Sheila Forbes, in room 3065 of the main Commerce Building. Further, in accordance with section 351.303(f)(l)(i) of the regulations, a copy of each request must be served on every party on the Department's service list.

The Department will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of January 1999. If the Department does not receive, by the last day of January 1999, a request for review of entries covered by an order, finding, or suspended investigation

listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute but is published as a service to the international trading community.

Dated: January 7, 1999.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 99–783 Filed 1–13–99; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

November 1998 Sunset Reviews: Final Results and Revocations

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

ACTION: Notice of final results of sunset reviews and revocation of antidumping duty order and termination of suspended countervailing duty investigation: brass fire protection equipment from Italy (A–475–401) and refrigeration compressors from Singapore (C–559–001).

SUMMARY: On November 2, 1998, the Department of Commerce (''the Department'') initiated sunset reviews of the antidumping duty order on brass fire protection equipment from Italy and on the suspended countervailing duty investigation on refrigeration compressors from Singapore. Because no domestic interested party responded to the sunset review notice of initiation by the applicable deadline, the Department is revoking this order and terminating this suspended investigation.

EFFECTIVE DATE: January 1, 2000.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit, Scott E. Smith, or Melissa G. Skinner, Import Administration, International Trade Administration, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street, NW, Washington, DC 20230; telephone: (202) 482–3207 , (202) 482–6397, or (202) 482–1560 respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department issued an antidumping duty order on brass fire protection equipment from Italy (50 FR 8354, March 1, 1985). In addition, the Department suspended the countervailing duty investigation on refrigeration compressors from Singapore (48 FR 51167, November 7, 1983, as amended, 48 FR 51946, November 15, 1983). Pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''), the Department initiated sunset reviews of this order and suspended investigation by publishing notice of the initiation in the **Federal Register** (63 FR 58709, November 2, 1998). In addition, as a courtesy to interested parties, the Department sent letters, via certified and registered mail, to each party listed on the Department's most current service list for these proceedings to inform them of the automatic initiation of a sunset review on this order and suspended investigation.

No domestic interested parties in the sunset reviews of this order and suspended investigation responded to the notice of initiation by the November 17, 1998, deadline (*see* section 351.218(d)(1)(i) of *Procedures for Conducting Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13520 (March 20, 1998) (''*Sunset Regulations*'')).

Determination To Revoke

Pursuant to section 751(c)(3)(A) of the Act and section 351.218(d)(1)(iii)(B)(*3*) of the *Sunset Regulations*, if no interested party responds to the notice of initiation, the Department shall issue a final determination, within 90 days after the initiation of the review, revoking the finding or order or terminating the suspended investigation. Because no domestic interested party responded to the notice of initiation by the applicable deadline, November 17, 1998 (*see* section 351.218(d)(1)(i) of the *Sunset Regulations*), we are revoking this antidumping duty order and terminating this suspended investigation.

Effective Date of Revocation and Termination

Pursuant to section 751(c)(6)(A)(iv) of the Act, the Department will instruct the United States Customs Service to terminate the suspension of liquidation of the merchandise subject to this order entered, or withdrawn from warehouse, on or after January 1, 2000. Entries of subject merchandise prior to the effective date of revocation will continue to be subject to suspension of liquidation and duty deposit requirements. The suspension agreement on refrigeration compressors from Singapore will remain in effect until January 1, 2000. The Department will complete any pending administrative reviews of this order and suspended investigation and will conduct administrative reviews of all entries prior to the effective date of revocation in response to appropriately filed requests for review.

Dated: January 7, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99–782 Filed 1–13–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Overseas Trade Missions

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 missions that are also explained at the following website: http://www.ita.doc.gov/doctm/tmcal.html:

The Information Technology Dealmaker
Toronto, Canada
February 3–4, 1999

FOR FURTHER INFORMATION CONTACT: Viktoria Palfi at the Department of Commerce. Telephone number: 416–595–5412 or FAX number: 416–595–5416.

Multi-Agency Business Development Infrastructure Mission to China and Hong Kong, and Business Development Mission to Korea, China, Hong Kong and South Korea
March 10–20, 1999

FOR FURTHER INFORMATION CONTACT: Lucia Naphin or Jennifer Andberg at the Department of Commerce. Telephone number: 202–482–1360 or FAX number: 202–482-4054.

The Trans-Atlantic Business Dialogue Small Business Initiative Automotive Matchmaker Trade Delegation
Germany and France
March 8–16, 1999

FOR FURTHER INFORMATION CONTACT: Derek Parks at the Department of Commerce. Telephone number: 202–482–0287 or FAX number: 202–482–0178.

The Trans Atlantic Business Dialogue Small Business Initiative

Environmental Technologies Matchmaker Trade Delegation, Italy and Germany
March 9–16, 1999

FOR FURTHER INFORMATION CONTACT:
Yvonne Jackson at the Department of Commerce. Telephone number: 202–482–2675 or FAX number: 202–482–0178.

The Oil, Gas and Petrochemicals Trade Mission to Dhahran, Saudi Arabia; Abu Dhabi, United Arab Emirates; and Kuwait City, Kuwait, Saudi Arabia, UAE and Kuwait
April 10–14, 1999

FOR FURTHER INFORMATION CONTACT:
Joseph Ayoub at the Department of Commerce. Telephone number: 202–482–0313 or FAX number: 202–482–0170.

REPCAN '99
Toronto, Canada
June 15–16, 1999

FOR FURTHER INFORMATION CONTACT:
Madellon C. Lopes at the Department of Commerce. Telephone number: 416–595–5412 or FAX number: 416–595–5419.

The Safety and Security Industries Matchmaker
Turkey, Saudi Arabia and Egypt
April 15–21, 1999

FOR FURTHER INFORMATION CONTACT:
Gordon Keller at the Department of Commerce. Telephone number: 202–482–1793 or FAX number: 202–482–0178.

The TASBI Telecommunications/IT Matchmaker
Belgium, the Netherlands and the United Kingdom
May 17–25, 1999

FOR FURTHER INFORMATION CONTACT:
Gordon Keller at the Department of Commerce. Telephone number: 202–482–1793 or FAX number: 202–482–0178.

Dated: January 8, 1999.

Tom Nisbet,

Director, Office of Trade Promotion Coordination.

[FR Doc. 99–879 Filed 1–13–99; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 123098A]

Marine Mammals; File Nos. 782–1447 and P771#73

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

ACTION: Receipt of applications for amendment.

SUMMARY: Notice is hereby given that the National Marine Fisheries Service, National Marine Mammal Laboratory, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115–0070, has requested an amendment to scientific research Permits No. 782–1447 and 967 (File No. 771#73).

DATES: Written or telefaxed comments must be received on or before February 16, 1999.

ADDRESSES: The amendment request and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 (301/713–2289); and

Regional Administrator, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668 (907/586–7221).

Written comments or requests for a public hearing on these requests should be submitted to the Chief, Permits and Documentation Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on these particular amendment requests would be appropriate.

Comments may also be submitted by facsimile at (301) 713–0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or other electronic media.

FOR FURTHER INFORMATION CONTACT:
Ruth Johnson or Sara Shapiro 301/713–2289.

SUPPLEMENTARY INFORMATION: The subject amendment to Permits No. 782–1447 and 967, issued on May 20, 1998 (63 FR 30201) and July 11, 1995 (60 FR 37053), respectively, is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR 222.23).

Permit No. 782–1447 authorizes the permit holder to conduct surveys, capture/handle, tag and sample Steller sea lions (*Eumetopias jubatus*) in Alaska. The permit holder requests authorization to inadvertently harass up to 40,000 sea lions during February and March, extend capture season to March 1999 and increase the volume of blood drawn to 25cc for pups greater than 8 months, and authority of administer a light dose of Valium to restrain animals.

Permit No. 967 (File No. 771#73) authorizes the holder to satellite tag harbor porpoise (*Phocoena phocoena*) and rehabilitated Dall's porpoise (*Phocoenoides dalli*) or Pacific white-sided dolphin (*Lagenorhynchus obliquidens*) in coastal waters of Washington and Oregon. The Holder wants to extend the location of take to include Alaska coastal waters.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: January 7, 1999.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 99–780 Filed 1–13–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Technical Information Service

NTIS Advisory Board Meeting

AGENCY: National Technical Information Service, Technology Administration, Department of Commerce.

ACTION: Notice of partially closed meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the National Technical Information Service Advisory Board (the ''Board'') will meet on Wednesday, February 3, 1999, from 9 a.m. to 11:30 a.m., and from 1 p.m. to 4 p.m. The session from 9 a.m. to 11:30 a.m., will be closed to the public.

The Board was established under the authority of 15 U.S.C. 3704b(c), and was Chartered on September 15, 1989. The Board is composed of five members appointed by the Secretary of Commerce who are eminent in such fields as information resources management, information technology, and library and

information services. The purpose of the meeting is to review and make recommendations regarding general policies and operations of NTIS, including policies in connection with fees and charges for its services. The agenda will include a progress report on NTIS activities, an update on the progress of FedWorld, and a discussion of NTIS' long range plans. The closed session discussion is scheduled to begin at 9 a.m. and end at 11:30 a.m. on February 3, 1999. The session will be closed because premature disclosure of the information to be discussed would be likely to significantly frustrate implementation of NTIS' business plans.

DATES: The meeting will convene on February 3, 1999, at 9 a.m. and adjourn at 4 p.m.

ADDRESSES: The meeting will be held in Room 2029 Sills Building, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161.

PUBLIC PARTICIPATION: The meeting will be open to public participation from 1 p.m. to 4 p.m. on February 3, 1999. Approximately thirty minutes will be set aside on February 3, 1999, for comments or questions from the public. Seats will be available for the public and for the media on a first-come, first-served basis. Any member of the public may submit written comments concerning the Board's affairs at any time. Copies of the minutes of the open session meeting will be available within thirty days of the meeting from the address given below.

FOR FURTHER INFORMATION CONTACT: Linda Lucas, NTIS Advisory Board Secretary, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, Telephone: (703) 605–6400; Fax (703) 605–6700.

Dated: January 8, 1999.

Ron Lawson,

Director.

[FR Doc. 99–820 Filed 1–13–99; 8:45 am]

BILLING CODE 3510–04–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Pakistan

January 11, 1999.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs reducing limits.

EFFECTIVE DATE: January 14, 1999.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.ustreas.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The 1999 limits for certain categories are being reduced for carryforward applied to the 1998 limits.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 62 FR 66057, published on December 17, 1997). Information regarding the 1999 CORRELATION will be published in the **Federal Register** at a later date. Also see 63 FR 59946, published on November 6, 1998.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

January 11, 1999.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 3, 1998, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man-made fiber textile products, produced or manufactured in Pakistan and exported during the twelve-month period which begins on January 1, 1999 and extends through December 31, 1999.

Effective on January 14, 1999, you are directed to reduce the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit
226/313	122,295,792 square meters.
334/634	245,134 dozen.
336/636	498,024 dozen.
338	4,960,932 dozen.
339	1,410,732 dozen.
340/640	664,034 dozen of which not more than 263,357 dozen shall be in Categories 340–D/640–D [1].
347/348	825,510 dozen.
351/651	332,016 dozen.
359–C/659–C [2]	1,494,074 kilograms.
369–F/369–P [3]	2,490,122 kilograms.
369–S [4]	760,252 kilograms.
613/614	24,215,689 square meters.
615	25,761,366 square meters.
625/626/627/628/629	79,230,456 square meters of which not more than 39,615,230 square meters shall be in Category 625; not more than 39,615,230 square meters shall be in Category 626; not more than 41,929,654 square meters shall be in Category 627; not more than 8,675,101 square meters shall be in Category 628; and not more than 41,929,654 square meters shall be in Category 629.
638/639	460,465 dozen.
666–P [5]	764,048 kilograms.
666–S [6]	4,088,922 kilograms.

[1] Category 340–D: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2025 and 6205.20.2030; Category 640–D: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2030, 6205.30.2040, 6205.90.3030 and 6205.90.4030.

[2] Category 359–C: only HTS numbers 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010; Category 659–C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

[3] Category 369–F: only HTS number 6302.91.0045; Category 369–P: only HTS numbers 6302.60.0010 and 6302.91.0005.

[4] Category 369–S: only HTS number 6307.10.2005.

[5] Category 666–P: only HTS numbers 6302.22.1010, 6302.22.1020, 6302.22.2010, 6302.32.1010, 6302.32.1020, 6302.32.2010 and 6302.32.2020.

[6] Category 666–S: only HTS numbers 6302.22.1030, 6302.22.1040, 6302.22.2020, 6302.32.1030, 6302.32.1040, 6302.32.2030 and 6302.32.2040.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 99–939 Filed 1–13–99; 8:45 am]

BILLING CODE 3510–DR–F

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 2:00 p.m., Wednesday, January 27, 1999.

PLACE: 1155 21st St., NW, Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 99–954 Filed 1–12–99; 1:07 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 2:00 p.m., Monday, February 1, 1999.

PLACE: 1155 21st St., NW, Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Adjudicatory Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 99–955 Filed 1–12–99; 1:07 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 2:00 p.m., Monday, February 8, 1999.

PLACE: 1155 21st St., NW, Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Adjudicatory Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 99–956 Filed 1–12–99; 1:07 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 2:00 p.m., Tuesday, February 16, 1999.

PLACE: 1155 21st St., NW, Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Adjudicatory Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 99–957 Filed 1–12–99; 1:07 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 2:00 p.m., Monday, February 22, 1999.

PLACE: 1155 21st St., NW, Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Adjudicatory Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 99–958 Filed 1–12–99; 1:07 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11:00 a.m., Friday, February 5, 1999.

PLACE: 1155 21st St., NW, Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 99–959 Filed 1–12–99; 1:07 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11:00 a.m., Friday, February 2, 1999.

PLACE: 1155 21st St., NW, Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 99–960 Filed 1–12–99; 1:07 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11:00 a.m., Friday, February 19, 1999.

PLACE: 1155 21st St., NW, Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 99–961 Filed 1–12–99; 1:07 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11:00 a.m., Friday, February 26, 1999.

PLACE: 1155 21st St., NW, Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 99–962 Filed 1–12–99; 1:07 pm]

BILLING CODE 6351–01–M

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Notice of Cancellation of Technical Assistance Workshop for Potential Applicants for AmeriCorps Indian Tribes and America Reads Challenge Program Funds.

AGENCY: Corporation for National and Community Service.

ACTION: Notice of cancellation of pre-application technical assistance workshop.

SUMMARY: The Corporation for National and Community Service (Corporation) previously announced that it would hold two workshops and two conference calls to provide technical assistance to Indian Tribes and organizations representing Alaska Natives interested in applying for AmeriCorps Indian Tribes and America Reads Challenge program funds. The Corporation has cancelled the workshop scheduled for January 20–21, 1999 in Phoenix, Arizona. The remaining workshop and conference calls will proceed as scheduled.

FOR FURTHER INFORMATION CONTACT: Pattie Howell, (202) 606–5000, ext. 105. T.D.D. (202) 565–2799.

Dated: January 11, 1999.

Kenneth L. Klothen,

General Counsel, Corporation for National and Community Service.

[FR Doc. 99–834 Filed 1–13–99; 8:45 am]

BILLING CODE 6050–28–U

DEPARTMENT OF DEFENSE

Office of the Secretary

Sixth Annual National Security Education Program (NSEP) Institutional Grants Competition

AGENCY: Department of Defense, National Security Education Program (NSEP).

ACTION: Notice.

SUMMARY: The NSEP announces the opening of its Sixth Annual Competition for Grants to U.S. Institutions of Higher Education.

DATES: The 1999 NSEP Grants Competition begins on Monday, February 8, 1999. Preliminary Proposals are due Friday, April 9, 1999.

ADDRESSES: Grants Solicitations (application, guidelines, and forms) will be available and may be downloaded from the NSEP home page beginning Monday, February 8, 1999. This is the address. http://www.dtic.mil/defenselink/pubs/nsep. As an alternate method, you may obtain a copy of the solicitation package by writing to NSEP, Institutional Grants, Rosslyn P.O. Box 20010, 1101 Wilson Blvd., Suite 1210, Arlington, VA 22209–2248.

FOR FURTHER INFORMATION CONTACT: Dr. Edmond J. Collier, Deputy Director, National Security Education Program, Rosslyn P.O. Box 20010, 1101 Wilson Boulevard, Suite 1210, Arlington, Virginia 22209–2248; (703) 696–1991. This is his electronic mail address: colliere@ndu.edu

Dated: January 8, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99–814 Filed 1–13–99; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency, Science and Technology Advisory Board Closed Panel Meeting

AGENCY: Department of Defense, Defense Intelligence Agency.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of subsection (d) of section 10 of Public Law 92–463, as amended by section 5 of Public Law 94–409, notice is hereby given that a closed meeting of the DIA Science and Technology Advisory Board has been scheduled as follows:

DATES: 14 January 1999 (800 am to 1600 pm).

ADDRESSES: The Defense Intelligence Agency, 7400 Defense Pentagon, Washington, DC 20301–7400.

FOR FURTHER INFORMATION CONTACT: Maj Donald R. Culp, USAF, Executive Secretary, DIA Science and Technology Advisory Board, Washington, DC 20340–1328 (202) 231–4930.

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in section 552b(c)(l), Title 5 of the U.S. Code, and therefore will be closed to the public. The Board will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA, on related scientific and technical matters.

Dated: January 8, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99–816 Filed 1–13–99; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Joint Advisory Committee on Nuclear Weapons Surety; Meeting

ACTION: Notice of advisory committee meeting.

SUMMARY: The Joint Advisory Committee on Nuclear Weapons Surety will conduct a closed session on February 23, 1999 at the Institute for Defense Analyses, Alexandria, Virginia.

The Joint Advisory Committee is charged with advising the Secretaries of Defense and Energy, and the Joint Nuclear Weapons Council on nuclear weapons systems surety matters. At this meeting the Joint Advisory Committee will receive classified briefings on nuclear weapons operations and Department of Defense nuclear readiness.

In accordance with the Federal Advisory Committee Act (Public Law 92–463, as amended, Title 5, U.S.C. App. II, (1988)), this meeting concerns matters sensitive to the interests of national security, listed in 5 U.S.C. 552b(c)(1) and accordingly this meeting will be closed to the public.

Dated: January 8, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99–815 Filed 1–13–99; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF EDUCATION

President's Advisory Commission on Educational Excellence for Hispanic Americans; Meeting

AGENCY: President's Advisory Commission on Educational Excellence for Hispanic Americans, Department of Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the President's Advisory Commission on Educational Excellence for Hispanic Americans (Commission). Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act in order to notify the public of their opportunity to attend.

DATES AND TIMES: Friday, January 29, 1998, 8:30 a.m.–3:00 p.m. (cst).

ADDRESSES: Austin Community College, 5930 Middle Fiskville, Road, Austin, Texas 78752.

FOR MORE INFORMATION CONTACT: Richard Toscano, Special Assistant for Interagency Affairs, at 202–401–1411 (telephone), 202–401–8377 (FAX), richard__toscano@ed.gov (e-mail) or mail: U.S. Department of Education, 400 Maryland, SW., room 5E110; Washington, DC 20202–3601.

SUPPLEMENTARY INFORMATION: The Commission was established under Executive Order 12900 (February 22, 1994) to provide the President and the Secretary of Education with advice on (1) the progress of Hispanic Americans toward achievement of the National Goals and other standards of educational accomplishment; (2) the development, monitoring, and education for Hispanic Americans; (3) ways to increase, State, county, private sector and community involvement in improving education; and (4) ways to expand and complement Federal education initiatives.

At the January meeting, the Commission Executive Board will discuss current and future activities. Specifically, the Executive Board will discuss the implementation of the Hispanic Education Action Plan, newly funded Department of Education initiatives, and the impact of assessment on Latino learners.

The Executive Board and other attending Commissioners will participate in a half-day workshop on assessment. The specific issues that will be addressed by the Commission and national assessment experts include:

- Exit/entry Criteria
- Teacher Training
- Development of Appropriate Assessments
- National Standards that address instruction
- Use of data for reporting purposes

Commissioners have been invited to attend a day-long symposium on ''Access to Higher Education in the Post-Hopwood Era'' that will occur on January 28, 1999.

Records of all Commission proceedings are available for public inspection at the White House Initiative, U.S. Department of Education, 400 Maryland Ave., SW., Room 5E110, Washington, DC 20202 from 9:00 a.m. to 5:00 p.m. (est).

Dated: January 6, 1999.

G. Mario Moreno,

Assistant Secretary, Office of Intergovernmental and Interagency Affairs.

[FR Doc. 99–876 Filed 1–13–99; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

[FE Docket No. PP–197]

Application for Presidential Permit Public Service Company of New Mexico

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: Public Service Company of New Mexico (PNM) has applied for a Presidential permit to construct, connect, operate and maintain a double-circuit electric transmission line across the U.S. border with Mexico. The proposed facilities would originate at the switchyard of the Palo Verde Nuclear Generating Station and extend along one of three alternate routes to the U.S.-Mexico border. Depending in part on the results of the environmental review performed by the Department of Energy, the proposed transmission lines could be either alternating current (AC) or direct current (DC).

DATES: Comments, protests, or requests to intervene must be submitted on or before February 16, 1999.

ADDRESSES: Comments, protests, or requests to intervene should be addressed as follows: Office of Coal & Power Import and Export (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585–0350.

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office) 202–586–9624 or Michael T. Skinker (Program Attorney) 202–586–6667.

SUPPLEMENTARY INFORMATION: The construction, connection, operation, and maintenance of facilities at the international border of the United States for the transmission of electric energy between the United States and a foreign country is prohibited in the absence of a Presidential permit issued pursuant to Executive Order (EO) 10485, as amended by EO 12038.

On December 31, 1998, PNM, a regulated public utility, filed an application with the Office of Fossil Energy (FE) of the Department of Energy (DOE) for a Presidential permit. PNM proposes to construct two high-voltage transmission circuits within a single right-of-way. Both circuits would originate at the switchyard adjacent to the Palo Verde Nuclear Generating Station (PVNGS) located west of Phoenix, Arizona, and extend to the U.S.-Mexico border along one of three, two-mile wide corridors preliminarily identified by PNM. From the U.S.-Mexico border, the proposed facilities would extend approximately 60 miles into Mexico where they would connect with complementary transmission facilities of the Comision Federal de Electricidad (CFE), the national electric utility of Mexico, at CFE's existing Santa Ana Substation.

The two circuits may be constructed as one double-circuit line (both circuits connected to the same support structure) or as two individual lines (separate support structures for each circuit). The proposed in-service date for the facilities is June 2002; however, PNM may elect to use a phased approach in installing the two circuits.

In its application, PNM states that it is considering designing the transmission circuits for either AC or DC operation. If the AC option is chosen, a back-to-back AC/DC/AC converter station would be constructed in the vicinity of the U.S.-Mexico border. The AC transmission circuits would be operated at 345,000 volts (345-kV) between PVNGS and the back-to-back converter station and at 230-kV between the converter station and CFE's Santa Ana Substation. Each of these AC transmission circuits would have an electrical transfer capability of approximately 400 megawatts (MW).

If the DC option is selected, an AC/DC converter station will be installed at each end of the proposed circuits within or near the PVNGS in the U.S. and the Santa Ana Substation in Mexico. If PNM elects to use a phased approach, the DC circuits would initially be operated as a mono-pole DC line (one conductor) and have a nominal operating voltage of ± 400-kV with an electrical transfer capability of between 400 MW and 500 MW. With the addition of the second circuit, (second conductor) the resulting interconnection would be upgraded to

bi-pole ± 400-kV operation with a transfer capability of between 800 MW and 1000 MW.

PNM is also considering three possible routes for the cross-border transmission lines. The first alternative corridor is approximately 130 miles in length. It starts at the PVNGS switchyard and continues south, crossing the Barry M. Goldwater Air Force Range and the western boundary of the Tohono O'odham Indian Reservation before terminating in Santa Ana, Mexico. The second alternative corridor is approximately 160 miles long and starts at the PVNGS switchyard. It then proceeds slightly east and south, crossing the middle to eastern area of the Tohono O'odham Reservation and terminating in Santa Ana, Mexico. The third corridor begins at PVNGS and continues southeasterly to an area south of Tucson, Arizona, where it would turn south to Nogales, Arizona, and continue to Santa Ana, Mexico. This corridor is approximately 250 miles long. Although the corridors are approximately 2 miles in width, when constructed, the transmission facilities are expected to utilize a right-of-way of no more than 150 to 200 feet wide.

A final decision on the design technology and routing will be made after the completion of the environmental and technical studies by regulatory agencies in the U.S. and Mexico. It will depend, in part, on the environmental review that DOE will conduct pursuant to the National Environmental Policy Act of 1969 (NEPA).

Prior to commencing electricity exports to Mexico using these proposed facilities, PNM, or any other electricity exporters, must obtain an electricity export authorization required by section 202(e) of the Federal Power Act.

Since the restructuring of the electric power industry began, resulting in the introduction of different types of competitive entities into the marketplace, DOE has consistently expressed its policy that cross-border trade in electric energy should be subject to the same principles of comparable open access and non-discrimination that apply to transmission in interstate commerce. DOE has stated that policy in export authorizations granted to entities requesting authority to export over international transmission facilities. Specifically, DOE expects transmitting utilities owning border facilities constructed pursuant to Presidential permits to provide access across the border in accordance with the principles of comparable open access and non-discrimination contained in the FPA and articulated in Federal Energy Regulatory Commission Order No. 888, as amended (Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities). In furtherance of this policy, DOE intends to condition any Presidential permit issued in this proceeding on compliance with these open access principles.

PROCEDURAL MATTERS: Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Additional copies of such petitions to intervene or protests also should be filed directly with: Jeffery R. Harris, Public Service Company of New Mexico, 414 Silver Avenue, SW, Albuquerque, NM 87103.

Before a Presidential permit may be issued or amended, the DOE must determine that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system. In addition, DOE must consider the environmental impacts of the proposed action (i.e., granting the Presidential permit, with any conditions and limitations, or denying the permit) pursuant to NEPA. DOE also must obtain the concurrence of the Secretary of State and the Secretary of Defense before taking final action on a Presidential permit application.

The NEPA compliance process is a cooperative, non-adversarial process involving members of the public, state governments and the Federal government. The process affords all persons interested in or potentially affected by the environmental consequences of a proposed action an opportunity to present their views, which will be considered in the preparation of the environmental documentation for the proposed action. Intervening and becoming a party to this proceeding will not create any special status for the petitioner with regard to the NEPA process. Notice of upcoming NEPA activities and information on how the public can participate in those activities will appear in the **Federal Register**. Additional announcements will appear in local newspapers in the vicinity of the proposed transmission line. To apply for the NEPA mailing list now, contact Mrs. Ellen Russell at the address above.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above. In addition, the application may be reviewed or downloaded from the Fossil Energy Home Page at: http://www.fe.doe.gov. Upon reaching the Fossil Energy Home page, select ''Regulatory'' and then ''Electricity'' from the options menu.

Issued in Washington, D.C., on January 11, 1999.

Anthony J. Como,

Manager, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Fossil Energy.

[FR Doc. 99–881 Filed 1–13–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1440–002]

Central Vermont Public Service Corporation; Notice of Filing

January 8, 1999.

Take notice that on April 9, 1998, Central Vermont Public Service Corporation tendered for filing in compliance with the Commission's March 11, 1998, order issued in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions and protests should be filed on or before January 19, 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–785 Filed 1–13–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–198–000]

CNG Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

January 8, 1999.

Take notice that on December 31, 1998, CNG Transmission Corporation (CNG) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, with an effective date of February 1, 1999:

Forty-Fourth Revised Sheet No. 32
Forty-Fourth Revised Sheet No. 33

CNG states that the purpose of this filing is to submit CNG's quarterly revision of the Section 18.2B. Surcharge, effective for the three-month period commencing February 1, 1999. The charge for the quarter ending January 31, 1999 has been $0.0073 per Dt, as authorized by Commission order dated October 27, 1998 in Docket No. RP98–429–001. CNG's proposed Section 18.2B. surcharge for the next quarterly period is $0.0211 per Dt. The revised surcharge is designed to recover $172,125 in Stranded Account No. 858 Costs which CNG incurred for the period of September through November, 1998, and to refund $1,999 in over collections for the period of November 1997 through October 1998.

CNG states that copies of the filing are being mailed to CNG's customers and interested state commissions.

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

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–792 Filed 1–13–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–136–000]

Colorado Interstate Gas Company; Notice of Request Under Blanket Authorization

January 8, 1999.

Take notice that on December 22, 1998, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP99–136–000 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 construct a new delivery facility in Colorado to deliver gas to The City of Colorado Springs (City), under CIG's blanket certificate issued in Docket No. CP83–21–000 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.

CIG states that the Nixon Delivery Facility (Nixon) will be located in Section 25, Township 16 South, Range 65 West, El Paso County, Colorado and will be used to deliver gas to the City. The City will be the end-user of the gas which will be used for electric power generation.

CIG states that City in a letter dated November 16, 1998 has requested an additional delivery point with the capability of delivering up to 20,000 Dth/Day. The natural gas will be used for additional electric generation to be installed at the City's existing Nixon Power Plant. The City has requested an in-service date of May 1, 1999. The facilities will consist of a block valve and tap at an estimated cost of approximately $150,000. The City will be responsible for the cost of the proposed facilities. All construction will be within CIG existing right of way.

CIG states that this proposal will have no effect on its peak day and annual deliveries, that its existing tariff does not prohibit the addition of new delivery points, that deliveries will be accomplished without detriment or disadvantage to its other customers and that the total volumes delivered will not exceed total volumes authorized prior to this request.

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. 99–788 Filed 1–13–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TM99–3–4–001]

Granite State Gas Transmission Inc.; Notice of Proposed Changes in FERC Gas Tariff

January 8, 1999.

Take notice that on January 4, 1999, Granite State Gas Transmission, Inc. (Granite State) tendered for filing with the Commission the revised tariff sheets listed below in its FERC Gas Tariff, Third Revised Volume No. 1, for effectiveness on January 1, 1999:

Seventeenth Revised Sheet No. 21
Eighteenth Revised Sheet No. 22

According to Granite State, the foregoing revised tariff sheets reflect a recalculation of the Power Cost Adjustment (PCA) surcharge to be applicable during the first quarter of 1999 and the recalculation is submitted to comply with the Commission's Letter Order dated December 18, 1998, in respect to the PCA filing on December 1. Also, Granite State says that the revised tariff sheets have been paginated to conform with instructions in the Letter Order.

Granite State further states that copies of its filing have been served on its firm transportation customers, Bay State Gas Company and Northern Utilities, Inc., and the regulatory agencies of the states of Maine, New Hampshire and Massachusetts.

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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–795 Filed 1–13–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–65–002]

Kern River Gas Transmission Company; Notice of Compliance Filing

January 8, 1999.

Take notice that on January 5, 1999, Kern River Gas Transmission Company (Kern River) tendered as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets, with an effective date of December 1, 1998:

Second Substitute Second Revised Sheet No. 96
Fourth Revised Sheet No. 96

Kern River states that the purpose of this filing is to comply with the Commission's letter order dated December 21, 1998, directing Kern River to file revised tariff sheets stating that, in addition to providing notification to bumped shippers via EBB and Internet E-mail, Kern River will notify bumped shippers by telephone or telecopier.

Kern River states that a copy of this filing has been served upon each person designated on the official service list compiled by the Secretary in this proceeding.

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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–790 Filed 1–13–99; 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

January 8, 1999.

Take notice that the Commission Trial Staff will convene an informal settlement conference with the intervenors in this proceeding at 10:00 a.m. on Thursday, January 14, 1999, at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, for the purpose of exploring the possible settlement of the above-referenced docket.

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. 99–789 Filed 1–13–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–199–000]

Panhandle Eastern Pipe Line Company; Notice of Proposed Changes in FERC Gas Tariff

January 8, 1999.

Take notice that on January 6, 1999, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed on Appendix A attached to the filing, to be effective February 6, 1999.

Panhandle states that the purpose of this filing, made in accordance with the provisions of Section 154.204 of the Commission's Regulations, is to modify Panhandle's pro forma service agreements for Rate Schedules FT, EFT, SCT, IT, EIT, IOS, IIOS, WS, IWS, PS, FS, LFT and GPS to provide for specific types of discounts that Panhandle may agree to enter into with its shippers.

Panhandle states that copies of this filing are being served on all affected customers and applicable state regulatory agencies.

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

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–793 Filed 1–13–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–162–001]

South Georgia Natural Gas Company; Notice of Proposed Changes to FERC Gas Tariff

January 8, 1999.

Take notice that on January 5, 1999, South Georgia Natural Gas Company (South Georgia) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet with the proposed effective date of January 1, 1999:

Fourth Revised Sheet No. 92

South Georgia states that the purpose of this filing is to eliminate the references to the FAS 106 surcharge in Section 25 of its Tariff in compliance with the Commission's letter order in the referenced docket issued December 23, 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–791 Filed 1–13–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–200–000]

Trunkline Gas Company; Notice of Proposed Changes in FERC Gas Tariff

January 8, 1999.

Take notice that on January 6, 1999, Trunkline Gas Company (Trunkline) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed on Appendix A attached to the filing, to be effective February 6, 1999.

Trunkline states that the purpose of this filing, made in accordance with the provisions of section 154.204 of the Commission's Regulations, is to modify Trunkline's pro forma service agreements for Rate Schedules FT, SST, EFT, QNT, LFT, IT, QNIT, NNS–1, NNS–2, FSS, ISS and GPS to provide for specific types of discounts that Trunkline may agree to enter into with its shippers.

Trunkline states that copies of this filing are being served on all affected customers and applicable state regulatory agencies.

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

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–794 Filed 1–13–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

FEDERAL ENERGY REGULATORY COMMISSION

[Docket No. EG99–54–000, et al.]

AES Creative Resources, L.P., et al. Electric Rate and Corporate Regulation Filings January 7, 1999

Take notice that the following filings have been made with the Commission:

1. AES Creative Resources, L.P.

[Docket No. EG99–54–000]

Take notice that on January 5, 1999, AES Creative Resources, L.P., C/o Mr. Henry Aszklar, Vice President, AES NY, L.L.C., the general partner of AES Creative Resources, L.P. (AES Resources), 1001 North 19th Street, Arlington, VA 22209, filed with the Federal Energy Regulatory Commission an Application for Determination of Exempt Wholesale Generator Status pursuant to Part 365 of the Commission's regulations. AES Resources respectfully requests expedited action on this application by February 12, 1999.

AES Resources is a Delaware limited partnership. AES Resources intends to own, operate, and maintain the generating stations currently known as the Jennison and Hickling stations, which are now owned by New York State Electric & Gas Corporation and its affiliate NGE Generation, Inc.. Electricity generated by the facilities will be sold at wholesale to one or more power marketers, utilities, cooperatives, or other wholesalers.

Comment date: January 28, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. AES Eastern Energy, L.P.

[Docket No. EG99–55–000]

Take notice that on January 5, 1999, AES Eastern Energy, L.P., c/o Mr. Henry Aszklar, Vice President, AES NY, L.L.C., the general partner of AES Eastern Energy, L.P. (AES Eastern), 1001 North 19th Street, Arlington, VA 22209, filed with the Federal Energy Regulatory Commission, an Application for Determination of Exempt Wholesale Generator Status pursuant to Part 365 of the Commission's regulations. AES Eastern respectfully requests expedited action of this application by February 12, 1999.

AES Eastern is a Delaware limited partnership. AES Eastern intends to own, operate, and maintain the generating stations currently known as the Greenidge and Goudey stations, which are now owned by New York State Electric & Gas Corporation (NYSEG) and its affiliate NGE Generation, Inc. (NGE), and to lease from passive lessor Owner Trusts the NYSEG and NGE stations currently known as Milliken and Kintign. Electricity generated by the facilities will be sold at wholesale to one or more power marketers, utilities, cooperatives or other wholesalers.

Comment date: January 28, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. LG&E Westmoreland Southhampton

[Docket No. ER97–656–000]

Take notice that on December 22, 1998, LG&E Westmoreland Southampton filed certain information in compliance with the Commission's letter order dated December 11, 1998 approving the Settlement Agreement between Southampton and Virginia Power in Docket Nos. EL94–45–003 and 004, QF88–84–008 and 009, and ER97–656–000] and 001.

Comment date: January 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

4. Potomac Electric Power Company

[Docket No. ER98–4138–001]

Take notice that on December 31, 1998, Potomac Electric Power Company (Pepco), tendered its compliance filing with respect to the Commission's order issued October 2 herein (85 FERC ¶ 61,019) granting its application for authorization to sell and to broker electric power at market based rates.

Comment date: January 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

5. PacifiCorp Power Marketing, Inc.

[Docket No. ER99–1078–000]

Take notice that on December 30, 1998, PacifiCorp Power Marketing, Inc. (PPM) tendered for filing pursuant to the Federal Energy Regulatory Commission's (Commission's) Rules of Practice and Procedure, 18 CFR 385.205 and 385.207, a Petition for Order Accepting Rates and Modified Code of Conduct for Filing as Just and Reasonable.

PPM requests the effective date to be the date the Commission issues an Order in this Docket, but no later than 60 days from the date of filing of this Petition.

PPM intends to engage in electric power and energy transactions as a

marketer and a broker. It proposes to make such sales on rates, terms, and conditions to be mutually agreed to with the purchasing party. PPM is not in the business of generating, transmitting, or distributing electric power.

Comment date: January 19, 1999, in accordance with Standard Paragraph E at the end of this notice.

6. PP&L, Inc.

[Docket No. ER99–1099–000]

Take notice that on December 31, 1998, PP&L, Inc. (PP&L), tendered for filing an executed copy of a Power Supply Agreement with the Borough of Lansdale (Lansdale).

PP&L requests an effective date of February 1, 1999, for the Power Supply Agreement.

PP&L states that copies of this filing have been supplied to Borough of Lansdale, and the Pennsylvania Public Utilities Commission.

Comment date: January 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

7. PP&L, Inc.

[Docket No. ER99–1100–000]

Take notice that on December 31, 1998, PP&L, Inc. (PP&L), tendered for filing an executed copy of a Power Supply Agreement with the Borough of Hatfield (Hatfield).

PP&L requests an effective date of February 1, 1999, for the Power Supply Agreement.

PP&L states that copies of this filing have been supplied to Borough of Hatfield and the Pennsylvania Public Utilities Commission.

Comment date: January 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

8. PP&L, Inc.

[Docket No. ER99–1101–000]

Take notice that on December 31, 1998, PP&L, Inc. (PP&L), tendered for filing an executed copy of a Power Supply Agreement with the Borough of Olyphant (Olyphant).

PP&L requests an effective date of February 1, 1999, for the Power Supply Agreement.

PP&L states that copies of this filing have been supplied to the Borough of Olyphant and the Pennsylvania Public Utilities Commission.

Comment date: January 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

9. New England Power Pool

[Docket No. ER99–1110–000]

Take notice that on December 31, 1998, the New England Power Pool Executive Committee filed for acceptance a signature page to the New England Power Pool (NEPOOL) Agreement dated September 1, 1971, as amended, signed by Cargill-Alliant, LLC (Cargill-Alliant); TransÉnergie U.S. Ltd. (TransÉnergie); and Wisvest-Connecticut, L.L.C. (Wisvest). The NEPOOL Agreement has been designated NEPOOL FPC No. 2.

The Executive Committee states that the Commission's acceptance of the signature pages of Cargill-Alliant, TransÉnergie and Wisvest would permit NEPOOL to expand its membership to include Cargill-Alliant, TransÉnergie and Wisvest. NEPOOL further states that the filed signature pages do not change the NEPOOL Agreement in any manner, other than to make Cargill-Alliant, TransÉnergie and Wisvest members in NEPOOL. NEPOOL requests an effective date of January 1, 1999, for commencement of participation in NEPOOL by Cargill-Alliant, TransÉnergie and Wisvest.

Comment date: January 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

10. PP&L, Inc.

[Docket No. ER99–1111–000]

Take notice that on December 31, 1998, PP&L, Inc., (PP&L), tendered for filing an executed copy of a Power Supply Agreement with the Borough of St. Clair (St. Clair).

PP&L requests an effective date of February 1, 1999, for the Power Supply Agreement.

PP&L states that copies of this filing have been supplied to the following Borough of St. Clair, and the Pennsylvania Public Utilities Commission.

Comment date: January 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

11. PP&L, Inc.

[Docket No. ER99–1112–000]

Take notice that on December 31, 1998, PP&L, Inc. (PP&L), tendered for filing an executed copy of a Power Supply Agreement with the Borough of Mifflinburg (Mifflinburg).

PP&L requests an effective date of February 1, 1999 for the Power Supply Agreement.

PP&L states that copies of this filing have been supplied to Borough of Mifflinburg and the Pennsylvania Public Utilities Commission.

Comment date: January 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

12. PP&L, Inc.

[Docket No. ER99–1113–000]

Take notice that on December 31, 1998, PP&L, Inc., tendered for filing an executed copy of a Power Supply Agreement with the Borough of Weatherly (Weatherly).

PP&L requests an effective date of February 1, 1999, for the Power Supply Agreement.

PP&L states that copies of this filing have been supplied to Borough of Weatherly and to the Pennsylvania Public Utilities Commission.

Comment date: January 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

13. Consumers Energy Company

[Docket No. ER99–1114–000]

Take notice that on December 31, 1998, Consumers Energy Company (Consumers), tendered for filing executed Service Agreements for Firm and Non-Firm Point-to-Point Transmission Service pursuant to Consumers' Open Access Transmission Service Tariff, with effective dates of December 22, 1998.

Copies of the filed agreements were served upon the Michigan Public Service Commission and the customer, Western Michigan University.

Comment date: January 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

14. Cabrillo Power I LLC

[Docket No. ER99–1115–000]

Take notice that on December 31, 1998, Cabrillo Power I LLC tendered for filing pursuant to Rule 205, 18 CFR 385.205, a petition for waivers and blanket approvals under various regulations of the Commission and for an order accepting its FERC Electric Rate Schedule No. 1, to be effective upon closing of its purchase of the Encina Generating Station, which is scheduled to occur on or before February 28, 1999.

Cabrillo Power I LLC intends to sell electric power and ancillary services at wholesale. In transactions where Cabrillo Power I LLC sells electric energy and ancillary services in non-must-run transactions, it proposes to make such sales on rates, terms, and conditions to be mutually agreed to with the purchasing party. Rate Schedule No. 1, provides for the sale of energy and capacity and ancillary services at agreed prices.

Comment date: January 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

15. Cabrillo Power II LLC

[Docket No. ER99–1116–000]

Take notice that on December 31, 1998, Cabrillo Power II LLC tendered for

filing pursuant to Rule 205, 18 CFR 385.205, a petition for waivers and blanket approvals under various regulations of the Commission and for an order accepting its FERC Electric Rate Schedule No. 1, to be effective upon closing of its purchase of 17 combustion turbine units from the San Diego Gas & Electric Company, which is scheduled to occur on or before February 28, 1999.

Cabrillo Power II LLC intends to sell electric power and ancillary services at wholesale. In transactions where Cabrillo Power II LLC sells electric energy and ancillary services in non-must-run transactions, it proposes to make such sales on rates, terms, and conditions to be mutually agreed to with the purchasing party. Rate Schedule No. 1, provides for the sale of energy and capacity and ancillary services at agreed prices.

Comment date: January 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

16. Illinois Power Co.

[Docket No. ER99–1117–000]

Take notice that on December 31, 1998, Illinois Power Company, tendered for filing a revised Schedule D to its Amended and Restated Power Coordination Agreement with Soyland Power Cooperative, Inc.

Comment date: January 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

17. New England Power Pool

[Docket No. ER99–1118–000]

Take notice that on December 31, 1998, the New England Power Pool Executive Committee tendered for acceptance a signature page to the New England Power Pool (NEPOOL), Agreement dated September 1, 1971, as amended, signed by NRG Power Marketing Inc., (NRG). The NEPOOL Agreement has been designated NEPOOL FPC No. 2.

The Executive Committee states that the Commission's acceptance of NRG's signature page would permit NEPOOL to expand its membership to include NRG. NEPOOL further states that the filed signature page does not change the NEPOOL Agreement in any manner, other than to make NRG a member in NEPOOL.

NEPOOL requests an effective date of January 1, 1999, for commencement of participation in NEPOOL by NRG.

Comment date: January 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

18. The Dayton Power and Light Co.

[Docket No. ER99–1138–000]

Take notice that on December 31, 1998, The Dayton Power and Light Company (Dayton), tendered for filing a Non-Firm Transmission Service Agreement establishing with Potomac Electric Power Company as customers under the terms of Dayton's Open Access Transmission Tariff.

Dayton requests an effective date of one day subsequent to this filing for the service agreements. Accordingly, Dayton requests waiver of the Commission's notice requirements.

Copies of this filing were served upon with Potomac Electric Power Company and the Public Utilities Commission of Ohio.

Comment date: January 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

19. The Dayton Power and Light Co.

[Docket No. ER99–1139–000]

Take notice that on December 31, 1998, The Dayton Power and Light Company (Dayton), tendered for filing a Short-Term Firm Transmission Service Agreement establishing Potomac Electric Power Company as customers under the terms of Dayton's Open Access Transmission Tariff.

Dayton requests an effective date of one day subsequent to this filing for the service agreements. Accordingly, Dayton requests waiver of the Commission's notice requirements.

Copies of this filing were served upon Potomac Electric Power Company and the Public Utilities Commission of Ohio.

Comment date: January 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

20. Sunlaw Cogeneration Partners I

[Docket No. ER99–1140–000]

Take notice that on December 31, 1998, Sunlaw Cogeneration Partners I (Sunlaw), tendered for filing an amendment to its FERC Electric Rate Schedule No. 1, pursuant to the Commission's Order of October 28, 1998, in *AES Redondo Beach, et al.*, 85 FERC ¶ 61,123 (1998), which required public utility suppliers to file amendments to their rate schedules under which they sell energy at market-based rates to include certain Ancillary Services and Replacement Reserve Service as separate products.

Comment date: January 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

21. New England Power Pool

[Docket No. ER99–1142–000]

Take notice that on December 31, 1998, the New England Power Pool (NEPOOL) Executive Committee tendered for filing the Fortieth Agreement Amending New England Power Pool Agreement, amending governance related provisions of the Restated NEPOOL Agreement and making changes to Schedule 1, of the Restated NEPOOL Open Access Transmission Tariff in compliance with the Commission's orders in *New England Power Pool, et al.*, 83 FERC ¶ 61,045 (1998) and *New England Power Pool*, 79 FERC ¶ 61,374, 62,576 (1997).

The NEPOOL Executive Committee states that copies of these materials were sent to all entities on the service lists in the captioned dockets, to the participants in the New England Power Pool, and to the New England state governors and regulatory commissions.

Comment date: January 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

22. Duquesne Light Co.

[Docket No. ER99–1143–000]

Take notice that on December 31, 1998, Duquesne Light Company (Duquesne), tendered for filing under Duquesne's pending Market-Based Rate Tariff, (Docket No. ER98–4159–000) an executed Service Agreement at Market-Based Rates with DTE-CoEnergy L.L.C., (Customer).

Duquesne has requested the Commission waive its notice requirements to allow the Service Agreement to become effective as of December 30, 1998.

Copies of this filing were served upon Customer.

Comment date: January 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

23. Duquesne Light Co.

[Docket No. ER99–1144–000]

Take notice that on December 31, 1998, Duquesne Light Company (Duquesne), tendered for filing under Duquesne's pending Market-Based Rate Tariff, (Docket No. ER98–4159–000) an executed Service Agreement at Market-Based Rates with Statoil Energy Services, Inc., (Customer).

Duquesne has requested the Commission waive its notice requirements to allow the Service Agreement to become effective as of December 30, 1998.

Copies of this filing were served upon Customer.

Comment date: January 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

24. Duquesne Light Co.

[Docket No. ER99–1145–000]

Take notice that on December 31, 1998, Duquesne Light Company (Duquesne), tendered for filing under Duquesne's pending Market-Based Rate Tariff, (Docket No. ER98–4159–000) an executed Service Agreement at Market-Based Rates with Niagara Mohawk Energy Marketing, Inc., (Customer).

Duquesne has requested the Commission waive its notice requirements to allow the Service Agreement to become effective as of December 30, 1998.

Copies of this filing were served upon Customer.

Comment date: January 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

25. Duquesne Light Co.

[Docket No. ER99–1146–000]

Take notice that on December 31, 1998, Duquesne Light Company (Duquesne), tendered for filing under Duquesne's pending Market-Based Rate Tariff, (Docket No. ER98–4159–000) an executed Service Agreement at Market-Based Rates with Constellation Power Source, Inc., (Customer).

Duquesne has requested the Commission waive its notice requirements to allow the Service Agreement to become effective as of December 30, 1998.

Copies of this filing were served upon Customer.

Comment date: January 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

26. Duquesne Light Co.

[Docket No. ER99–1147–000]

Take notice that on December 31, 1998, Duquesne Light Company (Duquesne), tendered for filing under Duquesne's pending Market-Based Rate Tariff, (Docket No. ER98–4159–000) executed Service Agreement at Market-Based Rates with NEV East, L.L.C., (Customer).

Duquesne has requested the Commission waive its notice requirements to allow the Service Agreement to become effective as of December 30, 1998.

Copies of this filing were served upon Customer.

Comment date: January 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

27. Duquesne Light Co.

[Docket No. ER99–1148–000]

Take notice that on December 31, 1998, Duquesne Light Company (Duquesne), tendered for filing under Duquesne's pending Market-Based Rate Tariff, (Docket No. ER98–4159–000) executed Service Agreement at Market-Based Rates with FPL Energy Services, Inc., (Customer).

Duquesne has requested the Commission waive its notice requirements to allow the Service Agreement to become effective as of December 30, 1998.

Copies of this filing were served upon Customer.

Comment date: January 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

28. Duquesne Light Co.

[Docket No. ER99–1149–000]

Take notice that on December 31, 1998, Duquesne Light Company (Duquesne), tendered for filing under Duquesne's pending Market-Based Rate Tariff, (Docket No. ER98–4159–000) executed Service Agreement at Market-Based Rates with Nicole Gas Marketing d/b/a Nicole Energy Services (Customer).

Duquesne has requested the Commission waive its notice requirements to allow the Service Agreement to become effective as of December 30, 1998.

Copies of this filing were served upon Customer.

Comment date: January 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

29. Duquesne Light Co.

[Docket No. ER99–1150–000]

Take notice that on December 31, 1998, Duquesne Light Company (Duquesne), tendered for filing under Duquesne's pending Market-Based Rate Tariff, (Docket No. ER98–4159–000) executed Service Agreement at Market-Based Rates with Worley and Obetz, Inc., (Customer).

Duquesne has requested the Commission waive its notice requirements to allow the Service Agreement to become effective as of December 30, 1998.

Copies of this filing were served upon Customer.

Comment date: January 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

30. Duquesne Light Co.

[Docket No. ER99–1151–000]

Take notice that on December 31, 1998, Duquesne Light Company (DLC), tendered for filing a Service Agreement for Retail Network Integration Transmission Service and a Network Operating Agreement for Retail Network Integration Transmission Service dated December 10, 1998, Green Mountain Energy Resources, L.L.C., under DLC's Open Access Transmission Tariff (Tariff). The Service Agreement and Network Operating Agreement adds Green Mountain Energy Resources, L.L.C., as a customer under the Tariff.

DLC requests an effective date of January 1, 1999, for the Service Agreement.

Comment date: January 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

31. Duquesne Light Co.

[Docket No. ER99–1152–000]

Take notice that on December 31, 1998, Duquesne Light Company (DLC), tendered for filing a Service Agreement for Retail Network Integration Transmission Service and a Network Operating Agreement for Retail Network Integration Transmission Service dated December 16, 1998, DTE Edison America, Inc., under DLC's Open Access Transmission Tariff (Tariff). The Service Agreement and Network Operating Agreement adds DTE Edison America, Inc., as a customer under the Tariff.

DLC requests an effective date of January 1, 1999, for the Service Agreement.

Comment date: January 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

STANDARD PARAGRAPHS

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection.

David P. Boergers,

Secretary.

[FR Doc. 99–827 Filed 1–13–99; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP99–61–000; CP99–62–000; CP99–63–000; CP99–64–000]

TriState Pipeline L.L.C.; Notice of Intent To Prepare an Environmental Impact Statement for the Proposed TriState Pipeline Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings and Site Visit

January 8, 1999.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) that will discuss the environmental impacts of the construction and operation of the facilities proposed in the TriState Pipeline Project.[1] This EIS will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity. The application and other supplemental filings in this docket are available for viewing on the FERC Internet website (www.ferc.fed.us). Click on the ''RIMS'' link, select ''Docket #'' from the RIMS Menu, and follow the instructions.

Similarly, the ''CIPS'' link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the ''CIPS'' link, select ''Docket #'' from the CIPS menu, and follow the instructions.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law. A fact sheet addressing a number of typically asked questions, including the use of eminent domain, is attached to this notice as appendix 1.[2]

Additionally, with this notice we are asking a number of Federal agencies (see appendix 2) with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the EIS. These agencies may choose to participate once they have evaluated the proposal relative to their agencies' responsibilities.

Summary of the Proposed Project

TriState Pipeline L.L.C. (TriState) proposes to build new natural gas pipeline and compression facilities to transport 650 thousand decatherms per day (MDth/day) of natural gas from the Chicago Hub near Joliet, Illinois. Of the 650 MDth/day, 200 MDth/day would be delivered to the White Pigeon delivery point in Michigan. The remaining 450 MDth/day would be transported to the Dawn Hub in Ontario, Canada.

TriState requests Commission authorization, in Docket No. CP99–61–000, to construct, lease, and operate the following facilities:

- construct 2.8 miles of new 30-inch-diameter interconnect pipeline for the Alliance Interconnect (1.5 miles) and Northern Border Interconnect (1.3 miles) in Will County, Illinois;
- construct 147.4 miles of new 30-inch-diameter pipeline in Illinois, Indiana, and Michigan extending from Joliet, Illinois in Will County to White Pigeon, Michigan in St. Joseph County. About 32.6 miles would be in Illinois, 108.5 miles would be in Indiana, and 6.3 miles would be in Michigan;
- construct 66.1 miles of 36-inch-diameter pipeline looping the existing Consumers Energy Company (Consumers) and Michigan Gas Storage (MSG) systems in Michigan in three segments: the Branch County Loop (24.1 miles), the Oakland County Loop (23.4 miles), and the Macomb County Loop (18.6 miles);
- construct 11.8 miles of 24-inch-diameter pipeline from Consumers' existing St. Clair Compressor Station in St. Clair, Michigan, to the United States (U.S.)-Canadian International Boundary in the St. Clair River;
- construct one new compressor station (Joliet Compressor Station) with 30,000 horsepower (hp) in Joliet, Illinois and upgrade Consumers' existing St. Clair Compressor Station with 18,570 hp of additional compression;
- construct four new meter/regulating stations including two in Will County, Illinois, one in St. Joseph County, Michigan, and one in the St. Clair County, Michigan;
- construct 22 new mainline and crossover valves; and
- lease 450 MDth/day of firm pipeline capacity on the Consumers and MSG systems between White Pigeon, Michigan and Consumers' existing St. Clair Compressor Station.

The general location of TriState's proposed project facilities is shown in appendix 3.

In addition, TriState requests in Docket No. CP99–64–000 a Presidential Permit to construct, operate, and maintain facilities at the International Border between the U.S.-Canadian International Boundary in the St. Clair River near Marine City, Michigan. TriState's border facilities would connect TriState's proposed U.S. facilities with Canadian facilities owned by TriState's Canadian affiliate, TriState-Canada.

Land Requirement for Construction

TriState would construct a total of about 229.0 miles of new pipeline of which about 111.5 miles (49 percent) would be constructed parallel to various existing utility rights-of-way. The remaining 116.6 miles (51 percent) would be constructed on newly created right-of-way that does not parallel existing rights-of-way. Where possible, TriState's right-of-way would overlap the existing rights-of-way as much as possible during construction to minimize impacts. TriState's pipeline would deviate from the existing rights-of-way in selected locations to avoid impact on homes and existing utility structures (meter stations, etc.). The pipeline would also deviate from the existing rights-of-way in selected locations to improve waterbody crossings and for other environmental or engineering reasons.

Construction of the TriState Pipeline Project would affect a total of about 3,000 acres of land including extra workspace and aboveground facilities. Of this total, about 2,764 acres would be disturbed by the construction right-of-way, 210 acres would be disturbed by extra workspace, and 26 acres would be distributed by the aboveground facilities and access roads. All these acreage figures are subject to change.

TriState would generally use a 75- to 100-foot-wide construction right-of-way depending on land use and the need to segregate topsoil. The TriState Pipeline Project would also require extra

[1] TriState Pipeline L.L.C.'s applications in Docket Nos. CP99–61–000, CP99–62–000, and CP99–63–000, were filed with the Commission under Section 7 of the Natural Gas Act (NGA) and Parts 157 and 284 of the Commission's regulations. The application in Docket No. CP99–64–000 was filed with the Commission under Section 3 of the NGA and Part 153 of the Commission's regulations.

[2] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE, Room 2A, Washington DC 20426, or call (202) 208–1371. Copies of the appendices were sent to all those receiving this notice in the mail.

temporary work areas for waterbody, highway, and railroad crossings; for additional topsoil storage; and for pipe storage and equipment yards. Following construction and restoration of the right-of-way and temporary work spaces, TriState would retain a 50-foot-wide permanent pipeline right-of-way in Illinois and Indiana and a 60-foot-wide permanent right-of-way in Michigan. Total land requirements for the permanent right-of-way would be about 1,484 acres. The project would also require an additional 19 acres for the operation of the new or modified aboveground facilities. TriState would restore the remaining 1,497 acres of land affected by construction of the project and allow these areas to revert to their former use.

The EIS Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers that issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this ''scoping.'' The main goal of the scoping process is to focus the analysis in the EIS on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues in will address in the EIS. All comments received are considered during the preparation of the EIS. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

Currently Identified Environmental Issues

The EIS will discuss impacts that could occur as a result of the construction and operation of the proposed project. We have already identified a number of issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by TriState. These issues are listed below. This is a preliminary list of issues and may be changed based on your comments and our analysis.

- Soils

—Temporary and permanent impacts on prime farmland soils.
—Mixing of topsoil and subsoil during construction.
—Compaction of soil by heavy equipment.
—Impacts on drain tiles and irrigation systems.
—Erosion control and right-of-way restoration.

- Water Resources

—Effect of construction on areas with shallow groundwater.
—Effect of construction on crossings of 95 perennial waterbodies, including 20 coldwater fisheries and one anadromous fishery.
—Crossing of three rivers 100 feet wide or greater.
—Crossing of six waterbodies designated as sensitive/unique of which three are classified as salmonid waters and two are listed as Indiana Outstanding Rivers.
—Effect of construction in waterbodies with contaminated sediments.
—Potential for erosion and sediment transport to the waterbodies.
—Effect of construction on groundwater and surface water supplies.
—Impact on wetland hydrology.

- Biological Resources

—Short- and long-term effects of right-of-way clearing and maintenance on wetlands, forests, riparian areas, and vegetation communities of special concern.
—Effect on wildlife and fisheries habitats.
—Impact on federally endangered species such as the Indiana bat and on federally threatened species such as the northern copperbelly watersnake.

- Cultural Resources

—Effect on historic and prehistoric sites.
—Native American concerns.

- Socioeconomics

—Effect of the construction workforce on demands for services in surrounding areas.
—Impact on property values.

- Land Use

—Impact on crop production.
—Impact on residential areas.
—Effect on public lands and special use areas including waterbodies on the Indiana Outstanding River List, state scenic trails, a state recreation areas, county parks, city/township private parks and campgrounds, and golf courses.
—Impact on future land uses and consistency with local land use plans and zoning.
—Visual effect of the aboveground facilities on surrounding areas.

- Air Quality and Noise

—Effect on local air quality and noise environment as a result of construction.
—Effect on local air quality and noise environment as a result of operation of the compressor stations.

- Pipeline Reliability and Safety

- Cumulative Impact

—Impact of construction combined with that of other projects that have been or may be proposed in the same region and similar time frames.
—Impact of proposed project's influence on the potential for future upstream and downstream facilities.

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the Draft EIS which will be mailed to Federal, state, and local agencies, public interest groups, affected landowners and other interested individuals, newspapers, libraries, and the Commission's official service list for this proceeding. A 45-day comment period will be allotted for review of the Draft EIS. We will consider all comments on the Draft EIS and revise the document, as necessary, before issuing a Final EIS. The Final EIS will include our response to each comment received on the Draft EIS and will be used by the Commission in its decision-making process to determine whether to approve the project.

Public Participation and Scoping Meetings

You can make a difference by sending a letter addressing your specific comments or concerns about the project. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please follow the instructions below to ensure that your comments are received and properly recorded:

- send two copies to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Room 1A, Washington, D.C. 20426.
- label one copy of the comments for the attention of the Environmental Review and Compliance Branch, PR–11.1;
- reference Docket Nos. CP99–61–000, CP99–62–000, CP99–63–000, and CP99–64–000;
- Mail your comments so that they will be received in Washington, D.C. on or before February 12, 1999.

In addition to or in lieu of sending written comments, we invite you to attend the public scoping meetings the FERC will conduct in the project area. The locations and times for these meetings are listed below.

Schedule of Public Scoping Meetings for the TriState Pipeline Project Environmental Impact Statement

February 8, 1999 7:00 PM—University Park, Illinois, Engbretson Hall, Governors State University, Governors Highway and Stuenkel Rd., (708) 534–4515

February 9, 1999 7:00 PM—Walkerton, Indiana, Urey Middle School Cafeteria, 407 Washington Street, (219) 586–3184

February 10, 1999 7:00 PM—Sturgis, Michigan, Sturgis Youth Civic Center, 201 N. Nottawa, (800) 778–7437

February 11, 1999 7:00 PM—Pontiac, Michigan, Pontiac Northern High School, Little Theater (S. Parking Lot), 1051 Arlene Ave., (248) 857–8460

The public meetings are designed to provide you with more detailed information and another opportunity to offer your comments on the proposed project. TriState representatives will be present at the scoping meetings to describe their proposal. Interested groups and individuals are encouraged to attend the meetings and to present comments on the environmental issues they believe should be addressed in the Draft EIS. A transcript of each meeting will be made so that your comments will be accurately recorded.

On the dates of the meetings, we will also be conducting limited site visits to the project area. Anyone interested in participating in the site visit may contact the Commission's Office of External Affairs identified at the end of this notice for more details and must provide their own transportation.

Becoming an Intervenor

In addition to involvement in the EIS scoping process, you may want to become an official party to the proceeding or become an ''intervenor.'' Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide copies of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 4). Only intervenors have the right to seek rehearing of the Commission's decision.

The date for filing of timely motions to intervene in this proceeding has passed. Therefore, parties now seeking to file late interventions must show good cause, as required by section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention. You do not need intervenor status to have your environmental comments considered.

Environmental Mailing List

This notice is being sent to individuals, organizations, and government entities interested in and/or potentially affected by the proposed project. It is also being sent to all identified potential right-of-way grantors. As details of the project become established, representatives of TriState may also separately contact landowners, communities, and public agencies concerning project matters, including acquisition of permits and rights-of-way

All commenters will be retained on our mailing list. If you do not want to send comments at this time but still want to keep informed and receive copies of the Draft and Final EIS, you must return the Information Request (appendix 5). If you do not send comments or return the Information Request, you will be taken off the mailing list.

Additional information about the proposed project is available from Mr. Paul McKee of the Commission's Office of External Affairs at (202) 208–1088 or on the FERC website (www.ferc.fed.us) using the ''RIMS'' link to information in this docket number. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222. Access to the texts of formal documents issued by the Commission with regard to this docket, such as orders and notices, is also available on the FERC website using the ''CIPS'' link. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2474.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–787 Filed 1–13–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Intent To File an Application for a New License

January 8, 1999.

a. *Type of Filing:* Notice of Intent to File An Application for a New License.

b. *Project No.:* 5334.

c. *Date Filed:* December 21, 1998.

d. *Submitted By:* Charter Township of Ypsilanti—current licensee.

e. *Name of Project:* Ford Lake Hydroelectric Project.

f. *Location:* On the Huron River in the Charter Township of Ypsilanti, in Washtenaw County, Michigan.

g. *Filed Pursuant to:* Section 15 of the Federal Power Act.

h. *Licensee Contact:* Charter Township of Ypsilanti, 7200 S. Huron River Drive, Ypsilanti, MI 48197, Joann Brinker, (734) 484–0065.

i. *FERC Contact:* Any questions on this notice should be addressed to Tom Dean, E-mail address, thomas.dean@ferc.fed.us, or telephone (202) 219–2778.

j. *Effective date of current license:* April 1, 1962.

k. *Expiration date of current license:* September 30, 2003.

l. *Description of the Project:* The project consists of the following existing facilities: (1) a 45-foot-high earth embankment with a 172-foot-long concrete spillway; (2) a 987-acre reservoir at normal pool elevation of 684.6 feet msl; (3) a powerhouse containing two generating units with a total installed capacity of 2,400 kW; (4) an electrical substation; and (5) other appurtenances.

m. Each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by September 30, 2001.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–786 Filed 1–13–99; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–00261; FRL–6050–8]

Export of Toxic Chemicals; Agency Information Collection Activities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Before submitting the ICR to OMB, EPA is soliciting comments on specific aspects of the information collection described in Unit I. and Unit II. of this document. The ICR is a continuing ICR entitled ''TSCA Section 12(b) Notification of

Chemical Exports,'' EPA ICR No. 0795.10, OMB No. 2070–0030, which relates to reporting requirements found at 40 CFR part 707, subpart D. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9.

DATES: Written comments must be submitted on or before March 15, 1999.

ADDRESSES: Each comment must bear the docket control number ''OPPTS–00261'' and administrative record number 205. All comments should be sent in triplicate to: OPPT Document Control Officer (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. G–099, Washington, DC 20460.

Comments and data may also be submitted electronically to: oppt.ncic@epa.gov. Follow the instructions under Unit III. of this document. No TSCA Confidential Business Information (CBI) should be submitted through e-mail.

All comments that contain information claimed as CBI must be clearly marked as such. Three sanitized copies of any comments containing information claimed as CBI must also be submitted and will be placed in the public record for this document. Persons submitting information on any portion of which they believe is entitled to treatment as CBI by EPA must assert a business confidentiality claim in accordance with 40 CFR 2.203(b) for each such portion. This claim must be made at the time that the information is submitted to EPA. If a submitter does not assert a confidentiality claim at the time of submission, EPA will consider this as a waiver of any confidentiality claim and the information may be made available to the public by EPA without further notice to the submitter.

FOR FURTHER INFORMATION CONTACT: For general information contact: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: 202–554–1404, TDD: 202–554–0551, e-mail: TSCA-Hotline@epa.gov. For technical information contact: Rob Esworthy, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: 202–260–3795, Fax: 202–260–2219, e-mail: esworthy.rob@epa.gov.

SUPPLEMENTARY INFORMATION:

Electronic Availability:

Internet

Electronic copies of the ICR are available from the EPA Home Page at the **Federal Register** - Environmental Documents entry for this document under ''Laws and Regulations'' (http://www.epa.gov/fedrgstr/).

Fax-on-Demand

Using a faxphone call 202–401–0527 and select item 4065 for a copy of the ICR.

I. Background

Affected entities: Entities potentially affected by this action are those companies that export or engage in wholesale sales of chemical substances or mixtures. For each collection of information addressed in this notice, EPA would like to solicit comments to:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility.

2. Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.

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

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.

II. Information Collection

EPA is seeking comments on the following ICR as well as the Agency's intention to renew the corresponding OMB approvals.

Title: TSCA Section 12(b) Notification of Chemical Exports.

ICR numbers: EPA ICR No. 0795.10, OMB No. 2070–0030.

Approval expiration date: April 30, 1999.

Abstract: Section 12(b)(2) of the Toxic Substances Control Act (TSCA) requires that any person who exports or intends to export to a foreign country a chemical substance or mixture that is regulated under TSCA sections 4, 5, 6 and/or 7 submit to EPA notification of such export or intent to export. Upon receipt of notification, EPA will advise the government of the importing country of the U.S. regulatory action with respect to that substance. EPA uses the information obtained from the submitter via this collection to advise the government of the importing country.

Responses to the collection of information are mandatory (see 40 CFR part 707, subpart D). Respondents may claim all or part of a notice confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

Potential future EPA actions affecting this information collection: The purpose of this section is to identify EPA actions that are anticipated to occur during the collection period that could affect the information requirements and burden. The Agency will follow appropriate procedures for modifying the TSCA section 12(b) Notification of Chemical Exports ICR to account for the impacts of these actions at such time that they actually occur.

On October 9, 1998, EPA announced the High Production Volume Chemical (HPV) Challenge Program. The HPV Program is a key element of the Chemical Right-to-Know (ChemRTK) initiative announced by Vice President Gore and EPA Administrator Browner on the eve of Earth Day 1998. The Chem-RTK initiative challenges government, industry and the environmental community to develop aggressive strategies that will rapidly fill the gaps in our understanding about the potential health and environmental effects associated with chemicals used widely in our communities and make this information easily accessible to the public.

The HPV Challenge Program is a major new voluntary chemical testing effort created to ensure that a complete set of baseline health and environmental effects screening data on thousands of HPV industrial chemicals is made available to the public. EPA in partnership with industry and environmental groups have outlined an approach for compiling the basic information for 2,800 HPV chemicals. HPV chemicals are defined as those that are manufactured in, or imported into, the United States in amounts exceeding 1 million pounds per year.

For those chemicals not selected by companies for voluntary testing, EPA will require the testing by law, using the testing authorities contained in section 4 of TSCA. EPA will issue a final rule requiring the testing no later than December 1999. At the time of the writing of this ICR, EPA is developing

options for a proposed rulemaking expected to be published during the second quarter of FY 1999. This includes determining which chemicals and the number of chemicals potentially affected by these rulemaking requirements. The chemicals included in the proposed and final rulemaking will be subject to section 12(b) export notification requirements. EPA anticipates that this will result in an increase of the information collection burden for section 12(b). The calculation for the increased burden will likely be a straightforward multiplication of number of chemicals not currently subject to section 12(b) requirements by the average number of hours and associated cost.

EPA's Office of Pollution Prevention and Toxics (OPPT) has been working with industry representatives exploring opportunities for electronic submission of data to the Agency. One pilot includes electronic submission of section 12(b) export notifications. OPPT has recently developed a new database for accepting electronic submissions under section 12(b). The new database incorporates new web and public key infrastructure (PKI) technology that will allow for submissions via the Internet. The new database is currently undergoing beta testing and EPA anticipates it will be available for implementation later this calendar year. OPPT hopes to announce the details regarding its ability to accept electronic section 12(b) submissions in a subsequent **Federal Register** notice sometime later in FY 1999. EPA expects electronic submission will result in an overall reduction of the information collection burden for section 12(b) export notification.

Burden statement: The burden to respondents for complying with this ICR is estimated to total 6,200 hours per year with an annual cost of $257,470. These totals are based on an average burden of approximately 0.564 hours per response for an estimated 350 respondents making one or more responses annually. These estimates include the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

III. Public Record and Electronic Submissions

The official record for this document, as well as the public version, has been established for this document under docket control number ''OPPTS–00261'' (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 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.

Electronic comments can be sent directly to EPA at:
oppt.ncic@epa.gov

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 disks in WordPerfect 5.1/6.1 or ASCII file format. All comments and data in electronic form addressing ICR No. 0795.10 must be identified by docket control number ''OPPTS–00261'' and administrative record number 205. Electronic comments on this document may be filed online at many Federal Depository Libraries.

List of Subjects

Environmental protection, Information collection requests, Reporting and recordkeeping requirements.

Dated: January 5, 1999.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 99–895 Filed 1–13–99; 8:45 am]
BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–00257; FRL–6050–4]

Toxic Chemicals; Agency Information Collection Activities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following Information Collection Requests (ICRs) to the Office of Management and Budget (OMB). Before submitting the ICRs to OMB for review and approval, EPA is soliciting comments on specific aspects of the information collections described in Unit I. and Unit II. of this document. The ICRs are: (1) A continuing ICR entitled ''Health and Safety Data Reporting, Submission of Lists and Copies of Health and Safety Studies,'' EPA ICR No. 0575.08, OMB No. 2070–0004, which relates to reporting requirements found at 40 CFR part 716; (2) a continuing ICR entitled ''Reporting and Recordkeeping Requirements for Allegations of Significant Adverse Reactions to Human Health or the Environment,'' EPA ICR No. 1031.06, OMB No. 2070–0017, which relates to reporting requirements found at 40 CFR part 717; and (3) a continuing ICR entitled ''Significant New Use Rules for Existing Chemicals,'' EPA ICR No. 1188.05, OMB No. 2070–0038, which relates to reporting requirements found at 40 CFR part 721. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9.

DATES: Written comments must be submitted on or before March 15, 1999.

ADDRESSES: Each comment must bear the respective docket control numbers and administrative record numbers as follows: Comments on ICR No. 0575.08 should reference docket control number ''OPPTS–00258'' and administrative record number 202; comments on ICR No. 1031.06 should reference docket control number ''OPPTS–00259'' and administrative record number 203; and comments on ICR No. 1188.05 should reference docket control number ''OPPTS–00260'' and administrative record number 204. All comments should be sent in triplicate to: OPPT Document Control Officer (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. G–099, East Tower, Washington, DC 20460.

Comments and data may also be submitted electronically to: oppt.ncic@epa.gov. Follow the instructions under Unit III. of this document. No TSCA Confidential Business Information (CBI) should be submitted through e-mail.

All comments that contain information claimed as CBI must be clearly marked as such. Three sanitized copies of any comments containing information claimed as CBI must also be submitted and will be placed in the public record for this document.

Persons submitting information on any portion of which they believe is entitled to treatment as CBI by EPA must assert a business confidentiality claim in accordance with 40 CFR 2.203(b) for each such portion. This claim must be made at the time that the information is submitted to EPA. If a submitter does not assert a confidentiality claim at the time of submission, EPA will consider this as a waiver of any confidentiality claim and the information may be made available to the public by EPA without further notice to the submitter.

FOR FURTHER INFORMATION CONTACT: For general information contact: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: 202–554–1404, TDD: 202–554–0551, e-mail: TSCA-Hotline@epa.gov. For technical information contact: Frank Kover, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: 202–260–8130, Fax: 202–260–1096, e-mail: kover.frank@epa.gov.

SUPPLEMENTARY INFORMATION:

Electronic Availability:

Internet

Electronic copies of the ICRs are available from the EPA Home Page at the **Federal Register** - Environmental Documents entry for this document under ''Laws and Regulations'' (http://www.epa.gov/fedrgstr/).

Fax-on-Demand

Using a faxphone call 202–401–0527 and select item 4062 for a copy of ICR No. 0575.08; select item 4063 for a copy of ICR No. 1031.06; or select item 4064 for a copy of ICR No. 1188.05.

I. Background

Affected entities: Entities potentially affected by this action are, with respect to ICR No. 0575.08, ICR No. 1031.06, and ICR No. 1188.05, those companies that manufacture, process, import, or distribute in commerce chemical substances or mixtures. For each collection of information addressed in this notice, EPA would like to solicit comments to:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility.

2. Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.

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

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.

II. Information Collections

EPA is seeking comments on the following three ICRs, as well as the Agency's intention to renew the corresponding OMB approvals.

Title: Health and Safety Data Reporting, Submission of Lists and Copies of Health and Safety Studies.

ICR numbers: EPA ICR No. 0575.08, OMB No. 2070–0004.

Approval expiration date: April 30, 1999.

Abstract: Section 8(d) of the Toxic Substances Control Act (TSCA) and 40 CFR part 716 requires manufacturers and processors of chemicals to submit lists and copies of health and safety studies relating to the health and/or environmental effects of certain chemical substances and mixtures. In order to comply with the reporting requirements of TSCA section 8(d), respondents must search their records to identify any health and safety studies in their possession, copy and process relevant studies, list studies that are currently in progress, and submit this information to EPA.

EPA uses this information to construct a complete picture of the known effects of the chemicals in question, leading to determinations by EPA of whether additional testing of the chemicals is required. The information enables EPA to base its testing decisions on the most complete information available and to avoid demands for testing that may be duplicative. EPA will use information obtained via this collection to support its investigation of the risks posed by chemicals and, in particular, to support its decisions on whether to require industry to test chemicals under section 4 of TSCA.

Responses to the collection of information are mandatory (see 40 CFR part 716). Respondents may claim all or part of a notice confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

Burden statement: The burden to respondents for complying with this ICR is estimated to total 4,542 hours per year with an annual cost of $352,179. These totals are based on an average burden ranging between approximately 2 and 34 hours per response, depending upon the category of respondent, for an estimated 1,203 respondents making one or more responses annually. These estimates include the time needed to review instructions; develop, acquire, install and utilize technology and systems for the purposes of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Title: Reporting and Recordkeeping Requirements for Allegations of Significant Adverse Reactions to Human Health or the Environment.

ICR numbers: EPA ICR No. 1031.06, OMB No. 2070–0017.

Approval expiration date: April 30, 1999.

Abstract: TSCA section 8(c) requires companies that manufacture, process, or distribute chemicals to maintain records of significant adverse reactions to health or the environment alleged to have been caused by such chemicals. Since TSCA section 8(c) includes no automatic reporting provision, EPA can obtain and use the information contained in company files only by inspecting those files or requiring reporting of records that relate to specific substances of concern. Therefore, under certain conditions, and using the provisions found in 40 CFR part 717, EPA may require companies to report such allegations to the Agency.

EPA uses such information on a case-specific basis to corroborate suspected adverse health or environmental effects of chemicals already under review by EPA. The information is also useful to identify trends of adverse effects across the industry that may not be apparent to any one chemical company.

Responses to the collection of information are mandatory (see 40 CFR part 717). Respondents may claim all or part of a notice confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance

with, the procedures in TSCA section 14 and 40 CFR part 2.

Burden statement: The burden to respondents for complying with this ICR is estimated to total 30,279 hours at a cost of $2,510,537. These totals are based on an average burden ranging between approximately 0.25 and 8 hours per response, depending upon the category of respondent, for an estimated 7,397 respondents making one or more responses annually. These estimates include the time needed to review instructions; develop, acquire, install and utilize technology and systems for the purposes of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Title: Significant New Use Rules for Existing Chemicals.

ICR numbers: EPA ICR No. 1188.05, OMB No. 2070–0038.

Approval expiration date: April 30, 1999.

Abstract: Section 5 of TSCA provides EPA with a regulatory mechanism to monitor and, if necessary, control significant new uses of chemical substances. Section 5 of TSCA authorizes EPA to determine by rule (a significant new use rule or SNUR), after considering all relevant factors, that a use of a chemical substance represents a significant new use. If EPA determines that a use of a chemical substance is a significant new use, section 5 of TSCA requires persons to submit a notice to EPA at least 90 days before they manufacture, import, or process the substance for that use.

EPA uses the information obtained through this collection to evaluate the health and environmental effects of the significant new use. EPA may take regulatory actions under TSCA section 5, 6 or 7 to control the activities for which it has received a SNUR notice. These actions include orders to limit or prohibit the manufacture, importation, processing, distribution in commerce, use or disposal of chemical substances. If EPA does not take action, TSCA section 5 also requires EPA to publish a **Federal Register** notice explaining the reasons for not taking action.

Responses to the collection of information are mandatory (see 40 CFR part 721). Respondents may claim all or part of a notice confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

Burden statement: The burden to respondents for complying with this ICR is estimated to total 1,032 hours per year with an annual cost of $72,378. These totals are based on an average ranging between approximately 1 and 119 hours per response, depending upon the type of response, for an estimated 675 respondents making one or more responses annually (the great majority of respondents will experience a burden of 1 hour per response; a very few respondents, estimated at three, will experience a burden of 119 hours per response). These estimates include the time needed to review instructions; develop, acquire, install and utilize technology and systems for the purposes of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

III. Public Record and Electronic Submissions

The official record for this document, as well as the public version, has been established for this document under docket control number ''OPPTS–00257'' (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 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.

Electronic comments can be sent directly to EPA at:

oppt.ncic@epa.gov

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 disks in WordPerfect 5.1/6.1 or ASCII file format. All comments and data in electronic form addressing ICR No. 0575.08 must be identified by docket control number ''OPPTS–00258'' and administrative record number 202. All comments and data in electronic form addressing ICR No. 1031.06 must be identified by docket control number ''OPPTS–00259'' and administrative record number 203. All comments and data in electronic form addressing ICR No. 1188.05 must be identified by docket control number ''OPPTS–00260'' and administrative record number 204. Electronic comments on this document may be filed online at many Federal Depository Libraries.

List of Subjects

Environmental protection, Information collection requests, Reporting and recordkeeping requirements.

Dated: January 6, 1999.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 99–896 Filed 1–13–99; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6218–9]

Notice of Availability of Letter from EPA to the State of Pennsylvania Pursuant to Section 118 of the Clean Water Act and Water Quality Guidance for the Great Lakes System

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: Notice is hereby given of a letter written from Region 3 of the Environmental Protection Agency (EPA) to the State of Pennsylvania finding that certain provisions adopted as part of its water quality standards and National Pollutant Discharge Elimination System (NPDES) permits program are inconsistent with section 118(c) of the Clean Water Act (CWA) and 40 CFR part 132. EPA's findings are described in the December 18, 1998, letter from EPA Region 3 to the Pennsylvania Department of Environmental Protection. EPA invites public comment on the findings in the letter and whether it should disapprove these provisions pursuant to 40 CFR 123.62 and 132.5.

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

ADDRESSES: Written comments on EPA's findings as described in the December 18, 1998, letter may be submitted to Evelyn S. MacKnight, Chief, PA/DE Branch (3WP11), Water Protection Division, U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia,

Pennsylvania 19103–2029. In the alternative, EPA will accept comments electronically. Comments should be sent to the following Internet E-mail address: macknight.evelyn@epamail.epa.gov. Electronic comments must be submitted in an ASCII file avoiding the use of special characters and any form of encryption. EPA will print electronic comments in hard-copy paper form for the official administrative record. EPA will attempt to clarify electronic comments if there is an apparent error in transmission. Comments provided electronically will be considered timely if they are submitted electronically by 11:59 p.m. (Eastern time) March 1, 1999.

FOR FURTHER INFORMATION CONTACT: Evelyn S. MacKnight, PA/DE Branch (3WP11), Office of Watersheds, Water Protection Division, U.S. Environmental Protection Agency, Region 3, 1650 Arch Street, Philadelphia, Pennsylvania 19103, or telephone her at (215) 814–5717.

Copies of the December 18, 1998, letter describing EPA's findings that provisions adopted by the Commonwealth are inconsistent with the CWA and 40 CFR part 132 are available upon request by contacting Ms. MacKnight. This letter and other related materials submitted by the Commonwealth in support of their submission, are available for review by appointment at: EPA, Region 3, 1650 Arch Street, Philadelphia, Pennsylvania (telephone 215–814–5751); and Pennsylvania Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, Pennsylvania. To access the docket material in Philadelphia, call Ms. Renee Gruber at (215) 566–5751 between 8 a.m. and 4:30 p.m. (Eastern time) (Monday-Friday); in Meadville, call Mr. Kelly Burch at (814) 332–6816.

SUPPLEMENTARY INFORMATION: On March 23, 1995, EPA published the Final Water Quality Guidance for the Great Lakes System (Guidance) pursuant to section 118(c)(2) of the Clean Water Act, 33 U.S.C. 1268(c)(2). (March 23, 1995, 60 FR 15366). The Guidance, which was codified at 40 CFR part 132, requires the Great Lakes States to adopt and submit to EPA for approval water quality criteria, methodologies, policies and procedures that are consistent with the Guidance. 40 CFR 132.4 & 132.5. EPA is required to approve of the State's submission within 90 days or notify the State that EPA has determined that all or part of the submission is inconsistent with the Clean Water Act or the Guidance and identify any necessary changes to obtain EPA approval. If the State fails to make the necessary changes within 90 days, EPA must publish a notice in the **Federal Register** identifying the approved and disapproved elements of the submission and a final rule identifying the provisions of part 132 that shall apply for discharges within the State.

EPA has received the submission from Pennsylvania and has reviewed it for consistency with the Guidance in accordance with 40 CFR part 131 and 132.5. EPA has determined that certain parts of Pennsylvania's submittal are inconsistent with the requirements of the CWA or 40 CFR part 132 and will be subject to EPA disapproval if not corrected. On December 18, 1998, in a letter from EPA Region 3 to the Pennsylvania Department of Environmental Protection, EPA described in detail those provisions determined to be inconsistent with the Guidance and subject to disapproval if not remedied by the State. The inconsistencies relate to the following components of the State's submission in conformance with section 118(c) of the CWA and 40 CFR Part 132: (1) Water quality criteria for Chromium III to protect aquatic life; (2) water quality criteria to protect human health from cyanide, 2,4-dinitrophenol, and mercury; (3) administrative and scientific requirements for site-specific modification to criteria based on ambient conditions; (4) Appendix A of the Guidance for developing Tier I aquatic life criteria; (5) Appendix B of the Guidance for development of bioaccumulation factors for non-bioaccumulative chemicals of concern; (6) Appendix C of the Guidance for development of Tier I human health criteria; (7) Procedure 3 of Appendix F of the Guidance for developing total maximum daily loads; (8) Procedure 5 for determining reasonable potential to exceed water quality standards; and (9) Procedure 6 for whole effluent toxicity. Today, EPA is soliciting public comment regarding provisions identified in the December 18, 1998, letter as being inconsistent with the CWA and the Guidance, and whether EPA should disapprove those provisions based on its findings pursuant to 40 CFR 123.62 and 132.5.

During the next 90 days, EPA intends to continue working with Pennsylvania to address the inconsistencies identified in the December 18, 1998 letter. If the State fails to remedy any of the inconsistencies identified in the letter, EPA will publish a notice in the **Federal Register** identifying the disapproved elements and the corresponding portions of part 132 that will apply to waters within the Great Lakes Basin in Pennsylvania. With the exception of the specific inconsistencies identified in the December 18, 1998 letter, EPA believes that the State's submission under part 132 is consistent with federal requirements, and intends to approve those aspects of the submittal when EPA takes final action on the submittal.

W. Michael McCabe,

Regional Administrator, Region III.

[FR Doc. 99–889 Filed 1–13–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6219–1]

National Drinking Water Advisory Council; Small Systems Implementation Working Group; Notice of Open Meeting

Under section 10(a)(2) of Pub. L. 92–423, ''The Federal Advisory Committee Act,'' notice is hereby given that a meeting, via teleconference, of the Small Systems Implementation Working Group of the National Drinking Water Advisory Council established under the Safe Drinking Water Act, as amended (42 U.S. C. S300f *et seq.*), will be held on January 21, 1999 from 10:00 am to 12:00 pm, at the United States Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460 in Room 1209 of the East Tower. The meeting is open to the public, but due to past experience, seating will be limited.

The purpose of this meeting is to review a draft report summarizing characteristics of small water systems. The meeting is open to the public to observe. The working group members are meeting, via teleconference, to analyze relevant issues and facts and discuss options. Statements will be taken from the public at this meeting, as time allows.

For more information, please contact, Peter E. Shanaghan, Designated Federal Officer, Small Systems Working Group, U.S. EPA, Office of Ground Water and Drinking Water (4606) , 401 M Street SW, Washington, DC 20460. The telephone number is 202–260–5813 and the email address is shanaghan.peter@epamail.epa.gov.

Dated: January 8, 1999.

Charlene Shaw,

Designated Federal Officer, National Drinking Water Advisory Council.

[FR Doc. 99–888 Filed 1–13–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6219–3]

Technical Workshop on Perchlorate Risk Issues

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: EPA is announcing a workshop convened by the Research Triangle Institute (RTI), an EPA contractor, for external scientific peer review of the EPA draft document entitled ''Perchlorate Environmental Contamination: Toxicological Review and Risk Characterization Based on Emerging Information.'' The workshop will be held in San Bernardino, California, and will be open to members of the public as observers. The peer review, to be conducted by scientists from outside EPA, is being organized to assist in completing the toxicological review and risk characterization of perchlorate, and will include the protocols and reports of recent studies on perchlorate, as well as EPA's draft Toxicological Review document. Stakeholders in the perchlorate issue who have additional information which is relevant to the assessment of the potential health and ecological effects of perchlorate are invited to make a short presentation of this information at the peer review workshop.

DATES: The workshop will begin on Wednesday, February 10, 1999 at 8:30 a.m. and end on Thursday, February 11, 1999 at 12:30 p.m. Members of the public may attend as observers.

ADDRESSES: The meeting will be held at the San Bernardino City Council Chambers, 300 North D Street, San Bernardino, California 92418. Since seating capacity is limited, please contact Ella Darden of RTI, by telephone, at 919–541–7026; by facsimile, at 919–541–7155; or by E-mail, at ejd@rti.org, by January 31, 1999 to attend the workshop as an observer. Observers who wish to make a short presentation of information which may be relevant to the assessment of potential health and ecological effects of perchlorate should register to do so with RTI by January 31, 1999.

FOR FURTHER INFORMATION CONTACT: For technical and logistical inquires, contact Ella Darden, Research Triangle Institute, by telephone, at 919–541–7026; by facsimile, at 919–541–7155; or by E-mail, at ejd@rti.org. Copies of the draft Toxicological Review document will be available for inspection on EPA's National Center for Environmental Assessment web site (http://www.epa.gov/ncea/), at EPA's Regional Superfund Records Centers, and at the EPA Headquarters Information Resources Center, Washington DC. Inquiries concerning additional opportunities for document review should be directed to Ella Darden at Research Triangle Institute.

SUPPLEMENTARY INFORMATION:

Background

EPA is in the process of conducting a toxicological review for perchlorate, including the development of a revised provisional reference dose (RfD), a cancer assessment, and an ecological assessment. An RfD is an estimate of a daily oral human exposure that will result in no deleterious noncancer effects over a lifetime. Ideally, an RfD is based on an array of endpoints that address potential toxicity during various critical life stages, from developing fetus through adult and reproductive stages. The noncancer, cancer and ecological assessments may be used to support development of a health advisory and/or drinking water regulations and cleanup decisions at hazardous waste sites. In accordance with EPA's 1998 Peer Review Handbook, a key step in the development of the Toxicological Review document for perchlorate is the upcoming external peer review, in the form of a workshop, which will cover protocols for and reports of the recently completed toxicity studies, the Toxicological Review document, and the proposed revised provisional RfD, cancer assessment and ecological assessment in that document.

EPA's Superfund Technical Support Center issued a provisional RfD for perchlorate in 1992 and a revised provisional RfD in 1995. The provisional RfD values (1992 and 1995) were based on an acute study in which single doses of potassium perchlorate caused the release of iodide from the thyroids of patients with Graves' Disease. The provisional RfD values did not undergo internal Agency, or external, peer review. In March of 1997 a peer review panel convened by an independent organization, Toxicology Excellence for Risk Assessment (TERA), determined that the health effects and toxicity data for perchlorate were insufficient to generate a credible RfD for risk assessment purposes. The reviewers were concerned that developmental toxicity, notably neurological development due to hypothyroidism during pregnancy, could be a critical health effect of perchlorate that has not been adequately examined in studies to date. They also concluded that insufficient data were available on potential effects of perchlorate on organs and tissues other than the thyroid.

New Health Effects/Toxicology Studies Underway

As a result of that peer review, a set of toxicological and ecological studies was undertaken is underway to address key data gaps and provide a comprehensive database related to the toxicity of perchlorate. The studies are being funded and overseen by a variety of organizations with potential responsibility for perchlorate contamination in the environment including the United States Air Force, the National Aeronautics and Space Administration and the Perchlorate Study Group (PSG).[1]

To date, a 90-day subchronic oral study, a neurobehavioral developmental toxicity study, genotoxicity studies, a segment II developmental toxicity study, and ecotoxicity studies in Daphnia, earthworms, lettuce and fathead minnow have been completed. Currently ongoing studies include a two-generation reproductive toxicity study, absorption, distribution, metabolism, and elimination (ADME) studies, perchlorate mechanistic studies, and immunotoxicity studies. The results of most of these studies will be discussed in the Toxicological Review document and utilized for development of the proposed revised RfD, and cancer and ecological assessment for perchlorate.

Ten independent scientists from the fields of general toxicology, thyroid function and toxicology, developmental toxicology, neurotoxicology, immunotoxicology, pharmacology, genetic toxicology, medical endocrinology with an emphasis on thyroid function, biostatistics, assessment of risks due to non-cancer and cancer health effects, and assessment of risks due to ecological effects will review the scientific data, methods, and analyses, along with the assumptions and uncertainties that are associated with the revised provisional RfD, cancer assessment, and ecological assessment for perchlorate. These scientists were selected by RTI from among the experts nominated by stakeholders for possible service as external peer reviewers. Following the peer review workshop, RTI will issue a

[1] The PSG is a consortium of defense contractors and manufacturers including: Aerojet, Alliant Techsystems, American Pacific/Western Electrochemical Company, Atlantic Research Corporation, Kerr-McGee Chemical Corp. Lockheed Martin, Thiokol Propulsion Group, and United Technologies Chemical Systems.

report summarizing the workshop. EPA will address the comments of the peer reviewers in finalizing the Toxicological Review document for perchlorate and adopting the revised perchlorate RfD. The RfD will be utilized in performing risk assessments of perchlorate contamination in the environment. Although such risk assessments will be one of the factors considered in making future decisions regarding perchlorate contamination, these decisions and other risk management issues will not be a part of the peer review process.

Dated: January 7, 1999.

Timothy Fields, Jr.,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 99–890 Filed 1–13–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved by Office of Management and Budget

January 7, 1999.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13. 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 control number. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 418–1379.

Federal Communications Commission

OMB Control No.: 3060–0875.

Expiration Date: 06/30/99.

Title: Long-Term Portability Cost Classification Proceeding, CC Docket No. 95–116, MO&O, RM 8535 and Telephone Number Portability, CC Docket No. 95–116, 3rd R&O.

Form No.: N/A.

Respondents: Business or other for-profit;

Estimated Annual Burden: 67 respondents; 85.5 hours per response (avg.); 5729 total annual burden hours for all collections.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: On occasion.

Description: In the *Third Report and Order,* the Commission implements, for long-term number portability costs, the statutory requirement that all telecommunications carriers bear the costs of number portability on a competitively neutral basis, as set forth in Section 251(e)(2) of the Telecommunications Act of 1996. In the *Third Report and Order,* the Commission determined that all carriers would bear and recover their own carrier-specific costs directly related to providing number portability. For incumbent local exchange carriers (LECs) that wish to recover their carrier-specific costs directly related to providing long-term number portability, the *Third Report and Order* requires them to use a federally tariffed, monthly number-portability charge that will apply to end users for no longer than five years. In addition, the *Third Report and Order* delegated authority to the Common Carrier Bureau to determine appropriate methods for apportioning joint costs among portability and nonportability services, and to issue any orders to provide guidance for incumbent LECs before they file their tariffs and cost support. The Common Carrier Bureau's *Cost Classification Order* requires incumbent LECs to include many details in their cost support that are unique to the number portability proceeding. For instance, incumbent LECs must demonstrate that any incremental overhead costs claimed in their cost support are actually new costs incremental to and resulting from the provision of long-term number portability. The incumbent LECs' end-user charge will begin no earlier than February 1, 1999. To obtain an effective date for their end-user charges of February 1, 1999, incumbent LECs may file their tariffs and cost support information by January 15, 1999. Incumbent LECs that want to recover their carrier-specific costs directly related to providing long-term number portability from their end users will file federal end-user charge tariffs and cost support with the Commission. As part of the tariff proceeding, the Commission will collect detailed information on the incumbent LECs' cost support for the tariffs. The Commission will use this information to ensure that the end-user charge recovers the incumbent LECs' costs of implementing and providing number portability in a competitively neutral manner. Incumbent LECs will file the tariffs and cost support for their end-user charge electronically. The Commission has established a program of mandatory electronic filing of tariffs and associated documents by LECs. These carriers must file tariffs and associated documents electronically in accordance with the requirements established by the Bureau. Obligation to respond: Required to obtain or retain benefits.

OMB Control No.: 3060–0877.

Expiration Date: 07/31/99.

Title: 1999 Central Office Code Utilization Survey (COCUS).

Form No.: N/A.

Respondents: Business or other for-profit;

Estimated Annual Burden: 2900 respondents; 9 hours per response (avg.); 26,100 total annual burden hours for all collections.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: On occasion.

Description: In the past, the administration of the telecommunications numbering resource in the United States was performed by AT&T, and later by Bellcore. The Telecommunications Act of 1996 gave the Commission exclusive jurisdiction over those portions of the North American Numbering Plan (NANP) which pertain to the United States. The Act also provided that the Commission could delegate this jurisdiction to states or other entities. The Commission has, in fact, delegated the administration of the NANP to a neutral administrator, Lockheed Martin IMS. Historically, the administrator collected data regarding the use of the telecommunications numbering resource through a form called the Central Office Code Utilization Survey (COCUS). Lockheed Martin IMS is planning to send out the first COCUS since it assumed its duties as the NANP administrator. The North American Numbering Plan (NANP) is currently experiencing an unprecedented amount of growth of area codes. Adding area codes imposes costs not only on the telecommunications industry, but also on consumers. The proposed COCUS seeks information not only on the number of central office codes assigned to carriers, but also on the amount of individual numbers assigned to consumers from the central office codes. This information will assist the Commission in determining methods to help alleviate some of the costs associated with the addition of new area codes. **Authority:** 47 U.S.C. 251(e)(1). The increasing strain on the NANP, as evidenced through the rapid increase in the rate of introduction of new area codes, requires that the Commission take an active role in seeking solutions to slow the rate of number exhaust. The information collected will be used to better inform the Commission of the scope of the number exhaust problem, and which solutions may provide the greatest impact in different areas of the

country. Obligation to respond: Voluntary. Public reporting burden for the collections of information is as noted above. Send comments regarding the burden estimate or any other aspect of the collections of information, including suggestions for reducing the burden to Performance Evaluation and Records Management, Washington, DC 20554.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–836 Filed 1–13–99; 8:45 am]

BILLING CODE 6712–01–P

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 February 8, 1999.

A. Federal Reserve Bank of Cleveland (Paul Kaboth, Banking Supervisor) 1455 East Sixth Street, Cleveland, Ohio 44101-2566:

1. LCNB Corp., Lebanon, Ohio; to become a bank holding company by acquiring 100 percent of the voting shares of Lebanon Citizens National Bank, Lebanon, Ohio.

B. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Nationwide Bancshares, Inc., West Point, Nebraska; to acquire 100 percent of the voting shares of FNB Insurance Agency, Walthill, Nebraska, and thereby indirectly acquire First National Bank, Walthill, Nebraska.

Board of Governors of the Federal Reserve System, January 11, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 98–880 Filed 1–13–98; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30 DAY–06–99]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7090. Send written comments to CDC, Desk Officer; Human Resources and Housing Branch, New Executive Office Building, Room 10235; Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Projects

1. Multi-Center Cohort Study to Assess the Risk and Consequences of Hepatitis C Virus Transmission from Mother to Infant (0920–0344)—Extension—The National Center for Infectious Diseases—The purpose of the study is to determine the incidence of vertical hepatitis C virus (HCV) transmission, to assess risk factors for vertical HCV transmission, to assess the clinical course of disease among infants with HCV infection, and to assess diagnostic methods for detecting HCV infection in infants. Respondents for the study will be anti-HCV positive mothers. We are requesting a extension to complete data collection for this study. The respondents will be remunerated for travel costs; provided well-child visits and free vaccinations for infants enrolled in the study; and, provided anti-HCV testing to all family members free of charge. The total annual burden hours are 53.

Respondents	Form name	Number of respondents	Number of responses/ respondent	Avg. burden/ response (in hrs.)
Mothers	Form G	300	8	0.10

Note: The annualized response burden is estimated to be 240 hours/4.5 years= 53 hours.

2. Requirement for a Special Permit to Import Cynomolgus—African Green or Rhesus Monkeys—(0920–0263)—Extension—National Center for Infectious Disease (NCID) Division of Quarantine—A registered importer nonhuman primates must submit to the Director, CDC, a written plan which specifies the steps that will be taken to prevent exposure of persons and animals during the entire importation and quarantine process for the arriving nonhuman primates. Under the special permit arrangement, registered importers must submit a plan to CDC for the importation and quarantine if they wish to import the specific monkeys covered. The plan must address disease prevention procedures to be carried out in every step of the chain of custody of such monkeys, from embarkation in the country of origin to release from quarantine. Information such as species, origin and intended use for monkeys, transit information, isolation and quarantine procedures, and procedures for testing of quarantined animals is necessary for CDC to make public health decisions. This information enables CDC to evaluate compliance with the

standards and determine whether the measures being taken to prevent exposure of persons and animals during importation are adequate. Once CDC is assured, through the monitoring of shipments (normally no more than 2), that the provisions of a special permit plan are being followed by a new permit holder, and that the use of adequate disease control practices is being demonstrated, the special permit is extended to cover the receipt of additional shipments under the same plan for a period of 180 days, and may be renewed upon request. This eliminates the burden on importers to repeatedly report identical information, requiring only that specific shipment itineraries and information on changes to the plan which require approval be submitted.

The respondents are commercial or not-for-profit importers of nonhuman primates. We are requesting clearance for 3 years. Total annual burden hours are 14.

Respondents	Number of respondents	Number of responses/ respondents	Avg. burden/ responses (in hrs.)
Businesses or organizations	2	5	0.5
	3	5	0.1
	15	5	0.1

Nancy Cheal,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–822 Filed 1–13–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4445–N–02]

Notice of Proposed Information Collection: Comment Request

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due date: March 15, 1999.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW, Room 9116, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Janet A. Tasker, Director, Office of GSE Oversight, telephone number (202) 708–2224, this is not a toll-free number) for copies of the proposed forms and other available documents.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (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 collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Regulation of the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac)

OMB Control Number, if applicable: 2502–0514

Description of the need for the information and proposed use:

This notice requests an extension of OMB information collection authorization that will expire on January 31, 1999. HUD's collection of information on Fannie Mae's and Freddie Mac's (collectively referred to as the ''GSEs'') business activities is needed to measure and monitor their compliance with statutorily mandated housing goals; to foster a continuing dialogue between HUD, the GSEs, Congress, and the public on the activities of the GSEs with respect to affordable housing and underserved mortgage market issues; and to improve the operating of the housing finance market.

Agency Form Numbers, if applicable: None.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated number of respondents is 2, the total annual responses are about 87, and the total annual hours of responses are estimated at 5609.

Status of the proposed information collection: Extension of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: January 6, 1999.

William C. Apgar,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 99–864 Filed 1–13–99; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4442–N–01]

Notice of Submission of Proposed Information Collection to OMB

AGENCY: Office of the Assistant Secretary for Policy Development and Research—HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for emergency review and approval, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: The due date for comments is: January 21, 1999.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within seven (7) days from the

date of this Notice. Comments should refer to the proposal by name and should be sent to: Joseph F. Lackey, Jr., HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410; telephone (202) 708–1305. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: This Notice informs the public that the Department of Housing and Urban Development (HUD) has submitted to OMB, for emergency processing, an information collection package with respect to a proposed Notice of Funding Availability for the Hispanic-serving Institutions Assisting Communities Program (HSIAC). HUD seeks to implement this initiative as soon as possible.

HSIAC is a new program which provides funds to Hispanic-serving institutions of higher education to under take Community Development Block Grant Program-eligible activities in order to expand their role and effectiveness in helping their communities with neighborhood revitalization, housing, and economic development. In fiscal year, approximately 14 grants will be awarded.

Submission of the information required under this information collection is mandatory in order to compete for and receive the benefits of the program. All materials submitted are subject to the Freedom of Information Act and can be disclosed upon request. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number. The OMB Control number, when assigned, will be announced by a separate notice in the **Federal Register**.

The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35):

(1) Title of the information collection proposal:

Notice of Funding Availability and Application Kit—Hispanic-serving Institutions Assisting Communities Program.

(2) Summary of the information collection:

Each applicant for HSIAC would be required to submit current information, as listed below:

1. Transmittal letter signed by the Chief Executive of the institution.
2. HUD Form 424 (Application for Assistance) and OMB Standard 424B (Non-Construction Assurances).
3. One page abstract.
4. Statement of Work.
5. Narrative statement addressing the factors for award.
6. HUD Form 50070, Drug-free Workplace Certification.
7. HUD Form 50071, Certification of Payments to Influence Certain Federal Transactions.
8. SF–LLL, Disclosure of Lobbying Activities (if applicable).
9. HUD–2880, Applicant/Recipient Disclosure Form.
10. Certification of Consistency with the Consolidated Plan.
11. EZ/EC Certification (if applicable).
12. Financial management and audit information.
13. Budget for the project.

(3) Description of the need for the information and its proposed use:

To appropriately determine which Hispanic-serving Institutions of Higher Education should be awarded HSIAC grants, certain information is necessary about the applicant's plan, budget, past and future capabilities, and the institutional commitment to the program.

(4) Description of the likely respondents, including the estimated number of likely respondents, and proposed frequency of response to the collection of information:

Respondents will be Hispanic-serving Institutions of Higher Education, as defined in Title V of the 1998 Amendments to the Higher Education Act of 1965 (Pub. L. 105–244). Grantees will also be expected to prepare and submit semi-annual monitoring reports and a final report.

The estimated number of respondents submitting applications is 60. The proposed frequency of the response to the collection of information for applications is one-time because the application need be submitted only once per grant cycle. The estimated number of respondents to the monitoring requirements is 14.

(5) Estimate of the total reporting and recordkeeping burden that will result from the collection of information:

	Number of respondents	Total annual responses	Hours per response	Total hours
Application	60	60	80	4,800
Semi-annual reports	14	28	16	448
Final reports	14	14	16	224
Recordkeeping	14	14	16	224
				5,696

Authority: Sec. 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: January 8, 1999.

Wayne Eddins,

Reports Management Reports.

[FR Doc. 99–865 Filed 1–13–99; 8:45 am]

BILLING CODE 4210–62–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4364–N–04]

Housing Opportunities for Persons With AIDS Program; Announcement of Funding Awards for Fiscal Year 1998

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this notice announces the funding decisions made by the Department under the Fiscal Year 1998 Housing Opportunities for Persons with AIDS (HOPWA) program. The notice announces the selection of 20 applications under the 1998 HOPWA national competition which was announced under the Super Notice for Targeted Housing and Homeless

Assistance Programs and published in the **Federal Register** on April 30, 1998 (63 FR 23988). The notice contains the names of award winners and the amounts of the awards.

FOR FURTHER INFORMATION CONTACT: David Vos, Director, Office of HIV/AIDS Housing, Department of Housing and Urban Development, Room 7212, 451 Seventh Street, SW, Washington, DC 20410, telephone (202) 708–1934. The TTY number for the hearing impaired is (202) 708–2565. (These are not toll-free numbers). Information on HOPWA, community development and consolidated planning, and other HUD programs may also be obtained from the HUD Home Page on the World Wide Web. HOPWA program information is found at http://www.hud.gov/cpd/hopwahom.html.

SUPPLEMENTARY INFORMATION: The purpose of the competition was to award grants for housing assistance and supportive services under two categories of assistance: (1) Grants for special projects of national significance which, due to their innovative nature or their potential for replication, are likely to serve as effective models in addressing the needs of low-income persons living with HIV/AIDS and their families; and (2) grants for projects which are part of long-term comprehensive strategies for providing housing and related services for low-income persons living with HIV/AIDS and their families in areas that do not receive HOPWA formula allocations.

The HOPWA assistance made available in this announcement is authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), as amended by the Housing and Community Development Act of 1992 (Pub. L. 102–550, approved October 28, 1992) and was appropriated by the HUD Appropriations Act for 1998. The competition was announced in a Notice of Funding Availability (NOFA) published in the **Federal Register** on April 30, 1998 (63 FR 23988). Each application was reviewed and rated on the basis of selection criteria contained in that Notice. A total of $20,150,000 was awarded to the 20 highest rated applications in their ranked order.

Public Benefit

The award of HOPWA funds to these 20 projects will significantly contribute to HUD's mission in supporting projects that provide safe, decent and affordable housing for persons living with HIV/AIDS and their families who are at risk of homelessness. The projects proposed to use HOPWA funds to support the provision of housing assistance to an estimated 3,570 persons living with HIV/AIDS and an additional 2,536 family members who reside with the HOPWA recipient. In addition, an estimated 10,706 persons with HIV/AIDS are expected to benefit from some form of supportive service or housing information referral service that will help enable the client to maintain housing and avoid homelessness. The recipients of this assistance are expected to be very-low income or low-income households. These 20 applicants also documented that the Federal funds awarded in this competition, $20.15 million, will leverage an additional $31,429,047 in other funds and non-cash resources, including the contribution of 200,738 hours of volunteer time in support of these projects valued at $10/hour. The leveraged resources will expand the HOPWA assistance being awarded by 156 percent.

A total of $20.15 million was awarded to these 20 organizations to serve clients in the eighteen listed States.

FY 1998 HOPWA Competitive Grants

Chart 1. Awards for Projects That Are Part of Long Term Comprehensive Strategies (Non-Formula Areas)

Maryland

The Maryland Department of Health and Mental Health AIDS Administration will receive a $1,100,000 grant. The Maryland Rural HOPWA Initiative will combine rent subsidies, case management, drug assistance and other supportive services in a comprehensive program to prevent homelessness and encourage independent living. The program will serve 152 people with HIV/AIDS and 123 family members in the 12 more rural counties in the eastern and western parts of the State. The program will reach an additional 330 people through supportive services.

New Hampshire

The New Hampshire Department of Health and Human Services, Office of Community Support and Long Term Care, will receive a $875,000 grant. The Department will work with Merrimack Valley AIDS Project and Harbor Homes to provide case management, housing, and access to affordable housing to people living with HIV/AIDS. An estimated 186 persons with AIDS and 70 family members will receive housing assistance and access to services.

Vermont

The State of Vermont Housing and Conservation Board will receive a $1,106,362 grant to continue to provide supportive services as well as affordable housing and intensive case management in underserved and rural areas to very low-income people living with HIV/AIDS and their families. The grant will provide support for long-term rental assistance for 45 households, and short-term emergency assistance to alleviate financial crises related to housing and utilities with linkage to 15 service sponsors.

West Virginia

The State of West Virginia Office of Economic Opportunity will receive a $863,273 grant. This grant will serve approximately 250 people with AIDS and 300 family members through housing and social services by creating a state-wide continuum of care collective for low-income people with HIV/AIDS. The program will help maintain persons in their own homes or offer sponsored housing options. An additional 400 people with AIDS will receive outreach social services such as housing contacts and assistance, transportation, HIV/AIDS education and hospice care.

Chart 2. Awards for Special Projects of National Significance

Alabama

The AIDS Task Force of Alabama, Inc., will receive a $1,118,150 grant. The Alabama Rural AIDS Project will identify people living with AIDS in rural parts of the state and link them with medical care, supportive services, and/or housing. The program will employ seven community outreach workers, provide rental assistance and develop 10 housing units in 35 rural counties. The grant will serve 600 people with housing assistance and help 1,400 others connect to outreach services.

Florida

The City of Key West Community Development Office will receive a $1,150,000 grant. In partnership with AIDS Help, Inc., the City of Key West will provide continued direct rental assistance to people with AIDS in Monroe County. The program will maximize independent living with a continuum of care and encourages maximization of self-determination through a re-employment program. The re-employment program is planned in conjunction with a state emergency insurance program that pays for medical assistance for those successful in returning to full employment. This grant will serve nearly 900 people including individuals and family members.

Georgia

The City of Savannah Bureau of Public Development will receive a $1,087,000 grant. Project House Call will support 500 persons with AIDS with housing assistance and intervention with house visits and interventions. As a component of the Savannah AIDS Continuum of Care, this program focuses on prevention of homelessness and preservation of housing by enabling people living with HIV/AIDS to receive home-based healthcare to connect clients to supportive services at a central clinic. Project services include legal services, education outreach, rehabilitation of homes, education sessions, transportation, nutritional services, medical assessment and care, discharge planning from medical facilities, and housing information.

Illinois

Cornerstone Services, Inc., in Joliet will receive a $615,967 grant to continue to provide independent living options with supportive services for people with AIDS and mental illness. Sixteen persons with AIDS will receive permanent housing support. Services will include intense case management, counseling and mental health services, substance abuse treatment, daily living skills training, employment services, crisis intervention, family reunification, education, and socialization and support groups.

Kentucky

Lexington-Fayette Urban County Government Division of Community Development will receive a $1,144,060 grant to provide operational support for Rainbow Apartments, a transitional living facility, and Solomon House, a community residence with 24-hour care services. The program targets the traditionally underserved in the 63-county central/southeast Kentucky including those just released from jail, alcohol, or drug recovery programs, people at the end stages of AIDS and those who require recuperation time.

Louisiana

UNITY for the Homeless in New Orleans will receive a $1,132,412 grant. This multi-service umbrella organization will integrate homeless people living with HIV/AIDS into its continuum of care for the homeless population. UNITY provides housing and services to 3,465 people with AIDS and 550 of their family members. Supportive services provided include emergency shelter services, transitional rental assistance, permanent housing, drop-in respite care, case management, education and outreach.

Maryland

The Baltimore City Department of Housing and Community Development will receive a $1,150,000 grant to operate a Back-to-Basics program. The program will help meet the basic needs of housing, food and clothing, of 100 families who otherwise would have traditionally fallen out of services. The program will help connect these families to necessary health-care and services. The families will gain the opportunity to build skills and resources to become and remain independent with linkages to other supportive assistance.

Massachusetts

The AIDS Housing Corporation in Boston will receive a $1,143,261 grant to expand its successful SHARE 2000 program. The Supported Housing Agencies Resource Exchange is a cooperative partnership which assists organizations with area needs assessments and evaluations. The collaboration also supports nonprofits with: direct care relief; staff development; donations assistance; staff training; and a HomeStart program to facilitate moving homeless persons into permanent housing. Approximately 2,000 persons will benefit through this effort.

New Hampshire

Harbor Homes, Inc., in Nashua will receive a $347,548 grant to serve 90 people with HIV/AIDS who may be multiply diagnosed or homeless, and 30 family members with short-term housing assistance to prevent homelessness and long-term access to social services to maintain housing stability. The program will seek to reach an additional 110 people to connect them to housing and related services.

New Mexico

The Santa Fe Community Housing Trust will receive a $1,080,000 grant to serve the Santa Fe metropolitan area and address emerging issues for treating HIV/AIDS as a chronic disability. The program aims to serve 142 people affected by HIV/AIDS through re-entry housing strategies, including creating homeownership through an innovative financing and direct subsidy plan, supporting housing stabilization and credit counseling for clients, and addressing workplace issues and job training needs.

New York

Bailey House, Inc., will receive a $979,834 grant to provide a comprehensive technical assistance project to support 75 New York City AIDS housing service providers. The program will include support for projects that operate housing placement assistance and transitional and permanent housing programs with evaluation and needs assessments, assistance in establishing vocational education programs, set up of an collaborative operations resource center and joint purchasing coalition, use of a consumers training institute to develop life skills training and the use of stipends to meet capacity needs of organizations.

Pennsylvania

Calcutta House will receive a $1,055,500 grant to fill the existing gap between independent living and personal care facilities in Philadelphia's AIDS Housing Continuum through the development of Calcutta Community Home. This facility will house eight people at a time with on-site services and 24-hour support. An estimated 32 people will be assisted with housing and related services with the goal of achieving self-sufficiency.

Texas

Harris County Community Development Agency will receive a $901,109 grant to serve the metropolitan Houston area through Project Open Doors. The project will address a gap in services for youth who are living with HIV/AIDS. The program will provide outreach, centralized information and services integration, individualized housing plans, services, and assessments and counseling to allow for a transition to less intensive support and family unification for pregnant young women affected by HIV/AIDS and fighting homelessness.

Washington, DC

The Whitman-Walker Clinic, Inc., will receive a $1,080,000 grant. The grant will support the Bridge Back Program, designed to expand and enhance the existing continuum of housing and supportive services program for multiple diagnosed individuals living with HIV/AIDS. The project will seek to expand and optimize housing slots, housing resources, and related social services and 34 persons will receive direct housing assistance and 275 will benefit from outreach services.

Washington State

The Spokane County Community Services Department will receive a

$1,150,000 grant. This grant will help fund the Washington Regionally Assisted Collaborative Housing program to meet the housing and related supportive service needs of people living with HIV/AIDS in the 20 counties of eastern and central Washington. The program will serve approximately 350 people as well as 133 family members. An additional 25 people will receive outreach social services including emergency, short-term and long-term rental assistance.

Wisconsin

The AIDS Resource Center of Wisconsin will receive a $1,070,524 grant for a state-wide rent assistance program. This grant will serve 152 Wisconsin residents living with HIV and AIDS who have severe, chronic, alcohol or drug addiction and/or mental health diagnoses that lead to problems with maintaining permanent, stable housing. Services will include drug and alcohol counseling services, mental health treatment, transportation, job skills training, food and nutrition assistance and intensive housing counseling.

Total for all 20 grants—$20,150,000

The Catalog of Federal Domestic Assistance number for this program is 14.241.

Dated: January 8, 1999.

Cardell Cooper,

Assistant Secretary for Community Planning and Development.

[FR Doc. 99–866 Filed 1–13–99; 8:45 am]

BILLING CODE 8210–29–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Proclaiming Certain Lands as Reservation for the Squaxin Island Tribe of Indians in Washington

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of reservation proclamation.

SUMMARY: The Assistant Secretary—Indian Affairs proclaimed approximately 16.80 acres as an addition to the reservation of the Squaxin Island Tribe of Indians on December 11, 1998. This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

FOR FURTHER INFORMATION CONTACT: Larry E. Scrivner, Bureau of Indian Affairs, Division of Real Estate Services, MS–4510/MIB/Code 220, 1849 C Street, NW, Washington, DC 20240, telephone (202) 208–7737.

SUPPLEMENTARY INFORMATION: A proclamation was issued according to the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 467), for the tract of land described below. The land was proclaimed to be an addition to and part of the reservation of the Squaxin Island Tribe of Indians for the exclusive use of Indians on that reservation who are entitled to reside at the reservation by enrollment or tribal membership.

Squaxin Island Indian Reservation

Mason County, Washington

That portion of the North half (N½) of the Northeast Quarter (NE¼) of Section 19, Township 19 North, Range 3 West, Willamette Meridian, Mason County, Washington, described as follows:

Beginning at a point on the North line of said Section 19, South 86° 10′ 54″ East 961.58 feet from the North quarter corner of said Section; thence South 01° 00′ 54″ West 672.59 feet; thence North 86° 46′ 47″ West 160.98 feet; thence South 00° 52′ 57″ East 506 feet, more or less, to the Northerly line of the Burlington Northern Railway Company right-of-way; thence Easterly, along said right-of-way line, 529 feet, more or less, to an existing concrete monument which marks the Westerly right-of-way line of SR 101 (State Highway); thence North 06° 47′ 40″ East, along said right-of-way line 132.45 feet; thence South 83° 12′ 20″ East, along said right-of-way line 60.00 feet; thence North 06° 47′ 40″ East, along said right-of-way line 976.54 feet to the North line of said Section 19; thence North 86° 10′ 54″ West, along said North line 554.13 feet to the *Point of beginning.*

Together with that portion of the Northwest Quarter of the Northeast Quarter (NW¼NE¼) of said Section 19, lying Southerly of said Burlington Northern right-of-way and Westerly of said SR 101 right-of-way.

Together with all mineral rights.

Containing 16.80 acres, more or less.

Title to the land described above is conveyed subject to any valid existing easements for public roads and highways, for public utilities and for railroads and pipelines and any other rights-of-way or reservations of record.

Dated: December 11, 1998.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 99–851 Filed 1–13–99; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–99–030–1020]

Notice of Availability

AGENCY: Bureau of Land Management, Interior.

SUMMARY: The Bureau of Land Management, Grand Staircase—Escalante National Monument, has completed an Environmental Analysis (EA)/Finding of No Significant Impact (FONSI) of the Proposed Plan Amendment to the Escalante Management Framework Plan. The Proposed Amendment closes certain allotments to grazing and reduces the carrying capacity of other allotments.

DATES: The protest period for this Proposed Plan Amendment will commence with the date of publication of this notice and last for 30 days. Protests must be received on or before February 16, 1999.

ADDRESSES: Protests must be addressed to the Director (480), Bureau of Land Management, Resource Planning Team, Box 10, 1620 L Street, NW., Washington, DC 20036 within 30 days after the date of publication of this Notice of Availability.

FOR FURTHER INFORMATION CONTACT: Gregg Christensen, Natural Resource Specialist, P. O. Box 225, Escalante, Utah 84726, (435) 826–4291. Copies of the proposed Plan Amendment are available for review at the Escalante Resource Area.

SUPPLEMENTARY INFORMATION: This action is announced pursuant to Section 202(a) of the Federal Land Management Act (1976) and 43 CFR part 1610. This Proposed Amendment is subject to protests by any party who has participated in the planning process. Protest must be specific and contain the following information:

—The name, mailing address, phone number, and interest of the person filing the protest.

—A statement of the part(s) of the proposed amendment being protested and citing pages, paragraphs, maps, etc., of the proposed Plan Amendment.

—A copy of all documents addressing the issue(s) submitted by the protestor during the planning process or a reference to the date when the protester discussed the issue(s) for the record.

—A concise statement as to why the protester believes the BLM State Director is incorrect.

Dated: January 8, 1999.

G. William Lamb,

Utah State Director.

[FR Doc. 99–821 Filed 1–13–99; 8:45 am]

BILLING CODE 4310–DQ–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–930–99–1060–04]

Intent To Remove Wild Horses

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to remove wild horses.

SUMMARY: Periodic removals of wild horses are necessary in order to maintain a thriving natural ecological balance on the public rangelands. The removals described below are intended to eliminate wild horse populations that have strayed into areas containing large amounts of private land that are outside Herd Management Areas (HMAs) within the jurisdiction of the Rawlins Field Office. HMAs were established through the planning process as a result of monitoring and analysis of data in accordance with the Wild Horse and Burro Act, the National Environmental Policy Act, and Bureau of Land Management policies. This document serves as a Notice of Intent to remove excess wild horses from the following area outside Herd Management Areas.

Rawlins Field Office

I–80 South (Outside HMA)—remove 280 of 280 horses. This action would remove all horses from areas South of Interstate 80 within the jurisdiction of the Rawlins Field Office that have strayed outside of HMAs. The action would begin approximately February 15, 1999, and would be completed on or before September 30, 1999. The removal of horses that stray outside of HMAs was authorized by Decision Record Environmental Assessment Number WY–037–EA1–039, dated February 21, 1992. Weather conditions and other logistical considerations may dictate when the actual removal operations take place within the dates indicated, with the exception that gathers will not take place between April 16 and July 7 due to the foaling season in Wyoming.

Numbers presented are approximate and will be finalized by aircraft census to be conducted during January/February 1999. All actions are in conformance with Bureau of Land Management Policy, documents listed above, and current monitoring data. These actions represent no new decisions.

FOR FURTHER INFORMATION CONTACT: If you have comments on these actions, please contact Rawlins Field Office at P.O. Box 2407, 1300 North Third Street, Rawlins, Wyoming, 82301, or phone (307) 328–4200.

Kurt J. Kotter,

Field Manager.

[FR Doc. 99–808 Filed 1–13–99; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–050–4210–05; UTU–75912]

Notice of Realty Action

SUMMARY: The following public lands in Piute County, Utah have been examined and found suitable for classification for conveyance to Piute County under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.). Piute County proposes to use the lands for a Class IV landfi: T. 30 S., R.4 W. Sec. 11: NE¼, Sec. 12: SW¼NW¼. Salt Lake Meridian containing 200 acres more or less.

The lands are not needed for Federal purposes. Conveyance is consistent with current BLM land use planning and would be in the public interest.

The patent, when issued will be subject to the following terms, conditions, and reservations:

1. Provisions of the Recreation and Public Purposes Act and all applicable regulations of the Secretary of the Interior.

2. A right-of-way for ditches and canals constructed by the authority of the United States.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

Detailed information concerning this action is available at the Office of Bureau of Land Management, 150 East 900 North, Richfield, Utah 84701.

Publication of this notice constitutes notice to the grazing permittees of the Pearson-Lewis Allotment that their grazing leases may be directly affected by this action.

Specifically, the permitted Animal Unit Months (17 AUMs) will be reduced because of this sale, and that the land (200 acres) will be excluded from the allotment effective upon issuance of the patent.

Upon publication of this notice in the **Federal Register**, the lands will be segregated from all other forms of appropriations under the public land laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publications of this notice, interested persons may submit comments regarding the proposed conveyance or classification of the lands to the Field Manager, Richfield Field Office, 150 East 900 North, Richfield, Utah 84701. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice.

Classification Comments

Interested parties may submit comments involving the suitability of the land for a landfill. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with the local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments

Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not related to the suitability of the land for a landfill.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice in the **Federal Register**.

Dated: January 7, 1999.

David R. Henderson,

Associate Field Manager.

[FR Doc. 99–873 Filed 1–13–99; 8:45 am]

BILLING CODE 4310–DQ–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of a currently approved information collection (OMB Control Number 1010–0068).

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, MMS invites the public and other Federal agencies to comment on a proposal to extend the currently approved collection of information discussed below. The Paperwork

Reduction Act of 1995 (PRA) provides that 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 Office of Management and Budget (OMB) control number.

DATE: Submit written comments by March 15, 1999.

ADDRESSES: Mail or hand carry comments to the Department of the Interior; Minerals Management Service; attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817.

FOR FURTHER INFORMATION CONTACT: Alexis London, Rules Processing Team, telephone (703) 787–1600. You may also contact Alexis London to obtain a copy of the collection of information at no cost.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 250, Subpart M, Unitization (1010–0068).

Abstract: The Outer Continental Shelf (OCS) Lands Act, 43 U.S.C. 1331 *et seq.*, gives the Secretary of the Interior (Secretary) the responsibility to preserve, protect, and develop oil and gas resources in the OCS consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resource development with protection of human, marine, and coastal environments; ensure the public a fair and equitable return on the resources of the OCS; and preserve and maintain free enterprise competition. 43 U.S.C. 1334(a) specifies that the Secretary will establish rules and regulations to provide for the ''prevention of waste and conservation of the natural resources of the outer Continental Shelf, and the protection of correlative rights therein'' and include provisions ''for unitization, pooling, and drilling agreements.'' We have established these regulations at 30 CFR part 250, subpart M, ''Unitization.''

The MMS OCS Regions use the information required by 30 CFR part 250, subpart M, to determine whether to approve a proposal to enter into an agreement to unitize operations under two or more leases or to approve modifications when circumstances change. The information is necessary to ensure that operations will result in preventing waste, conserving natural resources, and protecting correlative rights, including the Government's interests. We also use information submitted to determine competitiveness of a reservoir or to decide that compelling unitization will achieve these results.

The MMS will protect proprietary information submitted with the plans according to the Freedom of Information Act; 30 CFR 250.118, ''Data and information to be made available to the public'; and 30 CFR part 252, ''OCS Oil and Gas Information Program.'' No items of a sensitive nature are collected. Responses are required to obtain or retain a benefit.

Estimated Number and Description of Respondents: Approximately 130 Federal OCS sulphur or oil and gas lessees.

Frequency: The frequency of reporting is on occasion and varies by subpart M regulatory section.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: The currently approved hour burden for this collection is 2,424 hours. The estimated average annual burden per respondent is approximately 19 hours.

Estimated Annual Reporting and Recordkeeping ''Cost'' Burden: We have identified no information collection cost burdens for this collection of information.

Comments: We will summarize written responses to this notice and address them in our submission for OMB approval. All comments will become a matter of public record. As a result of your comments and our consultations with a representative sample of respondents, we will make any necessary adjustments to the burden in our submission to OMB. In calculating the burden, we assumed that respondents perform many of the requirements and maintain records in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

(1) We specifically solicit your comments on the following questions:

(a) Is the proposed collection of information necessary for us to properly perform our functions, and will it be useful?

(b) Are the estimates of the burden hours of the proposed collection reasonable?

(c) Do you have any suggestions that would enhance the quality, clarity, or usefulness of the information to be collected?

(d) Is there a way to minimize the information collection burden on respondents, including through the use of appropriate automated electronic, mechanical, or other forms of information technology?

(2) In addition, the PRA requires agencies to estimate the total annual reporting and recordkeeping ''cost'' burden to respondents or recordkeepers resulting from the collection of information. We need to know if you have costs associated with the collection of this information for either total capital and startup cost components or annual operation, maintenance, and purchase of service components. Your estimates should consider the costs to generate, maintain, and disclose or provide the information. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information; monitoring, sampling, drilling, and testing equipment; and record storage facilities. Generally, your estimates should not include equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: January 6, 1999.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 99–877 Filed 1–13–99; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of a currently approved information collection (OMB Control Number 1010–0079).

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, MMS invites the public and other Federal agencies to comment on a proposal to extend the currently approved collection of information discussed below. The Paperwork Reduction Act of 1995 (PRA) provides that 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

Office of Management and Budget (OMB) control number.

DATES: Submit written comments by March 15, 1999.

ADDRESSES: Mail or hand carry comments to the Department of the Interior; Minerals Management Service; attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817.

FOR FURTHER INFORMATION CONTACT: Alexis London, Rules Processing Team, telephone (703) 787–1600. You may also contact Alexis London to obtain a copy of the collection of information at no cost.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 250, Subpart G, Abandonment of Wells (1010–0079).

Abstract: The Outer Continental Shelf (OCS) Lands Act, 43 U.S.C. 1331 *et seq.*, gives the Secretary of the Interior the responsibility to preserve, protect, and develop oil and gas resources in the OCS consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resource development with protection of human, marine, and coastal environments; ensure the public a fair and equitable return on the resources of the OCS; and preserve and maintain free enterprise competition. The OCS Lands Act Amendment of 1978 amended section 3(6) of the OCS Lands Act to state that ''operations in the outer Continental Shelf should be conducted * * * using technology, precautions, and techniques sufficient to prevent or minimize * * * physical obstruction to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property, or endanger life or health.'' We have established these regulations at 30 CFR 250, subpart G, ''Abandonment of Wells.''

Respondents provide annual reports describing plans for reentry to complete or permanently abandon a well. For us to decide the necessity for allowing a well to be temporarily abandoned, the lessee/operator must show that there is a reason for not permanently abandoning the well and that the temporary abandonment is not a significant threat to fishing, navigation, or other uses of the seabed. If we did not collect the information, we could not determine: (a) The intent of the lessee, (b) if the final disposition of the well is being diligently pursued, (c) any deviations from the approved Exploration or Development and Production Plan, and (d) if the lessee/operator has documented the temporary plugging of the well and marked the location.

We will protect proprietary information submitted with the plans according to the Freedom of Information Act; 30 CFR 250.118, ''Data and information to be made available to the public''; and 30 CFR part 252, ''OCS Oil and Gas Information Program.'' No items of a sensitive nature are collected. Responses are mandatory.

Estimated Number and Description of Respondents: Approximately 130 Federal OCS sulphur or oil and gas lessees.

Frequency: The frequency of reporting is on occasion and annual.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: The currently approved hour burden for this collection is 776 hours. The estimated average annual burden per respondent is approximately 6 hours.

Estimated Annual Reporting and Recordkeeping ''Cost'' Burden: We have identified no information collection cost burdens for this collection of information.

Comments: We will summarize written responses to this notice and address them in our submission for OMB approval. All comments will become a matter of public record. As a result of your comments and our consultations with a representative sample of respondents, we will make any necessary adjustments to the burden in our submission to OMB. In calculating the burden, we assumed that respondents perform many of the requirements and maintain records in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

(1) We specifically solicit your comments on the following questions:

(a) Is the proposed collection of information necessary for us to properly perform our functions, and will it be useful?

(b) Are the estimates of the burden hours of the proposed collection reasonable?

(c) Do you have any suggestions that would enhance the quality, clarity, or usefulness of the information to be collected?

(d) Is there a way to minimize the information collection burden on respondents, including through the use of appropriate automated electronic, mechanical, or other forms of information technology?

(2) In addition, the PRA requires agencies to estimate the total annual reporting and recordkeeping ''cost'' burden to respondents or recordkeepers resulting from the collection of information. We need to know if you have costs associated with the collection of this information for either total capital and startup cost components or annual operation, maintenance, and purchase of service components. Your estimates should consider the costs to generate, maintain, and disclose or provide the information. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information; monitoring, sampling, drilling, and testing equipment; and record storage facilities. Generally, your estimates should not include equipment or services purchased: (i) before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: January 7, 1999.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 99–878 Filed 1–13–99; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Revision of Form MMS–2005, Oil and Gas Lease of Submerged Lands Under the Outer Continental Shelf Lands Act

ACTION: Notice of public workshop.

SUMMARY: This notice announces a public workshop that the MMS will conduct to acquire information pertinent to revision of Form-2005, Oil and Gas Lease of Submerged Lands Under the Outer Continental Shelf Lands Act. The purpose of the workshop is to discuss the plain language revisions of the form. The Notice of Revision of Form-2005 was published in the **Federal Register** on November 9, 1998 (63 FR 60380), and the comment period has been extended until February 8, 1999.

DATES: MMS will conduct the workshop from 8:00 a.m. to 3:00 p.m., on Thursday, January 21, 1999.

ADDRESSES: The workshop will be held at the MMS office, Room 111, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123.

FOR FURTHER INFORMATION CONTACT: Terry Holman, 202–208–3822 or e-mail to Terry.Holman@mms.gov. Comments may be sent to Terry Holman, Minerals Management Service, Mail Stop 4230, 1849 C Street, NW, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: MMS has determined that Form MMS–2005, the lease document, needs revision due to changes in regulations since it was last reviewed in 1986. MMS has revised the form to reflect plain English and has rewritten it for clarity and organization. To reduce the need for future revisions to the document due to changes in regulations, MMS refers the Lessee to applicable laws, and rules and regulations of the Department. Much of the wording of existing Form MMS–2005 that specifically cites, incorporates by reference, or restates statutory and regulatory requirements is therefore deleted from the proposed revision.

MMS held a workshop on December 10, 1998, in New Orleans, Louisiana, to acquire preliminary comments on the proposed form. Transcripts may be found on the MMS homepage under the What's New icon. The MMS homepage address is www.mms.gov.

Dated: January 8, 1999.

Thomas R. Kitsos,

Acting Director, Minerals Management Service.

[FR Doc. 99–806 Filed 1–13–99; 8:45 am]

BILLING CODE 4310–MR–M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Groundwater Replenishment System, Orange County, CA; Hearing

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of public hearing.

SUMMARY: Pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) of 1969 (as amended), the Orange County Water District (OCWD), Orange County Sanitation District and the Bureau of Reclamation (Reclamation) as lead agencies have prepared a joint draft program environmental impact report/tier 1 environmental impact statement (Program EIR/Tier 1 EIS) for a Groundwater Replenishment System in Orange County, California.

DATES AND ADDRESS: Organizations and individuals wishing to present comments at the hearing should contact Ms. Tama Snow, Senior Engineer, Orange County Water District, 10500 Ellis Avenue, Fountain Valley, California 92728–8300, telephone: (714) 378–3213. The Public Hearing is scheduled to be held: January 28, 1999—5:00 p.m., Orange County Water District Office, 10500 Ellis Avenue, Fountain Valley, California.

FOR FURTHER INFORMATION CONTACT: Mr. Del Kidd, Environmental Protection Specialist, Bureau of Reclamation, Lower Colorado Region, P.O. Box 61470, Boulder City, Nevada 89006–1470, telephone: (714) 293–8698, or Ms. Tama Snow at the above address and telephone number.

SUPPLEMENTARY INFORMATION: The Orange County Water District (OCWD) and the County Sanitation District of Orange County (CSDOC) propose to develop an advance water treatment plant, pipeline and related facilities within the Cities of Fountain Valley, Santa Ana, Orange, Garden Grove, and Anaheim. The Groundwater Replenishment System (Project) would further process water from the County Sanitation Districts of Orange County. The water from CSDOC, which is typically discharged into the ocean, would be treated through a sophisticated, advanced water treatment process that would include microfiltration, reverse osmosis and disinfection. The microfiltration process uses a series of microscopically fine filters to remove fine particles, nitrogen, salts, and organic matter that might be in the water. The water from this advanced treatment process would be of better quality than the current water that is in-filtered into the groundwater basin from the Santa Ana River and would surpass (be cleaner and better than) the drinking water standards set by the U.S. Environmental Protection Agency, the California Department of Health Services and other health and regulatory agencies.

The water from this process will be piped to injection wells to create a barrier against saltwater intrusion and to a spreading basin for infiltration into the groundwater basin. The Project would provide a new, reliable water supply to meet increased demands for potable water within the OCWD service area and continue to protect the existing groundwater from further contamination from seawater intrusion. The Project water will also be used to supplement the existing Green Acres Project, which uses recycled water for landscape irrigation and industrial applications. The Project will help reduce the dependency on the uncertain water supplies currently received from northern California and the Colorado River.

Extensive evaluations have been conducted over the past seven years to define and determine the water supply alternatives to meet the future needs of OCWD's customers. The Project was identified to be one of the most reliable and cost effective project alternatives for providing a new local water supply to Orange County. The Project is proposed to be implemented in three phases. Phase I is proposed for implementation by the year 2003 and will supply 50,000 acre-feet per year (afy) (one afy is sufficient water to supply two families of four for an entire year). Phases II and III will supply an additional 25,000 afy by the years 2010 and 2020 respectively, or sooner if required.

Dated: January 8, 1999.

Deanna J. Miller,

Director, Resource Management Office.

[FR Doc. 99–807 Filed 1–13–99; 8:45 am]

BILLING CODE 4310–94–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–415]

Certain Mechanical Lumbar Supports and Products Containing Same; Notice of Commission Decision Not To Review An Initial Determination Adding a Respondent

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (ID) of the presiding administrative law judge (ALJ) granting a motion to amend the notice of investigation to include Advantage Technologies, Inc. (Advantage) of Plymouth, Michigan as a respondent.

FOR FURTHER INFORMATION CONTACT: Michael Diehl, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–205–3095. General information concerning the Commission may be obtained by accessing its Internet server (http://www.usitc.gov). Hearing-impaired individuals can obtain information concerning this matter by contacting the Commission's TDD terminal at 202–205–1810.

SUPPLEMENTARY INFORMATION: On August 19, 1998, McCord Win Textron, Inc.

(Textron) filed a complaint with the Commission alleging violation of section 337 of the Tariff Act of 1930 in the importation and sale of certain mechanical lumbar supports and products containing same that infringe certain claims of a U.S. patent owned by Textron. The Commission instituted an investigation of Textron's complaint on September 29, 1998. Advantage was listed as a proposed respondent in Textron's complaint, although the Commission did not name it as a respondent in the notice of investigation. Five other firms were named as respondents. 63 FR 51949 (September 29, 1998).

On December 4, 1998, complainant Textron moved (Motion No. 415–7) to add Advantage as a respondent, based on the company's involvement with and connection to the importation, assembly, and sale of the allegedly infringing devices. The Commission investigative attorney supported the motion, and Advantage and the five original respondents opposed the motion.

On December 16, 1998, the presiding ALJ issued an ID (Order No. 12) granting the motion. No party petitioned for review of the ID.

All nonconfidential documents filed in the investigation, including the motion to add Advantage, the Commission investigative attorney's response, the joint response of Advantage and the five respondents, and the ID, are or will be available for public inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Commission's Office of the Secretary, Dockets Branch, 500 E Street, SW, Room 112, Washington, D.C. 20436, telephone 202–205–1802.

This action is taken under authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and section 210.42(h) of the Commission's Rules of Practice and Procedure (19 CFR 210.42(h)).

By order of the Commission.

Issued: January 11, 1999.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–868 Filed 1–13–99; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701–TA–380–382 and 731–TA–797–804 (Final)]

Certain Stainless Steel Sheet and Strip From France, Germany, Italy, Japan, the Republic of Korea, Mexico, Taiwan, and the United Kingdom

AGENCY: United States International Trade Commission.

ACTION: Scheduling of the final phase of countervailing duty and antidumping investigations.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of countervailing duty investigations Nos. 701–TA–380–382 (Final) under section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)) (the Act) and the final phase of antidumping investigations Nos. 731–TA–797–804 (Final) under section 735(b) of the Act (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of subsidized and/or less-than-fair-value imports from France, Germany, Italy, Japan, the Republic of Korea (Korea), Mexico, Taiwan, and the United Kingdom of certain stainless steel sheet and strip, provided for in subheadings 7219.13.00, 7219.14.00, 7219.32.00,7219.33.00, 7219.34.00, 7219.35.00, 7219.90.00, 7220.12.10, 7220.12.50, 7220.20.10, 7220.20.60, 7220.20.70, 7220.20.80, 7220.20.90 and 7220.90.00 of the Harmonized Tariff Schedule of the United States.[1]

[1] For purposes of these investigations, Commerce has defined the subject merchandise as certain stainless steel sheet and strip in coils. Stainless steel is an alloy steel containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. The subject sheet and strip is a flat-rolled product in coils that is greater than 9.5 mm in width and less than 4.75mm in thickness, and that is annealed or otherwise heat treated and pickled or otherwise descaled. The subject sheet and strip may also be further processed (e.g., cold-rolled, polished, aluminized, coated, etc.) provided that it maintains the specific dimensions of sheet and strip following such processing. Excluded from the scope of these investigations are the following: (1) sheet and strip that is not annealed or otherwise heat treated and pickled or otherwise descaled, (2) sheet and strip that is cut to length, (3) plate (i.e., flat-rolled stainless steel products of a thickness of 4.75 mm or more), (4) flat wire (i.e., cold-rolled sections, with a prepared edge, rectangular in shape, of a width of not more than 9.5 mm), (5) razor blade steel, (6) flapper valve steel, (7) suspension foil, (8) certain stainless steel foil for automotive catalytic converters, (9) permanent magnet iron-chromium-cobalt alloy stainless strip, (10) certain electrical resistance alloy steel, (11) certain martensitic precipitation-hardenable stainless steel, and (12) three specialty stainless steels typically used in certain industrial blades and surgical and medical instruments.

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

EFFECTIVE DATE: January 4, 1999.

FOR FURTHER INFORMATION CONTACT: David Boyland (202–708–4725), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION:

Background

The final phase of these investigations is being scheduled as a result of affirmative preliminary determinations by the Department of Commerce that certain benefits which constitute subsidies within the meaning of section 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in France, Italy, and Korea and that products from these countries, as well as from Germany, Japan, Mexico, Taiwan, and the United Kingdom, are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). These investigations are being instituted in response to petitions filed on June 10, 1998, by counsel for Allegheny Ludlum Corporation; Armco, Inc.; Washington Steel Division of Bethlehem Steel Corp., the United Steelworkers of America, AFL–CIO; Butler Armco Independent Union; and Zanesville Armco Independent Organization, Inc.

Participation in the Investigations and Public Service List

Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as

provided in section 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. § 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff Report

The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on May 12, 1999, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

Hearing

The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on May 25, 1999, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before May 17, 1999. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on May 19, 1999, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 days prior to the date of the hearing.

Written Submissions

Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is May 19, 1999. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is June 2, 1999; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations on or before June 2, 1999. On June 17, 1999, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before June 21, 1999, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority

These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: January 11, 1999.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–869 Filed 1–13–99; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States* v. *Interstate Pollution Control, Inc. et al.*, Civil Action No. 98C50426, (N.D. Illinois) entered into by the United States and 57 parties, was lodged on January 4, 1999, with the United States District Court for the Northern District of Illinois. The proposed Consent Decree will resolve claims of the United States against Interstate Pollution Control, Inc., Anderson's Garage, Inc. and 55 potentially responsible party generators [Abrasive Machining, Inc.; Acme Grinding Co.; American Shaft Co.; Amerock Corp.; Atwood Industries, Inc.; Barber-Colman Co.; Berol USA; Borg-Warner Automotive. Inc.; Camcar Division of Textron, Inc.; Caterpillar, Inc.; Cherry Valley Tool & Machine, Inc.; Clinton Electronics Corp.; Coltec Industries, Inc.; Commonwealth Edison Co.; Counselor (Brearley) Co.; Dana Corp. (Warner Electric); Eclipse Combustion, Inc.; Elco Textron, Inc.; Frantz Manufacturing Co.; The Gates Corp. d/b/a The Gates Rubber Co.; General Motors Corp.; Goss Graphics Systems, Inc.; Greenlee Textron, Inc.; GTE Communications Systems Corp.; Honeywell, Inc. (Micro Switch Division); IKON Office Solutions, Inc. o/ b/o/ Ipsen Commercial Heat Treating; J.L. Clark, Inc. f/k/a/ J.L. Clark Manufacturing Co.; Kelsey Hayes Co.; Keystone Consolidated Industries, Inc.; Metal Cutting Tools Corp.; Mid-States Screw Corp.; Mobile Oil Corp.; Modern Metal Products Co.; The National Machinery Co.; Pacific Bearing Corp.; Patten Industries, Inc.; Pierce Chemical Co.; Precision Group, Inc. successor to Illinois Machine Products; The Quaker Oats Co.; Quality Metal Finishing Co.; Quebecor Printing Mt. Morris, Inc.; RB&W Corp.; Readette & Dunn Platters, Inc.; Rockford Blacktop Construction Co.; Rockford Bolt & Steel Co.; Rockford Drop Forge Co.; Rockford Headed Products, Inc.; Saws International, Inc.; Sundstrand Corp.; Thomas Industries, Inc.; Twin Disc, Inc.; The Valspar Corp.; Warner Lambert Co.; White

Consolidated Industries, Inc.; and, Woodward Governor Co.], for recovery of past response costs incurred by the U.S. Environmental Protection Agency at the Interstate Pollution Control, Inc., Superfund Site, Rockford, Winnebago County, Illinois, pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 *et seq.* (''CERCLA''). The settlement requires the Settling Defendants to make payment of $315,000 to the United States following entry of the proposed Consent Decree.

The Consent Decree includes a covenant not to sue by the United States under Section 107(a) of CERCLA, 42 U.S.C. 9607(a), for recovery of past response costs at the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, United States Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044–7611, and should refer to *United States* v. *Interstate Pollution Control, Inc. et al.*, Civil Action No. 98C50426, and the Department of Justice Reference No. 90–11–2–1276.

The proposed Consent Decree may be examined at the Office of the United States Attorney for the Northern District of Illinois, Western Division, 308 West State Street, Suite 300, Rockford, Illinois 61101; the Region 5 Office of the United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590; and at the Consent Decree Library, 1120 G Street, NW, 4th Floor, Washington, DC 20005, telephone no. (202) 624–0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW, 3rd Floor, Washington, DC 20005. In requesting a copy, please refer to DJ #90–11–2–1276, and enclose a check in the amount of $22.25 (25 cents per page for reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section Environment, and Natural Resources Division.

[FR Doc. 99–823 Filed 1–13–99; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. AT&T Corp. and Tele-Communications, Inc.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), that a proposed Final Judgment, Stipulation, and Competitive Impact Statement have been filed with the United States District Court for the District of Columbia in *United States* v. *AT&T Corporation and Tele-Communications, Inc.*, Civil No. 1:98CV03170.

On December 30, 1998, the United States filed a Complaint alleging that the proposed acquisition by AT&T Corporation of Tele-Communications, Inc. would violate section 7 of the Clayton Act, 15 U.S.C. 18. The Complaint alleges that AT&T is the largest provider of mobile wireless telephone services in the United States, and that Tele-Communications, Inc. owns a 23.5 percent equity interest in the mobile wireless telephone business of Sprint Corporation. The Complaint further alleges that if consummated, the acquisition may substantially lessen competition in the provision of mobile wireless telephone services in many geographic areas throughout the United States. The proposed Final Judgment, filed at the same time as the Complaint, requires AT&T Corporation to divest its interest in the mobile wireless telephone business of Sprint Corporation.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to Donald J. Russell, Chief, Telecommunications Task Force, Antitrust Division, Department of Justice, 1401 H St., NW, Suite 8000, Washington, DC 20530 (telephone: (202) 514–5621).

Copies of the Complaint, Stipulation, proposed Final Judgment, and Competitive Impact Statement are available for inspection in Room 215 of the United States Department of Justice, Antitrust Division, 325 7th St., NW, Washington, DC 20530 (telephone (202) 514–2841) and at the Office of the Clerk of the United States District Court for the District of Columbia. Copies of these materials may be obtained upon request and payment of a copying fee.

Constance K. Robinson,

Director of Operations and Merger Enforcement, Antitrust Division.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

A. The Court has jurisdiction over the subject matter of this action and over each of the parties hereto, and venue of this action is proper in the District for the District of Columbia.

B. The parties to this Stipulation consent that a Final Judgment in the form attached may be filed and entered by the Court, upon the motion of any party or the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before entry of the proposed Final Judgment by serving notice on the defendants and by filing that notice with the Court.

C. Defendants shall abide by and comply with the provisions of the proposed Final Judgment pending entry of the Final Judgment, and shall, from the date of the filing of this Stipulation, comply with all the terms and provisions of the proposed Final Judgment as though the same were in full force and effect as an order of the Court.

D. In the event plaintiff withdraws its consent, as provided in paragraph (B) above, or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever, and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

For the Plaintiff:

A. Douglas Melamed,

Acting Assistant Attorney General.

Constance K. Robinson,

Director of Operations and Merger Enforcement.

Deborah A. Roy,

Attorney, Telecommunications Task Force.

Donald J. Russell,

Chief, Telecommunications Task Force.

Peter A. Gray,

Attorney, Telecommunications Task Force.

U.S. Department of Justice, Antitrust Division, 1401 H Street, NW., Suite 8000, Washington, DC 20530, (202) 514–5636.

Dated: December 30, 1998.

For the Defendants:

Mark C. Rosenblum,

Vice President-Law, AT&T Corp., 295 North Maple Avenue, Room 3244J1, Basking Ridge, New Jersey 07920.

Dated: December 28, 1998.

Kathy Fenton,

Counsel for Tele-Communications, Inc., Jones, Day, Reavis & Pogue, Suite 700, 1450 G Street NW, Washington, DC 20005.

Dated: December 28, 1998.

Final Judgment

WHEREAS, plaintiff, the United States of America, having filed its Complaint herein on December 30, 1998, and plaintiff and defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting any evidence against or an admission by any party with respect to any issue of law or fact herein;

And whereas, defendants have agreed to be bound by the provisions of this Final Judgment pending its approval by the Court;

And whereas, the essence of this Final Judgment is certain divestiture of specific assets and the imposition of related injunctive relief to ensure that competition is not substantially lessened;

And whereas, plaintiff requires Liberty Media Corporation to make certain divestitures for the purpose of preventing a lessening of competition alleged in the Complaint;

And whereas, defendants have represented to plaintiff that the divestiture ordered herein can and will be made and that defendants will later raise no claims of hardship or difficulty as grounds for asking the Court to modify any of the divestiture provisions contained herein;

And, therefore, before the taking of any testimony, and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby *ordered, adjudged, and decreed* as follows:

I. Jurisdiction

This Court has jurisdiction over each of the parties hereto and the subject matter of this action. The Complaint states a claim upon which relief may be granted against the defendants under section 7 of the Clayton Act, as amended (15 U.S.C. 18).

II. Definitions

As used in this Final Judgment:

A. ''TCI'' means defendant Tele-Communications, Inc., a Delaware corporation with its headquarters in Englewood, Colorado and includes its successors and assigns, its subsidiaries, and the directors, officers, managers, agents and employees acting for or on behalf of TCI, except for Liberty, its successors and assigns, its subsidiaries, and the directors, officers, managers, agents and employees acting for or on behalf of Liberty.

B. ''Liberty'' means Liberty Media Corporation, a Delaware corporation, as well as the assets, liabilities and businesses attributed to the Liberty Media Group (as defined in the AT&T/TCI Merger Agreement) and its successors and assigns, its subsidiaries and the directors, officers, managers, agents and employees acting for or on behalf of Liberty.

C. ''Liberty Media Tracking Shares'' means the classes of common stock to be issued by AT&T, referred to as ''Liberty Media Tracking Shares'' in the AT&T/TCI Merger Agreement, and any shares of stock issued in respect of any of the foregoing (including by way of conversion, redemption, reclassification, distribution, merger, combination, or other similar event).

D. ''AT&T'' means defendant AT&T Corp., a New York corporation with its headquarters in New York, New York and includes all of its successors and assigns, its subsidiaries, and the directors, officers, managers, agents and employees acting for or on behalf of AT&T, except for Liberty, its successors and assigns, its subsidiaries, and the directors, officers, managers, agents and employees acting for or on behalf of Liberty.

E. ''AT&T/TCI Merger Agreement'' means the Agreement and Plan of Merger dated as of June 23, 1998, as produced to plaintiff on July 23, 1998, with respect to the AT&T/TCI Merger.

F. ''AT&T/TCI Merger'' means the merger of TCI with a subsidiary of AT&T, as contemplated by the AT&T/TCI Merger Agreement.

G. ''AT&T Stock'' means all classes of common stock issued by AT&T, except for Liberty Media Tracking Shares.

H. ''Sprint PCS Tracking Stock'' means, collectively, (i) the PCS Common Stock, Series 1, (ii) the PCS Common Stock, Series 2, (iii) the PCS Common Stock, Series 3, (iv) the shares of Sprint PCS Tracking Stock issuable in respect of Sprint's outstanding shares of Class A Common Stock, (v) the shares of Sprint PCS Tracking Stock issuable in respect of any ''inter-group interest'' of the ''Sprint FON Group'' in the ''Sprint PCS Group,'' (vi) the shares of Sprint's Series 7 Preferred Stock and warrants to purchase shares of Sprint PCS Tracking Stock issued to TCI, Comcast Corporation (''Comcast'') and Cox Communications, Inc. (''Cox'') in connection with the Sprint PCS Restructuring (and the shares of Sprint PCS Tracking Stock issuable upon any exercise or conversion thereof), (vii) any other options, warrants or convertible securities exercisable for or convertible into any shares of Sprint PCS Tracking Stock, and (viii) any shares of capital stock Sprint issued in respect of any of the foregoing (including by way of conversion, redemption, reclassification, distribution, merger, combination, or other similar event).

I. ''Liberty's Sprint Holdings'' means the Sprint PCS Tracking Stock acquired by TCI Ventures Group LLC and its subsidiaries in the Sprint PCS Restructuring and in which Liberty will have a beneficial interest after the closing of the AT&T/TCI Merger.

J. ''Sprint PCS Restructuring'' means that series of transactions that occurred simultaneously on November 23, 1998 in which Sprint Corporation (''Sprint'') acquired through a number of mergers all of the outstanding partnership interests in a number of partnerships collectively holding all of the assets and businesses known as ''Sprint PCS'' held by affiliates of TCI, Cox, and Comcast.

K. ''Private sale'' means any sale except for sales made through the public market.

III. Applicability

The provisions of this Final Judgment apply to each of the defendants, its successors and assigns, its subsidiaries, directors, officers, managers, agents, employees and all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise, and with respect to Sections IV, V and VI of this Final Judgment, to the trustee and his or her successors.

IV. Creation of a Trust

A. TCI is hereby ordered and directed, prior to closing of the AT&T/TCI Merger, to assign and transfer Liberty's Sprint Holdings to a trustee for the purpose of accomplishing a divestiture of such holdings in accordance with the terms of this Final Judgment. The trust agreement shall be in a form approved by the plaintiff, and its terms shall be consistent with the terms of this Final Judgment. Defendants shall submit a form of trust agreement to the plaintiff, who shall communicate to defendants within ten (10) business days its approval or disapproval of that form. The trustee shall agree to be bound by this Final Judgment.

B. Prior to the closing of the AT&T/TCI Merger, TCI shall submit the name of its nominee for trustee to the plaintiff, who within ten (10) business days shall (i) approve the nominee as trustee, or (ii) request additional names until a nominee for trustee proposed by Liberty is approved by the plaintiff, with plaintiff reaching a decision on each nominee within ten (10) business days. The trustee shall not be a director, officer, manager, agent or employee of AT&T or Liberty. Defendants shall not consummate the Merger until such time as the trustee and the trust agreement have been approved by plaintiff, and the Liberty Sprint Holdings have been transferred to the trust.

V. Divestiture of Sprint PCS Interest

A. The trustee is hereby ordered and directed, in accordance with the terms of this Final Judgment, on or before May 23, 2002, to divest that portion of Liberty's Sprint Holdings sufficient to cause Liberty to own no more than 10% of the outstanding shares of Sprint PCS Tracking Stock. On or before May 23, 2004, the trustee shall divest the remainder of Liberty's Sprint Holdings. The number of outstanding shares of Sprint PCS Tracking Stock for such purposes shall be calculated on a share of Series 1 PCS Stock equivalent basis assuming the issuance of all shares of Series 1 PCS Stock ultimately issuable in respect of the applicable Sprint PCS Tracking Stock upon the exercise, conversion or other issuance thereof in accordance with the terms of such securities. Notwithstanding the provisions of this paragraph, if a motion to terminate this Final Judgment in which plaintiff has joined has been filed, and is pending before the Court, the trustee shall not proceed with the divestitures provided by this paragraph until the motion to terminate the Final Judgment has been decided by the Court.

B. After Liberty's Sprint Holdings have been transferred to the trustee, only the trustee shall have the right to sell Liberty's Sprint Holdings. The trustee shall have the power and authority to accomplish the divestiture only in a manner reasonably calculated to maximize the value of Liberty's Sprint Holdings to the holders of the Liberty Media Tracking Shares, without regard to any costs or benefits to AT&T (including any costs or benefits of such divestiture to AT&T that may be directly or indirectly transferred to the holders of the Liberty Media Tracking Shares.) However, the trustee may in accomplishing the divestiture, take into account income or gain tax costs or benefits for AT&T that flow to the holders of the Liberty Media Tracking Shares. The trustee shall have the powers provided by the trust agreement and such other powers as the Court shall deem appropriate.

C. All decisions regarding the divestiture, in whole or in part, of Liberty's Sprint Holdings shall be made by the trustee without discussion or consultation with AT&T, with any of the Class A Directors of Liberty, or with any other officer, director or shareholder of Liberty who individually owns more that 0.10% of the outstanding shares of AT&T Stock. The trustee shall consult with the Board of Directors of Liberty, but the Class A Directors of Liberty and any director, officer, or shareholders of Liberty who owns more than 0.10% of the outstanding shares of AT&T Stock shall not participate in such consultation. The decision to divest part or all of the Liberty Sprint Holdings shall be made by the trustee in his or her sole discretion, except as provided for in Section V.D. of this Final Judgment. Liberty shall not take any action to block a sale by the trustee, on any grounds other than the trustee's malfeasance as defined in the trust agreement. Where the trustee intends to effect a private sale of part or all of Liberty's Sprint Holdings, the trustee shall notify Liberty and plaintiff of that intention. Any objection by Liberty, based on the trustee's malfeasance, must be made within ten (10) business days of notice from the trustee of an intention to make a private sale. Subject to Section V.G. of this Final Judgment, the trustee shall have the power and authority to hire at the cost and expense of Liberty any investment bankers, attorneys, or other agents reasonably necessary in the judgment of the trustee to assist in the divestiture, and such professionals or agents shall be solely accountable to the trustee.

D. The trustee shall not divest part or all of Liberty's Sprint Holdings in a private sale without a premerger notification form having been filed pursuant to the Hart-Scott-Rodino Antitrust Improvement Act of 1976 or, if the private sale is not reportable under the Hart-Scott-Rodina Act, without obtaining the prior written consent of the plaintiff, which shall be granted or denied within thirty (30) calendar days of the request for such consent.

E. Defendants shall not provide financing in connection with the divestiture to the purchaser of any of Liberty's Sprint Holdings required to be divested by this Final Judgment.

F. Except as provided for in Section V.C. of this Final Judgment, defendants shall take no action to influence, interfere with or impede the trustee's accomplishment of the divestiture of Liberty's Sprint Holdings and Liberty shall, if requested by the trustee, use its best efforts to assist the trustee in accomplishing the required divestiture, provided that Liberty is not required to take any action with respect to any of Liberty's non-Sprint PCS asset or businesses. Subject to a customary confidentiality agreement, the trustee shall have full and complete access to the defendants' personnel, books, records, and facilities related to Liberty's Sprint Holdings. Subject to a customary confidentiality agreement, the trustee shall permit prospective purchasers of part or all of Liberty's Sprint Holdings in a private sale to have access to any and all financial or operational information to which the trustee has access, as may be relevant to the divestiture required by this Final Judgment.

G. The trustee shall serve at the cost and expense of Liberty and shall account for all monies derived from the sale of the assets sold by the trustee and all costs and expenses so incurred. The compensation of the trustee and of any professionals and agents retained by the trustee shall be reasonable in light of value of the Liberty Sprint Holdings and based on a fee arrangement set forth in the trust agreement.

VI. Liberty Governance and Economic Interest

Until the divestitures required by the Final Judgment have been accomplished:

A. Any economic interest arising in connection with Liberty's Sprint Holdings, without limitation, and including but not limited to any interest or dividends earned or net proceeds received upon the disposition of Liberty's Sprint Holdings, shall be for the sole and exclusive benefit of the holders of the Liberty Media Tracking Shares. AT&T shall not engage in any transaction that transfers either directly or indirectly the benefits of Liberty's Sprint Holdings to any other class of AT&T shareholders or to AT&T. AT&T shall adhere to the Policy Statement Regarding Liberty Tracking Stock Matters contained in Exhibit D to the AT&T/TCI Merger Agreement.

B. TCI shall, on or before the consummation of the merger, (i) amend and restate the certificate of incorporation and bylaws of Liberty to be in substantially the form set forth in Schedule 2.1(c)(i) of the AT&T/TCI Merger Agreement and (ii) appoint all of the Class B Directors and the Class C Directors (as such terms are defined in Schedule 2.1(c)(i) to the AT&T/TCI

Merger Agreement) of Liberty Media Corporation.

C. AT&T shall, on or before the consummation of the AT&T/TCI Merger or promptly thereafter, form a Capital Stock Committee as described in the Bylaw Amendment for the Capital Stock Committee set out in Exhibit D of the AT&T/TCI Merger Agreement and agree to have the Capital Stock Committee have the responsibilities described in Exhibit D of the AT&T/TCI Merger Agreement.

D. The trustee shall be instructed not to vote Liberty's Sprint Holdings for so long as they are held in the trust.

E. Liberty shall not purchase additional shares of Sprint PCS Tracking Stock (other than in connection with the exercise of warrants to purchase such shares or the conversion of shares of Series 7 Preferred Stock acquired in the Sprint PCS Restructuring) without the prior written consent of the plaintiff, which shall act on any request for such consent within thirty (30) calendar days.

F. Liberty shall not hold or acquire any interest, direct or indirect, in AT&T's mobile wireless operations without a premerger notification form having been filed pursuant to the Hart-Scott-Rodino Antitrust Improvement Act of 1976, or if the acquisition is not reported under the Hart-Scott-Rodino Act, without obtaining the prior written consent of the plaintiff, which shall be granted or denied within thirty (30) calendar days of the request for such consent. This paragraph shall not apply to any cumulative holding or acquisition by Liberty of 1.0% or less of the outstanding shares of AT&T Stock indirectly through the acquisition of an interest in a third party, with such percentage to be calculated by multiplying the percentage interest owned by Liberty in such third party by the third party's interest in AT&T Stock (and such third party's interest being determined in the same manner, if also held indirectly).

VII. Compliance Inspection

For the purposes of determining or securing compliance with the Final Judgment and subject to any legally recognized privilege, from time to time:

A. Duly authorized representatives of the plaintiff, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendants made to their principal offices, shall be permitted:

(1) Access during office hours of defendants to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of defendants, who may have counsel present, relating to matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of defendants and without restraint or interference from them, to interview, either informally or on the record, officers, employers, and agents of defendants, who may have counsel present, regarding any such matters.

B. Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, made to defendants' principal offices, defendants shall submit such written reports, under oath if requested, with respect to any matter contained in this Final Judgment.

C. No information or documents obtained by the means provided in this Section VII shall be divulged by a representative of the plaintiff to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party (including grand jury proceedings), or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

D. If at the time information or documents are furnished by defendants to plaintiff, defendants represent and identify in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and defendants mark each pertinent page of such material ''Subject to claim to protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure,'' then ten (10) calendar days notice shall be given by plaintiff to defendants prior to divulging such material in any legal proceeding (other than a grand jury proceeding).

VIII. Reporting Requirement

Until the divestitures have been accomplished as provided for in Section V. of this Final Judgment, the trustee shall file a report every six months with the plaintiff, commencing on November 1, 1999, setting forth the efforts to accomplish the divestitures required by this Final Judgment.

IX. Retention of Jurisdiction

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violations hereof.

X. Termination

This Final Judgment will expire upon the tenth anniversary of its entry.

XI. Public Interest

Entry of this Final Judgment is in the public interest.

Dated: _____

_____

United States District Judge

Competitive Impact Statement

The United States, pursuant to section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h) (''APPA''), files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I. Nature and Purpose of the Proceeding

The United States filed a civil antitrust complaint on December 30, 1998, alleging that the proposed merger of Tele-Communications Inc. (''TCI'') with a wholly owned subsidiary of AT&T Corporation (''AT&T'') would violate section 7 of the Clayton Act, 15 U.S.C. 18. Among its other telecommunications businesses, AT&T is the largest provider of mobile wireless telephone services in the nation. TCI, through a wholly owned subsidiary, holds a 23.5% equity interest in the mobile wireless telephone business of Sprint Corporation (''Sprint'') another large provider of mobile wireless telephone services through its personal communications services (''PCS'') subsidiary, Sprint PCS.[1] The complaint alleges that AT&T's acquisition of this

[1] When the proposed merger with AT&T was announced, TCI (through a subsidiary) owned 23.5% of Sprint Spectrum Holdings, Co., L.P. as a general partner. This partnership was restructured on November 23, 1998, through transactions in which TCI and the other cable partners (Cox Communications, Inc. and Comcast Corporation) received Series 2 (Sprint) PCS tracking stock in exchange for their partnership interests. In relinquishing their governance rights as partners, the cable partners, including TCI, received the right to liquidate their interests over the next few years. Their Sprint PCS tracking stock has full voting power on issues relating to changing the number or nature of the PCS stock, spinoffs or acquisition of the PCS business. On all other issues TCI's shares (and those of the other two cable partners) have only one-tenth (1/10) the voting rights that shareholders of other classes of Sprint PCS stock enjoy. The restructuring contemplates that the Sprint Corporation Board of Directors will manage Sprint's PCS business, with TCI and the other cable company owners of the Sprint PCS tracking stock playing a passive or lesser role, due to their minimal voting powers on matters relating to those issues. Sprint owns 53% of the voting power and equity of Sprint PCS.

interest in one of its principal competitors may substantially lessen competition in the sale of mobile wireless telephone services. The prayer for relief seeks a judgment that the proposed acquisition would violate section 7 of the Clayton Act, a 15 U.S.C. 18, and a preliminary and permanent injunction preventing AT&T and TCI from carrying out the proposed merger.

Shortly before this complaint was filed, the Department and the defendants reached agreement on the terms of a proposed consent decree, which requires the complete divestiture of the interest in Sprint PCS now owned by TCI. The proposed consent decree also contains provisions, explained below, designed to minimize any risk of competitive harm that otherwise might arise pending completion of the divestiture. In light of this agreement, the Department concluded that there was no competition-based reason to seek to prohibit AT&T's merger with TCI. A Stipulation and proposed Final Judgment embodying the settlement were filed simultaneously with the complaint.

The United States and the defendants have stipulated that the proposed Final Judgment may be entered after compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (''APPA''). Entry of the proposed Final Judgment would terminate this action, except that the Court would retain jurisdiction to construe, modify, or enforce the provisions of the proposed Final Judgment and to punish violations thereof.

II. Description of the Events Giving Rise to the Alleged Violation

A. The Defendants and the Proposed Transaction

Defendant AT&T is a New York corporation with headquarters in New York, New York. AT&T is a provider of a wide range of telecommunications services internationally and in the United States. Among other things, it is the largest provider of long distance telecommunications services in the United States, as well as the largest provider of mobile wireless telephone services. In 1998, AT&T's mobile wireless operations reported total revenues of approximately $5 billion.

TCI is a Delaware corporation with its headquarters in Englewood, Colorado. TCI is the second largest cable system operator in the nation. At the time of the proposed merger closing, TCI, through its wholly owned subsidiary, Liberty Media Corporation, will own a partial interest in Sprint PCS, one of the principal competitors to AT&T's mobile wireless telephone business in a large number of markets throughout the country. In 1998, Sprint's PCS revenues totaled approximately $975 million.

On June 24, 1998, AT&T and TCI entered into an agreement pursuant to which TCI will merge with a wholly owned subsidiary of AT&T in a $48 billion transaction. Through this transaction, AT&T will acquire TCI's cable television operations, TCI's shares of the Internet Service Provider @Home and of Teleport Communications Group, and assume $11 billion of TCI debt. A variety of other assets now owned by subsidiaries of TCI, including the Sprint PCS holdings, will be transferred to Liberty Media Corp. (''Liberty'').[2] Liberty will be a wholly-owned subsidiary of AT&T Corp. Although the shares of Liberty will be entirely owned by AT&T, the Class B and Class C directors of Liberty, who will hold two-thirds (⅔) of the seats on the board of directors, will be appointed prior to the merger with AT&T by the current (TCI) Liberty media shareholders. These directors may be removed only for cause for a defined period of time.[3] AT&T will issue a separate class of stock, Liberty Media Tracking Stock, the performance of which will reflect the assets held and businesses conducted by Liberty.[4]

B. Mobile Wireless Telephone Services

The complaint alleges that the proposed merger may substantially lessen competition in the provision of mobile wireless telephone services in a number of cities throughout the United States.

Mobile wireless telephone services permit users to make and receive telephone calls, using radio transmissions, while traveling by car or by other means. The mobility afforded by these services is a valuable feature to consumers. In order to provide this capability, wireless carriers must deploy an extensive network of switches and radio transmitters and receivers. Prior to 1995, mobile wireless telephone services were provided primarily by two licensed cellular carriers in each geographic area. AT&T owned cellular licenses in a large number of areas throughout the country. In 1995, the Federal Communications Commissions (''FCC'') allocated (and subsequently issued licenses for) additional spectrum for PCS providers, which include mobile wireless telephone services comparable to those offered by cellular carriers. In addition, in 1996 Nextel Communications, Inc. (''Nextel'') began to offer mobile wireless telephone services comparable to that offered by cellular and PCS carriers, bundled with dispatch services, using spectrum that had been allocated for the provision of specialized mobile radio (''SMR'') services.

In most major metropolitan markets today, there are two cellular license holders, each of which is authorized to use 25 MHZ of spectrum, up to three PCS licensees each authorized to use 30 MHZ of spectrum, up to three PCS licensees each authorized to use 10 MHZ of spectrum, and one carrier, Nextel, that uses SMR spectrum. There is substantial variation among different geographic areas, however, in terms of the number of independent firms that are currently offering mobile wireless telephone services, the time frame in which additional firms are expected to enter the market using the PCS licenses described above, and the scope of geographic coverage that the various carriers can offer, in light of the fact that their networks have not yet been fully built. Most of the relevant geographic markets have between four and six carriers providing mobile wireless telephone services for consumers and business, including the two incumbent cellular providers and Nextel. The emergence of PCS providers has generally resulted in lower rates and/or higher quality services in those areas in which they have constructed their networks. Measured by current subscribers and revenues, however, the two cellular carriers still control a large share of the market, with a collective share of 80% or more in many markets.

There is significant differentiation among the mobile wireless telephone services offered by different carriers. Carriers use a variety of different technologies, offer a variety of service and pricing plans, and offer a variety of product bundles which combine

[2] TCI, at the time of the merger announcement, was organized into three groups, the TCI Cable Group, the TCI Ventures Group, and the Liberty Media Group, each group having its own TCI tracking stock reflecting the assets owned by different sets of TCI subsidiaries. TCI is reorganizing so that before the merger closes, all of the TCI Cable Group and some of the TCI Ventures assets will be in the TCI Cable Group, to be managed post-merger by AT&T's Board of Directors. The remainder of TCI Ventures, including TCI's international cable plant holdings, a joint satellite venture with news Corporation Limited, an educational and training company, partial ownership of two technology companies, and the shares of Sprint PCS stock now held by TCI Wireline, Inc., will be merged with the cable programming assets of Liberty Media, into Liberty Media Corporation, a Delaware Corporation and subsidiary of TCI. Upon consummation of the merger, each share of the Liberty Media Group tracking stock issued by TCI can be exchanged for one share of Liberty Media Tracking stock to be issued by AT&T.

[3] See Schedule 2.1(c)(i) of the AT&T/TCI Merger Agreement, dated June 23, 1998.

[4] See Exhibit D of the AT&T/TCI Merger Agreement, dated June 23, 1998.

wireless telephone service with other services (such as paging and messaging services) and/or with a variety of wireless telephone handsets. For a significant segment of customers, the services offered by AT&T and Sprint PCS appear to be particularly close substitutes. In contrast to other mobile wireless telephone service providers that offer services only on a local or regional basis on their own facilities, both AT&T and Sprint PCS have licenses and facilities in most large metropolitan areas and in many smaller metropolitan areas throughout the country. In addition, AT&T and Sprint are two of the largest providers of long distance telecommunications, as well as a wide range of other telecommunications services, and therefore have a high degree of brand recognition. For customers who travel frequently, and therefore use their mobile phones frequently outside their home metropolitan areas, the broad geographic coverage provided by AT&T and Sprint is an important competitive advantage. Customers of other wireless carriers which have local or regional networks may be able to place and receive calls outside of their ''home'' areas, but when they do so, they typically incur significant ''roaming'' charges assessed by the carrier whose wireless network is being used. Both AT&T and Sprint have attempted to exploit this advantage by, among other things, offering a single-rate national plan.[5]

C. Anticompetitive Consequences of the Proposed Merger

The complaint alleges that AT&T's proposed merger with TCI, which would result in AT&T's acquisition of TCI's interest in Sprint PCS, may substantially lessen competition in the provision of mobile wireless telephone services in the metropolitan areas of New York City; Los Angeles; Dallas-Fort Worth; San Francisco-Oakland-San Jose; Miami-Ft. Lauderdale; Minneapolis-St. Paul; Seattle; Pittsburgh; Denver; Portland, OR; Sacramento; Salt Lake City; Las Vegas; and at least 18 other metropolitan markets. In each of these markets, AT&T is one of two licensed cellular service providers, and Sprint PCS provides mobile wireless telephone services pursuant to a PCS license. AT&T is the largest or second largest provider of mobile wireless telephone services in these markets, which are highly concentrated.[6]

The proposed merger may affect the incentives that govern AT&T's competitive behavior (relating to either pricing or service quality) in these markets. When a firm makes pricing decisions (or decisions on potential investments to improve service quality) it weighs two effects that its decision may produce. A higher price (or reduced investment in service quality) will generate greater revenues from those customers who continue to purchase services from the firm. But a higher price (or reduced service quality) also is likely to cause some portion of current or potential new customers to purchase services from a competitor, thereby reducing the firm's revenues. Weighing these two countervailing factors, firms attempt to choose the price (or service quality) level that will maximize their profits.

A firm that acquires a full or partial equity interest in a competitor—as AT&T proposes to do here—will face a different calculation of its profit-maximizing price (or service quality) after such an acquisition. After the acquisition, some portion of the customers who would turn to a competitor in response to a price increase (or decline in service quality) would likely purchase services from the firm being acquired; thus, the revenue generated by those customers' purchases will continue to be earned indirectly (through the competitor that has been acquired) by the firm raising its price (or lowering its service quality). Thus an acquisition can cause an individual firm, acting unilaterally, to raise its price more than it would have otherwise (or invest less in service quality than it would have otherwise) because its profit-maximizing price will be higher (or service quality lower) as a result of the acquisition. These adverse effects are greater to the extent that the service offered by the acquired firm is a particularly close substitute for the service offered by the acquiring firm. Under those conditions, a larger share of the customers who switch service providers as a result of a price increase (or reduction in quality) will switch to the acquired firm.[7]

In light of the high level of concentration in mobile wireless telephone services markets, and the fact that AT&T and Sprint PCS services appear to be close substitutes for one another for a significant segment of customers, the Department was concerned that the acquisition of a substantial portion of the equity of Sprint PCS by AT&T could reduce AT&T's incentive to compete aggressively in those areas in which Sprint PCS is a significant rival and thereby lead to higher prices or reduced service quality for mobile wireless telephone services.[8]

It appears unlikely that, in the immediate future, entry into the relevant markets will be sufficient to mitigate this competitive harm. For at least the next two years, the only potential entrants will be firms using the spectrum already allocated for PCS by the FCC. While the FCC may eventually allocate additional spectrum which could be used to provide mobile wireless telephone services, it is unlikely that such spectrum could be allocated and licensed, and that licensees could construct their networks and begin offering service, within the next two years. Additional entry within the next two years may come from firms using the spectrum that the FCC has already allocated for PCS. However, in

[5] ''Single Rate'' refers to plans that involve a flat per minute usage charge, regardless of the location at which the call originates or terminates. These plans usually require the purchase of a minimum number of minutes per month.

[6] The Department of Justice utilizes the Herfindahl-Hirschman Index (''HHI'') as a measure of market concentration. The HHI is calculated by summing the squares of the market shares of every firm in the relevant market. A market with an HHI level greater than 1,800 is considered highly concentrated. Department of Justice Federal Trade Commission Horizontal Merger Guidelines § 1.5 (April 2, 1992, revised April 8, 1997). Here, most if not all of the relevant markets have pre-merger HHIs well over 2500.

[7] Another factor that affects the magnitude of the potential price effects is the size of the equity interest that has been acquired. If a 100% equity interest has been acquired, the acquiring firm will recapture 100% of the revenue earned by the acquired firm from customers who switch as a result of the price increase. If a 20% equity interest has been acquired, only 20% of that revenue would be recaptured. Thus, all other things equal, acquisition of a larger equity interest in the acquired firm will generate larger adverse price effects than would the acquisition of a smaller interest.

[8] Acquisitions of shares with significant voting rights may raise additional competitive concerns, beyond those described here in connection with acquisitions of equity interests. An acquisition of voting rights may allow the acquiring firm to exert control or influence over the competitive behavior of the acquired firm in ways that reduce competition. These concerns are not present in this case. Sprint will retain a majority of the voting power (53%) of the Sprint PCS shares and the voting rights conferred by TCI's Sprint PCS investment are insignificant. Furthermore, Section VI.D. of the proposed Final Judgment will prohibit the trustee from even voting those shares during the pre-divestiture period. The Department also considered whether the proposed acquisition would distort the incentives of Sprint PCS to compete in this market and concluded that this was not a significant risk. The defendants will be under a court order to divest the Sprint PCS stock. Thus, there is no prospect that AT&T will ultimately control Sprint PCS and no reason to believe that Sprint PCS's incentives to compete with AT&T during the pre-divestiture period will be diminished.

that time frame, it appears unlikely that a firm could acquire a sufficient number of PCS licenses and construct its networks so as to be able to offer geographic coverage comparable to AT&T's and Sprint PCS's nearly nationwide footprint.

For these reasons, the Department concluded that the merger as proposed may substantially lessen competition, in violation of section 7 of the Clayton Act, in the provision of mobile wireless telephone services in those markets where AT&T is one of two cellular licensees and where Sprint PCS also provides mobile wireless telephone services.[9]

III. Explanation of the Proposed Final Judgment

The proposed Final Judgment will preserve competition in the sale of mobile wireless services in the relevant geographic markets by requiring the defendants to execute a complete divestiture of the Sprint PCS stock. This divestiture will eliminate the change in market structure caused by the merger; after this divestiture, AT&T would be unable to recapture any of the revenues that might be diverted from AT&T to Sprint PCS as a result of an increase in the price of AT&T's mobile wireless telephone services.

In merger cases in which the Department seeks a divestitute remedy, the Department requires completion of the divestiture within the shortest time period reasonable under the circumstances. In this case, the proposed Final Judgment requires that Liberty's holdings of Sprint PCS be reduced to 10% or less of the outstanding Sprint PCS stock by May 2002, approximately three years from the expected date of entry of the decree, and that the holding be divested completely by May 2004, approximately five years from the expected entry of the decree.

These time periods for divestiture are significantly longer than the Department ordinarily would accept. The Department believes they are appropriate in this case, however, because of concerns that a more rapid divestiture might harm competition by adversely affecting Sprint's ability to raise capital to complete the build out of its wireless network. Sprint anticipates that it will have near-term needs for a substantial amount of capital, both debt and equity, in order to purchase and deploy additional infrastructure for its wireless network. A complete divestiture in the time period required by the Department in the typical case (e.g., six months) potentially could adversely affect the value of new stock that would be issued by Sprint, thereby increasing its cost of raising additional capital and potentially delaying or limiting the completion of Sprint's wireless network construction efforts.[10]

Sprint's wireless business has recently been restructured through transactions in which TCI's former partnership interest in the business was converted to TCI's current holding of Sprint PCS stock. In connection with that restructuring, Sprint, TCI, and others negotiated contractual limitations on the ability of TCI to sell its Sprint PCS shares during the period in which Sprint would be seeking to raise capital for its build out. The proposed Final Judgment will not interfere in any way with TCI's compliance with its contractual obligations pursuant to the Sprint PCS restructuring.

The terms of the proposed Final Judgment reflect a balancing of the potential harm to competition that might arise from a divestiture that proceeds either too slowly or too rapidly. By permitting the divestiture of the Sprint PCS shares to be accomplished by a trustee over a period of five years, the proposed Final Judgment should minimize the risk of any potential adverse effect on Sprint's build out of its wireless network. The anticompetitive effects that could arise from the ownership of a substantial interest in Sprint's PCS business by a subsidiary of AT&T are addressed by the requirement that a major portion of the Sprint PCS holding be divested within three years, and that there be a complete divestiture within five years. In addition, other supplementary provisions in the Final Judgment, described below, are designed to reduce the risk that AT&T's partial ownership of Sprint PCS would create anticompetitive incentives during the interim period before the completion of the required divestitures.

Section VI.A. of the proposed Final Judgment requires all economic benefits of the Sprint PCS Holding to inure exclusively to the benefit of the holders of Liberty Media Tracking Shares, and forbids AT&T from engaging in any transaction that would directly or indirectly transfer such benefits to AT&T or to any other class of AT&T shareholders. It also requires AT&T to adhere to the Policy Statement Regarding Liberty Tracking Stock Matters that is an exhibit to its merger agreement. Section VI.B. requires TCI to complete the amendment of the Liberty certificate of incorporation and bylaws, contemplated by its merger agreement with AT&T, and to appoint the Class B and Class C Directors of Liberty, prior to the consummation of the merger. Section VI.C. requires AT&T to form the Capital Stock Committee contemplated by its merger agreement. The Policy Statement, the amendment of Liberty's certificate of incorporation and bylaws, and the Capital Stock Committee are integral parts of the framework establishing the governance arrangements for Liberty, and controlling certain financial relationships between and among the various classes of stock issued by AT&T Corp., including the Liberty Media Tracking Stock. Section VI.F. of the proposed Final Judgment is also intended to ensure substantial separation between Liberty's Sprint PCS holding and AT&T's wireless business, by restricting Liberty's ability to acquire any interest in AT&T's wireless business.

Collectively, these provisions are meant to promote a ''hold separate'' relationship between AT&T and its Sprint PCS holdings during the pre-divestiture period, (i) reducing the risk that Liberty will be operated for the benefit of holders of other classes at AT&T stock (including those other shareholders who will collectively own and control AT&T's wireless business), rather than for the benefit of the Liberty Tracking Stock shareholders, and (ii) reducing the risk that AT&T could recapture any of the revenues that might be diverted to Sprint PCS as a result of an AT&T price increase, because the holders of the Liberty Media tracking stock, rather than the shareholders of AT&T's wireless business, would be the beneficiaries to the extent that AT&T customers switch to Sprint PCS.

As a general matter, the Department does not believe that decree restrictions dealing with corporate governance arrangements and the separation of economic interests among different

[9] AT&T also offers mobile wireless telephone services in other geographic areas, using PCS licenses. AT&T's market share in those markets, which it has only recently entered, is considerably smaller than its share in markets where AT&T has a cellular license. The Department has reached no judgment as to the competitive effects of the proposed merger in those markets. To the extent that the merger might produce anticompetitive effects in those markets, however, the divestiture requirements in the proposed Final Judgment would provide an effective remedy.

[10] Sprint has also expressed concerns that if AT&T were to control the divestiture of Sprint PCS stock, it could strategically time the sale of those shares so as to exacerbate, rather than mitigate, any possible adverse effect on the value of Sprint PCS stock that might be issued by Sprint. Unlike the usual divestitures in consent decrees entered into by the Department, the acquiring firm here (AT&T) will not be permitted a period of time to accomplish the divestiture; rather, it will go immediately to a trustee who will effect the sale of the stock.

components of a single corporate enterprise are an appropriate remedy for the anticompetitive effects that might arise from mergers and acquisitions. Such restrictions will have limited efficacy as a long-term protection against anticompetitive effects, and may require ongoing oversight of the conduct of a corporation's internal affairs that neither the Department nor a Court is well-suited to perform on an ongoing basis. The proposed settlement of this case adopts such provisions only because of the unique factors that are present here, and only as an interim measure designated to mitigate any anticompetitive incentives that could otherwise arise during the unusually lengthy period permitted for complete divestiture.

Sections IV and V of the proposed Final Judgment set forth the process and substantive requirements for the complete divestiture of the Sprint PCS Holding, a divestiture that will cure the potential anticompetitive effects of the AT&T/TCI merger. Prior to the closing of the merger, TCI is required to establish a trust, appoint a trustee, and transfer the Sprint PCS Holding to the trust. TCI must secure the Department's approval of both the terms of the trust agreement and the appointment of the trustee nominated by TCI. The trustee will have the obligation and the sole responsibility for executing the divestiture of the Sprint PCS Holding.[11] The trustee is required, by Section V.B., to exercise this responsibility in a manner reasonably calculated to maximize the value of the Sprint PCS Holding to the holders of Liberty Media Tracking Shares. The trustee is prohibited from considering possible costs or benefits of a sale to AT&T (Section V.B.), from consulting with AT&T, with any Liberty director appointed by AT&T, or with any Liberty director, officer, or shareholder who owns a substantial interest in AT&T, concerning the sale of the Sprint PCS stock (Section V.C.). The trustee will, however, consult with the Class B and Class C directors of Liberty, who will be appointed by TCI prior to the completion of the merger. The trustee is also prohibited from voting the Sprint PCS shares.

By requiring the trustee to act solely in the interests of the Liberty Media Tracking Stock shareholders, the proposed Final Judgment seeks to minimize any possibility that the divestiture would be carried out in a manner designed to provide anticompetitive benefits to AT&T's wireless business.

Collectively, these provisions of the proposed Final Judgment are meant to provide a structural remedy (i.e., complete divestiture) for the anticompetitive effects that might otherwise result from the acquisition; to minimize the risk that this strucural remedy might adversely affect competition by impairing Sprint's ability to raise capital to complete its wireless build out (by affording a reasonable period of time in which to complete the divestiture); and to minimize the possibility of interim competitive harm during the period prior to completion of the divestiture.

In order to ensure compliance with the Final Judgment, Section VII authorizes plaintiff to conduct an inspection of the defendant's records. Plaintiff may copy any records under the control of the defendant, interview officers, employees and agents of the defendant, and request that the defendant submit written reports. The inspection is subject to any legally recognized privilege. All information obtained by plaintiff under section VII will be held as confidential except in the course of legal proceedings to which the United States is a party, or for purposes of securing compliance with the Final Judgment, or as otherwise required by law.

Section IX of the proposed Final Judgment provides that the Court will retain jurisdiction over this action, and permits the parties to apply to the Court for any order necessary or appropriate for the modification of the Final Judgment. In the Department's view, a complete legal and economic separation between AT&T's wireless business and the Sprint PCS Holdings would constitute a material change in circumstances that would justify termination of the divestiture obligation. Section IX also provides for the Court's continuing jurisdiction to interpret or enforce the Final Judgment.

IV. Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorneys' fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of any private antitrust damage action. Under the provisions of section 5(a) of the Clayton Act, 15 U.S.C. 16(a), the proposed Final Judgment has no *prima facie* effect in any subsequent private lawsuit that may be brought against defendants.

V. Procedures Available for Modification of the Proposed Final Judgment

The plaintiff and defendants have stipulated that the proposed Final Judgment may be entered by the Court after compliance with the provisions of the APPA, provided that the United States has not withdrawn its consent. The APPA conditions entry upon the Court's determination that the proposed Final Judgment is in the public interest.

The APPA provides a period of at least sixty (60) days preceding the effective date of the proposed Final Judgment within which any person may submit to the United States written comments regarding the proposed Final Judgment. Any person who wishes to comment should do so within sixty (60) days of the date of publication of this Competitive Impact Statement in the **Federal Register**. The United States will evaluate and respond to the comments. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time prior to entry. The comments and the response of the United States will be filed with the Court and published in the **Federal Register**.

Written comments should be submitted to: Donald J. Russell, Chief, Telecommunications Task Force, Antitrust Division, United States Department of Justice, 1401 H Street, NW, Suite 8000, Washington, DC 20530.

VI. Alternatives to the Proposed Final Judgment

The plaintiff considered, as an alternative to the proposed Final Judgment, action to block consummation of the merger. The plaintiff is satisfied, however, that the divestiture of the Sprint PCS Tracking Stock and other relief contained in the proposed Final Judgment will preserve competition in the provision of mobile wireless telephone services, and that there is no competition-related reason to seek to block the merger.

VII. Standard of Review Under the APPA for Proposed Final Judgment

The APPA requires that proposed consent judgments in antitrust cases brought by the United States be subject to a sixty (60) day comment period, after

[11] The Sprint PCS shares may be sold either in the public markets or in a private sale negotiated with an identified buyer. With respect to a private sale, the proposed Final Judgment requires prior notice to the Department, so that the Department can ensure that such a sale would not raise competitive concerns. There is no such requirement with respect to sales in the public market, where there is no means of determining in advance who the buyer would be.

which the court shall determine whether entry of the proposed Final Judgment ''is in the public interest.'' In making that determination, the court may consider—

(1) The competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration or relief sought, anticipated effects of alternative remedies actually considered, and any other considerations bearing upon the adequacy of such judgment;

(2) The impact of entry of such judgment upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

15 U.S.C. 16(e) (emphasis added). As the United States Court of Appeals for the D.C. Circuit recently held, this statute permits a court to consider, among other things, the relationship between the remedy secured and the specific allegations set forth in the government's complaint, whether the decree is sufficiently clear, whether enforcement mechanisms are sufficient, and whether the decree may positively harm third parties. *See United States* v. *Microsoft*, 56 F.3d 1448, 1461–62 (D.C. Cir. 1995).

In conducting this inquiry, ''[t]he Court is nowhere compelled to go to trial or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent decree process.'' [12] Rather,

[a]bsent a showing of corrupt failure of the government to discharge its duty, the Court, in making its public interest finding, should * * * carefully consider the explanations of the government in the competitive impact statement and its responses to comments in order to determine whether those explanations are reasonable under the circumstances.

United States v. *Mid-America Dairymen, Inc.*, 1977–1 Trade Cas. (CCH) ¶ 61,508, at 71.980 (W.D. Mo. 1977).

Accordingly, with respect to the adequacy of the relief secured by the decree, a court may not ''engage in an unrestricted evaluation of what relief would best serve the public.'' *United States* v. *BNS, Inc.*, 858 F.2d 456, 462 (9th Cir. 1988) (citing *United States* v. *Bechtel Corp.*, 648 F.2d 660, 666 (9th Cir.), *cert. denied*, 454 U.S. 1083 (1981)); *see also Microsoft*, 56 F.3d at 1460–62. Precedent requires that

the balancing of competing social and political interests affected by a proposed antitrust consent decree must be left, in the first instance, to the discretion of the Attorney General. The court's role in protecting the public interest is one of insuring that the government has not breached its duty to the public in consenting to the decree. The court is required to determine not whether a particular decree is the one that will best serve society, but whether the settlement is ''*within the reaches of the public interest.*'' More elaborate requirements might undermine the effectiveness of antitrust enforcement by consent decree.[13]

The proposed Final Judgment, therefore, should not be reviewed under a standard of whether it is certain to eliminate every anticompetitive effect of a particular practice or whether it mandates certainty of free competition in the future. Court approval of a final judgment requires a standard more flexible and less strict than the standard required for a finding of liability. ''[A] proposed decree must be approved even if it falls short of the remedy the court would impose on its own, as long as it falls within the range of acceptability or is 'within the reaches of public interest.' '' [14]

VIII. Determinative Documents

There are no determinative materials or documents within the meaning of the APPA that were considered by the United States in formulating the proposed Final judgment.

Respectfully submitted,

Donald J. Russell,

Chief, Telecommunications Task Force, U.S. Department of Justice, Antitrust Division, 1401 H Street, NW, Suite 8000, Washington, DC 20530, (202) 514–5621.

Dated: December 30, 1998.

Certificate of Service

I hereby certify that copies of the foregoing Plaintiff's Competitive Impact Statement were served by hand and/or first-class U.S. mail, postage prepaid, this 30th day of December, 1998 upon each of the parties listed below:

Betsy Brady, Esq (by hand), Vice President-Federal Government Affairs, Suite 1000, 1120 20th Street, NW, Washington, DC 20036, (Counsel for AT&T Corp.).

Kathy Fenton (by hand), Jones, Day, Reavis and Pogue, Suite 700, 1450 G Street, NW, Washington, DC 20005, (Counsel for Tele-Communications, Inc.).

Peter A. Gray,

Counsel for Plaintiff.

[FR Doc. 99–824 Filed 1–13–99; 8:45 am]

BILLING CODE 4410–11–M

[12] 119 Cong. Rec. 24598 (1973). *See United States* v. *Gillette Co.*, 406 F. Supp. 713, 715 (D. Mass. 1975). A ''public interest'' determination can be made properly on the basis of the Competitive Impact Statement and Response to Comments filed pursuant to the APPA. Although the APPA authorizes the use of additional procedures, 15 U.S.C. 16(f), those procedures are discretionary. A court need not invoke any of them unless it believes that the comments have raised significant issues and that further proceedings would aid the court in resolving those issues. *See* H.R. Rep. 93–1463, 93d Cong. 2d Sess. 8–9 (1974), *reprinted in* U.S.C.C.A.N. 6535, 6538.

[13] *Bechtel*, 648 F.2d at 666 (emphasis added); *see BNS*, 858 F.2d at 463; *United States* v. *National Broadcasting Co.*, 449 F. Supp. 1127, 1143 (C.D. Cal. 1978); *Gillette*, 406 F. Supp. at 716. *See also Microsoft*, 56 F.3d at 1461 (whether ''the remedies (obtained in the decree are) so inconsonant with the allegations charged as to fall outside of the 'reaches of the public interest' '').

[14] *United States* v. *American Tel. and Tel. Co.*, 552 F. Supp. 131, 151 (D.D.C. 1982), *aff'd sub nom., Maryland* v. *United States*, 460 U.S. 1001 (1983) (quoting *Gillette Co.*, 406 F. Supp. at 716); *United States* v. *Alcan Aluminum, Ltd.*, 605 F. Supp. 619, 622 (W.D. Ky. 1985).

DEPARTMENT OF JUSTICE

Antitrust Division

[Civil Action No. 1:98 CV 2172]

United States v. Medical Mutual of Ohio; Public Comments and United States' Response to Comments

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), the United States publishes below the comment received on the proposed Final Judgment in *United States* v. *Medical Mutual of Ohio,* Civil Action 1:98 CV 2172, United States District Court for the Northern District of Ohio, Eastern Division, together with the response of the United States to the comment.

Copies of the response and the public comment are available on request for inspection and copying in Room 400 of the U.S. Department of Justice, Antitrust Division, 325 7th Street, NW., Washington DC 20530, and for inspection at the Office of the Clerk of the United States District Court for the Northern District of Ohio, Eastern Division, 201 Superior Ave., Cleveland, Ohio, 44114.

Rebecca P. Dick,

Director of Civil Non-Merger Enforcement, Antitrust Division.

Response of the United States to Public Comments

Pursuant to the requirements of the Antitrust Procedures and Penalties Act (the ''Tunney Act''), 15 U.S.C. 16(b)–(h), the United States hereby responds to public comments received regarding the proposed Final Judgment.

On September 23, 1998, the United States filed a Complaint alleging that Medical Mutual of Ohio (''Medical Mutual'') unlawfully reduced hospital discounting and price competition among hospitals in the Cleveland, Ohio

area in violation of section 1 of the Sherman Act, 15 U.S.C. 1, by requiring hospitals wishing to do business with it to agree to a ''Most Favorable Rates'' (''MFR'') provision. Simultaneously, the United States filed a proposed Final Judgment, a Stipulation signed by all parties agreeing to the entry of the proposed Final Judgment, and a Competitive Impact Statement (''CIS'').

The proposed Final Judgment and CIS were published in the **Federal Register** on Thursday, October 1, 1998 at 63 FR 52,764 (1998). A summary of the terms of the proposed Final Judgment and the CIS and directions for the submission of written comments were published in the *Washington Post* for seven consecutive days from September 27 through October 3, 1998 and in the *Cleveland Plain Dealer* from September 27 through October 3, 1998. The 60-day period for public comment expired on December 1, 1998.

The United States received one comment on the proposed Final Judgment, from University Hospitals of Cleveland (''UHC''). Although UHC does not oppose the entry of the proposed Final Judgment, it requests that the Final Judgment be broadened to address certain of Medical Mutual's other contracting practices which, UHC believes, are as pernicious to competition as Medical Mutual's use of MFR provisions. After careful consideration of UHC's comment, a copy of which is attached to this Response, the United States has concluded that the additional relief suggested by UHC is unrelated to the violations investigated by the Department and alleged in the Complaint. For that reason, once the comment and the Response have been published in the **Federal Register** pursuant to 15 U.S.C. 16(d), the United States will move the Court to enter the proposed Final Judgment.

I. Background

As explained more fully in the Complaint and CIS, defendant Medical Mutual is the largest commercial health care insurer in the Cleveland Region. With more than 730,000 enrollees there, Medical Mutual covers approximately 36% of the commercially insured population and accounts for approximately 25 to 30% of commercial payments to local hospitals. Nearly all of the Cleveland hospitals depend on Medical Mutual for the largest share of their commercial business.

The Complaint alleges that starting in 1986, Medical Mutual successfully imposed a MFR provision in all of its contracts with acute care hospitals in the Cleveland Region. Such provisions, sometimes referred to as ''Most Favored Nations'' or ''MFN'' provisions, typically require that a buyer health plan receive a rate at least as low as the lowest rate the medical provider charges any other plan. Medical Mutual's MFR provision, however, required hospitals to charge any smaller commercial health plan rates substantially higher—15 to 30% higher—than it charged Medical Mutual. This buffer gave Medical Mutual a significant advantage over its rivals in the purchase of hospital services and insulated Medical Mutual's plans from price competition.

The Complaint also charges that Medical Mutual's enforcement of its MFR clause prevented Medical Mutual's competitors from lowering their hospital costs through more efficient or better management of hospital services, raised the cost of hospital services and health insurance for businesses and consumers in the Cleveland area, and suppressed innovation in the local health insurance industry. The United States believes that these actions, along with the other conduct alleged in the Complaint, violated section 1 of the Sherman Act.

In September 1998, the parties stipulated that the proposed Final Judgment be entered by this Court to settle this action. The proposed Final Judgment, if entered, will enjoin and restrain Medical Mutual from adopting, maintaining, or enforcing in the Cleveland Region a Most Favorable Rates requirement or any policy, practice, rule, or contractual provision having the same purpose or effect. In addition, the proposed Final Judgment will prohibit Medical Mutual from directly or indirectly requiring hospitals participating in its panels to disclose the rates such hospitals charge any non-governmental payer except in extremely limited circumstances.

II. Response to Public Comment

UHC submitted the only comment in response to the proposed Final Judgment, urging that the proposed Final Judgment be modified to address other allegedly anticompetitive contracting schemes by Medical Mutual, not just its use of the MFR provision. Specifically, UHC alleges that Medical Mutual has entered into a fourteen-year restrictive agreement with UHC's main competitor in the Cleveland area, the Cleveland Clinic Foundation (''CCF''), which explicitly provides that the rates CCF charges Medical Mutual will dramatically increase if Medical Mutual includes UHC or UHC's affiliate hospital in its ''SuperMed'' managed care panels. UHC believes that this provision violates the antitrust laws by reducing consumers' choice of health care providers, stifling competition, and raising UHC's costs of doing business.

The United States believes that UHC's comment provides no justification for reconsidering the merits of the proposed Final Judgment. First, selective or exclusionary contracting is not necessarily anticompetitive. *See Smith* v. *Northern Michigan Hospitals, Inc.*, 703 F.2d 942 (6th Cir. 1983) (''not all exclusive dealing contracts even by a monopolist are illegal''). Indeed, selective or exclusive contracting by health plans and providers can in some circumstances be procompetitive; health plans and providers can use such provisions to direct patient volume to providers in exchange for lower prices and/or higher quality services, and any savings can be passed on to subscribers in the form of lower premiums. *See Jefferson Parish Hospital District No. 2* v. *Hyde*, 466 U.S. 2, 45 (1984); *U.S. Healthcare, Inc.* v. *Healthsource, Inc.* 986 F.2d 589, 594 (1st Cir. 1993); *Interface Group* v. *Massachusetts Port Auth.*, 816 F.2d 9, 11–12 (1st Cir. 1987).

Second, the agreement between Medical Mutual and CCF that UHC alleges is anticompetitive is far outside the scope of the Department's investigation, which was limited to Medical Mutual's use and enforcement of its MFR provision. The Department did not purport to investigate—or remedy through the proposed Final Judgment—all possible anticompetitive conduct by Medical Mutual. Nothing in the proposed Final Judgment limits the ability of the Department to look into other anticompetitive conduct by Medical Mutual in the future, or restricts the right of private parties, including UHC, to pursue the full range of remedies available under the antitrust laws.

III. The Legal Standard Governing the Court's Public Interest Determination

Section 2(e) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(e), requires that the Court's entry of the proposed Final Judgment be in the public interest. The Act permits a court to consider, among other things, the relationship between the remedy secured and the specific allegations set forth in the government's complaint, whether the decree is sufficiently clear, whether enforcement and compliance mechanisms are adequate, and whether the decree may harm third parties. *See United States* v. *Microsoft Corp.*, 56 F.3d 1448, 1461–62 (D.C. Cir. 1995). Consistent with Congress' intent to use consent decrees as an effective tool of antitrust enforcement, the Court's function is ''not to determine whether the resulting array of rights and

liabilities is the one that will best serve society, but only to confirm that the resulting settlement is within the reaches of the public interest.'' *Id.* at 1460 (internal quotations omitted); *see also United States* v. *Bechtel Corp.*, 648 F.2d 660, 666 (9th Cir.), *cert. denied*, 454 U.S. 1083 (1981). As a result, a court should withhold approval of a proposed consent decree ''only if any of the terms appear ambiguous, if the enforcement mechanism is inadequate, if third parties will be positively injured, or if the decree otherwise makes 'a mockery of judicial power.' '' *Massachusetts School of Law at Andover, Inc.* v. *United States*, 118 F.3d 776, 783 (D.C. Cir. 1997) (quoting *Microsoft*, 56 F.3d at 1462). None of these conditions are present here. The proposed Final Judgment is closely related to the allegations of the Complaint, the terms are unambiguous, the enforcement mechanism adequate, and third parties will not be harmed by entry of this Judgment. The conduct investigated—Medical Mutual's use of a MFR clause to inhibit competition—is fully remedied in the proposed Final Judgment. The fact that Medical Mutual may be acting in other ways detrimental to competition is simply not the issue here, and can be addressed by means still available to UHC.

IV. Conclusion

The United States has concluded that the proposed Final Judgment reasonably, adequately, and appropriately addresses the harm alleged in the Complaint. As required by the Tunney Act, the United States will publish the public comment and this response in the **Federal Register**. After such publication, the United States will move this Court for entry of the proposed Final Judgment based on this Court's determination that the Decree is in the public interest.

Respectfully submitted,

Paul J. O'Donnell,

Jean Lin,

Frederick S. Young,

Attorneys, Antitrust Division, Health Care Task Force, U.S. Dept. of Justice, 325 7th Street, NW., Suite 400, Washington, DC 20530, (202) 616–5933.

Emily M. Sweeney,

United States Attorney, Northern District of Ohio, 1800 Bank One Center, 600 Superior Ave., E., Cleveland, Ohio 44114–2600, (216) 622–3600.

Federal Express
December 7, 1998.

Re: *United States* v. *Medical Mutual of Ohio*

The Hon. Gail Kursh,
Chief, Healthcare Task Force, 325 Seventh Street, NW, Room 404, Antitrust Division, Department of Justice, Washington, DC 20530.

Dear Ms. Kursh: We represent University Hospitals of Cleveland (''UHC'') and hereby submit these comments regarding the proposed consent decree (the ''Consent Decree'') entered into by the United States of America and Medical Mutual of Ohio (''Medical Mutual'') on September 23, 1998. The Consent Decree abrogates Medical Mutual's requirement that any hospital in the Cleveland area wishing to do business with it agree to a ''Most Favorable Rates'' (''MFR'') provision. In announcing the Consent Decree, the Justice Department stated that: ''[a]s a result of the Department of Justice's settlement of this suit, competition in the health insurance and hospital services market will be restored in the Cleveland area for the benefit of businesses and consumers.'' UHC submits these comments because UHC believes that the Consent Decree should be broadened to address Medical Mutual's other equally egregious contracting practices that directly impact and lessen competition in the Cleveland area market place.[1] The MFR provision is but one means used to suppress competition. We urge, based on considerations of justice, fairness and expediency, that the Consent Decree be modified to deal specifically with Medical Mutual's other anticompetitive contracting schemes, not just its use of the MFR provision.

While the Consent Decree purports to rectify Medical Mutual's anticompetitive conduct, it focuses almost exclusively on Medical Mutual's use of the MFR provision, which requires Cleveland area hospitals to charge any non-governmental health plan with a total dollar volume of services lower than that of Medical Mutual, rates equal to or higher than the rates such hospitals charge Medical Mutual for services to its traditional indemnity subscribers. To avoid significant penalties for violating the MFR provision, Cleveland area hospitals charged Medical Mutual's competitors significantly more, often 15%-30% more, than they have charged Medical Mutual for identical services.

The Competitive Impact Statement in this case found that the MFR provision directly increased the costs of hospital services for other plans, businesses, and consumers and discouraged innovation in the design of health insurance plans and in the delivery of hospital services. The Consent Decree prohibits Medical Mutual from ''adopting, maintaining, or enforcing in the Cleveland Region a Most Favorable Rates Requirement or any policy, practice, rule or contractual provision having the same purpose or effect.'' However, the Consent Decree fails to address another equally anticompetitive provision found in Medical Mutual's contracts for its SuperMed products.

Medical Mutual's SuperMed products refer to a group of health insurance programs, including SuperMed Classic, a preferred provider organization; SuperMed Plus, a hospital and physician preferred provider organization; SuperMed Select, a hospital and physician point-of-service plan; and SuperMed HMO, a health maintenance organization. Under SuperMed, insureds are permitted to receive their care from a closed panel of physicians and hospitals offered by SuperMed.

Since their creation in 1991, Medical Mutual SuperMed products have never been included in a Medical Mutual contract with UHC. Their absence from Medical Mutual's contracts with UHC is explained by an anticompetitive, exclusionary provision found in Medical Mutual's SuperMed contract with the Cleveland Clinic Foundation (''CCF''), UHC's primary competitor in the Cleveland region. UHC has been advised that the Medical Mutual/CCF SuperMed contract (the ''Contract'') provides that the rates that CCF charges Medical Mutual will dramatically increase if Medical Mutual contracts for SuperMed insurance with UHC or UHC's affiliated hospital, University Hospitals Health System Bedford Medical Center (''Bedford'').[2] UHC and Bedford are the only hospitals identified in the Contract as triggering this substantial monetary penalty.[3] Medical Mutual has indicated to UHC that the extent of this rate increase would be so draconian that Medical Mutual will not consider contracting with UHC for SuperMed insurance until the Contract expires. The Contract has a fourteen-year term and was entered into only two or three years ago.

The Contract's provision targeting UHC (the ''Target provision'') has had the same effect as Medical Mutual's MFR provision. Both stymie competition in the Cleveland area, raise prices for competitors, businesses and consumers, and discourage product and pricing innovation in the delivery of hospital services. This provision automatically bars UHC's access to patients while inhibiting consumer choice. Patients enrolled in the SuperMed products cannot realistically make provider choices based on cost and quality of service because of the exorbitant financial penalties associated with using out-of-network services.

As the Complaint in this action indicates, Medical Mutual is the largest commercial health insurer in the Cleveland area. It has over 730,000 enrollees in the Cleveland area, constituting 36% of the commercially insured population, and is approximately twice the size of its closest competitor. As the Complaint also alleges, Medical Mutual accounts for approximately 25%–30% of commercial payments to Cleveland area hospitals, and nearly all of these hospitals depend on Medical Mutual for the largest share of their commercial business. Within the Medical Mutual lines of insurance, the

[1] For purposes of these comments, UHC adopts the definition of ''Cleveland area'' set forth in the Consent Decree, which refers to Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, and Wayne Counties in Ohio.

[2] Review of the Contract is necessary for the Department of Justice to investigate Medical Mutual's anticompetitive contracting practices. Accordingly, the Contract should be reviewed by the Department of Justice and lodged in the public record to facilitate public comment.

[3] Bedford is located in Cuyahoga County and its primary competitor is Marymount Hospital, which is affiliated with CCF.

SuperMed products comprise the substantial majority of its health insurance business. Moreover, Medical Mutual's enrollment has been steadily increasing in market share among commercial insurers for the last five years. Medical Mutual's increasing domination of the commercial insurance market makes its refusal to deal with UHC for SuperMed products a growing concern for Cleveland area patients and businesses and for competition as a whole.

The Target provision will have significantly negative financial effects in the Cleveland area marketplace. The two biggest, most diversified hospitals in the Cleveland area are UHC and CCF. Both hospitals offer a wide range of primary through tertiary inpatient and ambulatory services; both hospitals have over 1,000 beds and hundreds of physicians on staff; and both hospitals discharged approximately 40,000 patients last year. Meanwhile, the other secondary hospitals in the Cleveland area are not thriving or have become part of the CCF system. Mount Sinai Medical Center's financial problems have been reported in the press. Meridia Hillcrest Hospital, Fairview General Hospital and Metrohealth medical Center have all either merged with or become affiliated with CCF. It is not unrealistic to project that through acquisitions or attrition, the future of the Cleveland area market will devolve to the two largest competitors, UHC and CCF. Because of these economic realities, Cleveland area residents and businesses have a substantial interest in free and unfettered competition in order to ensure the long-term health of all competitors.

In the years that the Contract has been in place, UHC has aggressively worked to counteract the effects of the Target provision by actively marketing its services, reconfiguring its finances, and focusing on other sectors of the population. However, these measures cannot sustain UHC in the long term. UHC increasingly has been meeting its operating expenses by relying on its endowment as opposed to its operating revenues.

The purpose and effect of the Target provision is to alter UHC's patient mix in a way which seriously reduces UHC's operating revenue. Equally important, patient choice is being undermined by the anticompetitive agreement between Medical Mutual, the area's most prolific private health insurer, and CCF.

Conclusion

The proposed Consent Decree purports to restore competition in the health insurance and hospital services markets in the Cleveland area. Although it takes a much needed and significant step in that direction, its failure to address the Target provision in the Medical Mutual/CCF SuperMed contract substantially undercuts the effectiveness of the Consent Decree in achieving its stated purpose. UHC urges the Department of Justice to expand the inquiry into Medical Mutual's anticompetitive practices and to rectify Medical Mutual's blatantly restrictive and unlawful agreement with CCF. Failure to do so will deprive consumers of choice of their health care providers, reduce competition in the Cleveland area and drive up UHC's costs of doing business.

Very truly yours,

Charles E. Koob.

[FR Doc. 99–825 Filed 1–13–99; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Comment Request

ACTION: Notice of information collection under review; application for certificate of citizenship in behalf of an adopted child.

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 March 15, 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 Form/Collection:* Application for Certificate of Citizenship in Behalf of an Adopted Child.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form N–643, Adjudications 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 information collection allows United States citizen parents to apply for a certificate of citizenship on behalf of their adopted alien children.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 11,159 responses at 1 hour per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 11,159 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: January 7, 1999.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 99–801 Filed 1–13–99; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 1971–99]

Announcement of District Advisory Council on Immigration Matters Fifth Meeting

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice of meeting.

SUMMARY: The Immigration and Naturalization Service (Service) has established a District Advisory Council on Immigration Matters (DACOIM) to provide the New York District Director

of the Service with recommendations on ways to improve the response and reaction to customers in the local jurisdiction, and to develop new partnerships with local officials and community organizations to build and enhance a broader understanding of immigration policies and practices. The purpose of this notice is to announce the forthcoming meeting.

DATES AND TIMES: The Fifth meeting of the DACOIM is scheduled for January 28, 1999, at 1 p.m.

ADDRESSES: The meeting will be held at the Economic Opportunity Commission of Nassau County, Meeting Hall, 134 Jackson Street, Hempstead, New York, 11550.

FOR FURTHER INFORMATION CONTACT: Susan Young, Designated Federal Officer, Immigration and Naturalization Service, 26 Federal Plaza, Room 14–100, New York, New York, 10278, telephone: (212) 264–0736.

SUPPLEMENTARY INFORMATION: Meetings will be held tri-annually on the fourth Thursday during the months of January, May, and September 1999.

Summary of Agenda

The purpose of the meeting will be to conduct general business, review subcommittee reports, and facilitate public participation. The DACOIM will be chaired by Charles Troy, Assistant District Director for Management, New York District, Immigration and Naturalization Service.

Public Participation

The DACOIM meeting is open to the public, but advance notice of attendance is requested to ensure adequate seating. Persons planning to attend should notify the contact person at least two (2) days prior to the meeting. Members of the public may submit written statements at any time before or after the meeting for consideration by the DACOIM. Written statements should be sent to Susan Young, Designated Federal Officer, Immigration and Naturalization Service, 26 Federal Plaza, Room 14–100, New York, New York, 10278, telephone: (212) 264–0736. Only written statements received by 5 p.m. on January 22, 1999, will be considered for presentation at the meeting.

Minutes of the meeting can be obtained by contacting Susan Young, Designated Federal Officer, Immigration and Naturalization Service, 26 Federal Plaza, Room 14–100, New York, New York, 10278, telephone: (212) 264–0736.

Dated: January 8, 1999.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 99–802 Filed 1–13–99; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Parole Commission

Sunshine Act Meeting; Record of Vote of Meeting Closure (Public Law 94–409) (5 U.S.C. Sec. 552b)

I, Michael J. Gaines, Chairman of the United States Parole Commission, was present at a meeting of said Commission which started at approximately nine-thirty a.m. on Wednesday, January 6, 1999, at 5550 Friendship Boulevard, Chevy Chase, Maryland 20815. The purpose of the meeting was to decide two appeals from the National Commissioners' decisions pursuant to 28 CFR 2.27. Three Commissioners were present, constituting a quorum when the vote to close the meeting was submitted.

Public announcement further describing the subject matter of the meeting and certifications of General Counsel that this meeting may be closed by vote of the Commissioners present were submitted to the Commissioners prior to the conduct of any other business. Upon motion duly made, seconded, and carried, the following Commissioners voted that the meeting be closed: Michael J. Gaines, Edward F. Reilly, Jr., and John R. Simpson.

IN WITNESS WHEREOF, I make this official record of the vote taken to close this meeting and authorize this record to be made available to the public.

Dated: January 6, 1999.

Michael J. Gaines,

Chairman, U.S. Parole Commission.

[FR Doc. 99–963 Filed 1–12–99; 12:46 pm]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification

The following parties have filed petitions to modify the application of mandatory safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. Jackson Valley Energy Partners, L.P.

[Docket No. M–98–106–C]

Jackson Valley Energy Partners, L.P., 4655 Coal Mine Road, P.O. Box 1066, Ione, California 95640 has filed a petition to modify the application of 30 CFR 77.502 (electric equipment; examination, testing, and maintenance) to its Jackson Valley Open Pit Mine (I.D. No. 04–05157) located in Amador County, California. The petitioner requests a variance to operate typical shops where welding and normal maintenance is done without conducting mandatory monthly inspections required for electrical circuits and breakers for maintenance shops. The shops include the normal 120 volt outlets and 480 volt circuit for welders and air compressors. The petitioner states that the electrical circuits in these shops originate in the cogeneration plant which has a complete grounding system and ground fault system that protect from any and all ground fault conditions; and that the lack of monthly inspections would in no way create situations that would compromise the safety of the employees.

2. Clinchfield Coal Company

[Docket No. M–98–107–C]

Clinchfield Coal Company, P.O. Box 7, Dante, Virginia 24237 has filed a petition to modify the application of 30 CFR 75.1710–1(a) (canopies or cabs; self-propelled diesel-powered and electric face equipment; installation requirements) to its McClure No. 2 Mine (I.D. No. 44–04946) located in Dickenson County, Virginia. The petitioner proposes to operate self-propelled electric face equipment without canopies or cabs. The petitioner asserts that application of the standard would result in a diminution of safety to the miners.

3. The Ohio Valley Coal Company

[Docket No. M–98–108–C]

The Ohio Valley Coal Company, 56854 Pleasant Ridge Road, Alledonia, Ohio 43902 has filed a petition to modify the application of 30 CFR 75.364(b)(1) and (b)(4) (weekly examination) to its Powhatan No. 6 Mine (I.D. No. 33–01159) located in Belmont County, Ohio. Due to deteriorating roof and rib conditions in certain areas of the intake air course, traveling the affected area would be unsafe. The petitioner proposes to establish evaluation and monitoring stations instead of examining seals and traveling the entry in its entirety; to maintain the evaluation and monitoring stations in safe travelable condition; to have a certified person take readings for methane, oxygen, and air quantity at the evaluation and monitoring stations for each shift during pre-shift examination, and record the results of the readings on a date board at the evaluation and

monitoring stations with the date, time, and their initials. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

4. Meadow River Coal Company, Inc.

[Docket No. M–98–109–C]

Meadow River Coal Company, Inc., P.O. Box 7, Dante, Virginia 24237 has filed a petition to modify the application of 30 CFR 75.350 (air courses and belt haulage entries) to its Meadow River No. 1 Mine (I.D. No. 46–03467) located in Fayette County, Virginia. The petitioner proposes to use belt entry as an intake airway. The petitioner proposes to install a low-level carbon monoxide detection system in all belt entries used as intake air courses as an early warning carbon monoxide detection system. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

5. Eastern Associated Coal Corp.

[Docket No. M–98–110–C]

Eastern Associated Coal Corp., PO Box 1990, Henderson, Kentucky 42420 has filed a petition to modify the application of 30 CFR 75.503 (permissible electric face equipment; maintenance) to its Harris No. 1 Mine (I.D. No. 46–01271) located in Boone County, West Virginia. The petitioner proposes to use a threaded ring and spring-loaded device instead of a padlock on the battery plug connectors for mobile battery-powered machines to prevent the plug connector from accidently disengaging while under load. The petitioner asserts that application of the standard would result in diminution of safety to the miners. In addition, the petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

6. The Ohio Valley Coal Company

[Docket No. M–98–111–C]

The Ohio Valley Coal Company, 56854 Pleasant Ridge Road, Alledonia, Ohio 43902 has filed a petition to modify the application of 30 CFR 75.1002 (location of trolley wires, trolley feeder wires, high-voltage cables and transformers) to its Powhatan No. 6 Mine (I.D. No. 33–01159) located in Belmont County, Ohio. The petitioner seeks to amend the previously granted petition to include the use of a high voltage shearer. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

7. G & S Coal Company

[Docket No. M–98–112–C]

G & S Coal Company, 21 E. Wood Street, Pine Grove, Pennsylvania 17963 has filed a petition to modify the application of 30 CFR 75.1100–2 (quantity and location of firefighting equipment) to its Buck Mt. Slope (I.D. No. 36–08498) located in Schuylkill County, Pennsylvania. The petitioner proposes to use only portable fire extinguishers to replace existing requirements where rock dust, water cars, and other water storage are not practical. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

8. White County Coal Corporation

[Docket No. M–98–113–C]

White County Coal Corporation, PO Box 457, Carmi, Illinois 62821 has filed a petition to modify the application of 30 CFR 75.503 (permissible electric face equipment; maintenance) to its Pattiki Mine (I.D. No. 11–02662) located in White County, Illinois. The petitioner proposes to use a round eye bolt snap device instead of the presently approved bolt and nut system to secure screw caps in place on plugs of battery operated scoops and tractors. The petitioner asserts that the proposed alternative method would provide no less protection for securing the plugs.

9. Snyder Coal Company

[Docket No. M–98–114–C]

Snyder Coal Company, Box 93, RD #2, Hegins, Pennsylvania 17938 has filed a petition to modify the application of 30 CFR 75.1202–1(a) (temporary notations, revisions, and supplements) to its N and L Slope (I.D. No. 36–02203) located in Northumberland County, Pennsylvania. The petitioner proposes to revise and supplement mine maps annually instead of every 6 months, as required, and to update maps daily by hand notations. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

10. Primrose Coal #2

[Docket No. M–98–115–C]

Primrose Coal #2, 475 High Road, Ashland, Pennsylvania 17921 has filed a petition to modify the application of 30 CFR 75.335 (construction of seals) to its Buck Mountain Vein Slope (I.D. No. 36–08698) located in Schuylkill County, Pennsylvania. The petitioner requests a modification of the standard to permit alternative methods of construction using wooden materials of moderate size and weight due to the difficulty in accessing previously driven headings and breasts containing inaccessible abandoned workings; a design criteria in the 10 psi range; and installed in pairs permit the water trap to be installed only in the gangway seal and sampling tube in the monkey seal. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

Request for Comments

Persons interested in these petitions are encouraged to submit comments via e-mail to ''comments@msha.gov'', or on a computer disk along with an original hard copy to the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 16, 1999. Copies of these petitions are available for inspection at that address.

Dated: January 6, 1999.

Carol J. Jones,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 99–872 Filed 1–13–99; 8:45 am]

BILLING CODE 4310–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification

The following parties have filed petitions to modify the application of mandatory safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. Mallie Coal Company, Inc.

[Docket No. M–98–91–C]

Mallie Coal Company, Inc., Rt. 1 Box 173, Woodbine, Kentucky 40771 has filed a petition to modify the application of 30 CFR 75.380(f)(4) (escapeways; bituminous and lignite mines) to its Mine No. 4 (I.D. No. 15–17603) located in Knox County, Kentucky. The petitioner proposes to use one twenty or two ten pound portable chemical fire extinguishers on each Mescher Jeep. If two fire extinguishers are used, one ten pound extinguisher would be mounted in the operator's deck with the other mounted

on the jeep for accessibility by the operator and if one fire extinguisher is used, it would be mounted in the operator's deck. The petitioner states that in either case, a total of twenty pounds of fire extinguisher capability would be carried on each Mescher Jeep and readily accessible to the jeep operator. The petitioner proposes to have the equipment operator inspect each fire extinguisher daily prior to entering the mine, maintain records of the inspections, and replace defective fire extinguishers prior to entering the mine. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

2. M & M Anthracite Coal Company

[Docket No. M–98–99–C]

M & M Anthracite Coal Company, 245 Second Street, Joliett, Pennsylvania 17981–1315 has filed a petition to modify the application of 30 CFR 75.1400 (hoisting equipment; general) to its L.V. #3 Vein Slope (I.D. No. 36–08744) located in Schuylkill County, Pennsylvania. The petitioner proposes to use a slope conveyance (gunboat) in transporting persons without installing safety catches or other not less effective devices but instead use inceased rope strength/safety factor and secondary safety rope connection in place of such devices. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

3. Cyprus Plateau Mining Corporation

[Docket No. M–98–100–C]

Cyprus Plateau Mining Corporation, One Oxford Centre, 301 Grant Street, 20th Floor, Pittsburgh, Pennsylvania 15219–1410 has filed a petition to modify the application of 30 CFR 75.804(a) (underground high-voltage cables) to its Willow Creek Mine (I.D. No. 42–02113) located in Carbon County, Utah. The petitioner proposes to use specially designed high-voltage cables on longwall equipment that would comply with existing standard 30 CFR 75.804(a), or would use type CABLE/BICC Anaconda brand 5KV, 3/C type SHD+GC; AmerCable Tiger Brand, 3/C, 5KV, type SHD–CGC; Pirelli 5KV, 3/C, type SHD–CENTER–GC; or similar 5,000 volt cable with center ground check conductor, manufactured to the ICEA Standard S–75–381 for type SHD, three-conductor cables. The petitioner states that the cable would be MSHA accepted as flame-resistant; that the ground check conductor would not be smaller than a No. 16 AWG stranded conductor; that the cable construction shall be symmetrical 3/C, 3/G, and 1/GC; that all electrical personnel who perform maintenance on the longwall would receive training in the installation, splicing and repair, and permissibility requirements of these high-voltage cables; and that proposed revisions for its part 48 training plan would be submitted to the District Manager within 60 days after the proposed decision and order becomes final. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

4. Cyprus Plateau Mining Corporation

[Docket No. M–98–101–C]

Cyprus Plateau Mining Corporation, One Oxford Centre, 301 Grant Street, 20th Floor, Pittsburgh, Pennsylvania 15219–1410 has filed a petition to modify the application of 30 CFR 75.1002 (location of trolley wires, trolley feeder wires, high-voltage cables and transformers) to its Willow Creek Mine (I.D. No. 42–02113) located in Carbon County, Utah. The petitioner requests that the Proposed Decision and Order (PDO) be amended for its previous Petition for Modification, docket number M–95–167–C to use high-voltage longwall mining systems to power permissible longwall equipment. The petitioner requests that the PDO be amended to clarify the petition and to conform the requirements of the PDO to the equipment being used. The petitioner requests changes to Item No. 22 to provide information to the miners that adequate means to secure the mid-face box and on-line connector has been installed to provide secure connections to the high-voltage cables to allow the petitioner the option of using either of these items; and to change Item No. 24 to clarify that high-voltage personal equipment is needed to handle energized high-voltage cables and provide information concerning storage facility for protective equipment. The petitioner requests that Items No. 34 and 35 be combined to provide information to warn miners that the high-voltage controller contains capacitors that must be discharged and grounded and that all circuits are not deenergized, and to address caution labels for the power center, controller, and shearer in one stipulation instead of two. The petitioner requests a new Item No. 35 be added to include information that would warn the miners of 4,160 volt cables on board the shearer before opening any covers. The petitioner requests that Item No. 36(c) be changed because at this time capacitors are not installed at the power center; that Item 38 be changed because capacitors are installed on the load side in the controller; that Item 39 be revised to add a stipulation at the end of paragraph (d); and that Item 40 be changed to facilitate locating grounded phase, or open conductors within the cable. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

5. Cyprus Plateau Mining Corporation

[Docket No. M–98–102–C]

Cyprus Plateau Mining Corporation, One Oxford Centre, 301 Grant Street, 20th Floor, Pittsburgh, Pennsylvania 15219–1410 has filed a petition to modify the application of 30 CFR 75.350 (air courses and belt haulage entries) to its Willow Creek Mine (I.D. No.42–02113) located in Carbon County, Utah. The petitioner requests that its previously granted petition, docket number M–95–166–C be amended to allow the use of belt air to ventilate working sections with more than two entries. The petitioner proposes to install a carbon monoxide monitoring system in all belt entries utilized as intake air courses as an early warning fire detection system. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

6. CONSOL of Kentucky, Inc.

[Docket No. M–98–103–C]

CONSOL of Kentucky, Inc., Consol Plaza, 1800 Washington Road, Pittsburgh, Pennsylvania 15241–1421 has filed a petition to modify the application of 30 CFR 75.701 (grounding metallic frames, casings, and other enclosures of electric equipment) to its Big Springs #16 Mine (I.D. No. 15–17957), its E3RF Mine (I.D. No. 15–17894), its Motts Branch Mine (I.D. No. 15–18012), and its Big Springs No. 17 Mine (I.D. No. 15–17996) all located in Knotts County, Kentucky; and its Wiley (MC) Mine (I.D. No. 15–17220), its E3–MC Mine (I.D. No. 15–17720), and its Loves Branch Mine (I.D. No. 15–17814) located in Letcher County, Kentucky. The petitioner proposes to use a low and medium voltage, three-phase, alternating current for use underground from a portable, diesel-driven generator and to connect the neutral of the generator's transformer secondary through a suitable resistor to the frame of the diesel generator. The petitioner states that the frame of the diesel

generator would not have solid connection to a borehole casing, a metal waterline, or a grounding conductor with a low resistance to earth; that the resistor used to connect the neutral of the transformer secondary to the frame of the diesel generator would be rated for continuous duty and would limit the phase-to-frame fault current for each of the low and medium voltage circuits to a maximum of 0.5 amperes; that each outgoing power circuit of the diesel generator would be protected by a circuit breaker; that each outgoing power circuit of the diesel generator would be equipped with a relay that would monitor the phase-to-frame fault current and trip the appropriate circuit breaker when the phase-to-frame fault current exceeds 0.1 amperes; that the 995-volt circuits would be equipped with a sensitive ground fault relay that would cause the respective circuit breaker(s) to trip and shut down the diesel engine when a phase-to-frame fault of 90 milliamperes or higher occurs; that a 1/0 A.W.G. or larger external ground conductor would be solidly connected between the frames of the diesel generator and mining equipment being powered and between the trailing cable coupler and the frame of equipment where the cable coupler connects to the coupler of the equipment; that the cable power from the generator to the equipment would be type SHD–GC on machines greater that 660 volts and would have a minimum of 2,000 volt rating and an outer jacket that has been MSHA approved as flame-resistant; that strain relief would be provided on each end of the shielded cable that extends between the generator and the piece of equipment being powered; that prior to moving each piece of equipment and upon start-up of the diesel generator, a functional test of the ground fault and ground wire monitor systems would be performed and a record would be maintained on the results of the tests; that all circuit breaker settings would be adjusted to provide short-circuit protection; and that prior to using the diesel generator system, ''hands on'' training would be provided to all qualified persons on proper testing procedures and incorporated into the part 48 training plans. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

7. U.S. Steel Mining Company, LLC

[Docket No. M–98–104–C]

U.S. Steel Mining Company, LLC, P.O. Box 338 Pineville, West Virginia 24874 has filed a petition to modify the application of 30 CFR 75.1002 (location of trolley wires, trolley feeder wires, high-voltage cables and transformers) to its No. 50 Mine (I.D. No. 46–01816) located in Wyoming County, West Virginia. The petitioner proposes to use 4,160 volt cables to supply power to permissible longwall mining equipment. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

8. Windsor Coal Company

[Docket No. M–98–105–C]

Windsor Coal Company, P.O. Box 39, West Liberty, West Virginia 26074 has filed a petition to modify the application of 30 CFR 75.364(b)(1) (weekly examination) to its Windsor Mine (I.D. No. 46–01286) located in Brooke County, West Virginia. Due to deteriorating roof and rib conditions in certain areas of the intake air course, traveling the affected area would be unsafe. The petitioner proposes to establish evaluation points to monitor the air and gas measurements in the affected area; to maintain the evaluation points in safe conditions; to have a certified person test for methane and the quality and quantity of air at both evaluation points; and to have the person making the examinations and test place their initials, date, and time at the evaluation points and in a book on the surface made available for interested persons. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

Request for Comments

Persons interested in these petitions are encouraged to submit comments via e-mail to ''comments@msha.gov'', or on a computer disk along with an original hard copy to the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 16, 1999. Copies of these petitions are available for inspection at that address.

Dated: January 6, 1999.

Carol J. Jones,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 99–781 Filed 1–13–99; 8:45 am]

BILLING CODE 4510–43–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 99–014]

NASA Advisory Council (NAC), Task Force on International Space Station Operational Readiness; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces an open meeting of the NAC Task Force on International Space Station Operational Readiness (IOR). This meeting will be conducted via teleconference.

DATES: Thursday, January 28, 1999, 10:00 a.m.–11:00 a.m. Central Standard Time.

ADDRESSES: NASA Johnson Space Center, 2101 NASA Road 1, Building 1, Room 920L, Houston, TX 77058.

FOR FURTHER INFORMATION CONTACT: Ms. Holly Stevens, NASA Johnson Space Center, Houston, TX 77058, 512–863–2579 or 281–483–3655.

SUPPLEMENTARY INFORMATION: Members of the public may attend the meeting at the location listed above. The agenda for the meeting is as follows:

—Discuss the IOR Task Force Final Report on the Shuttle-Mir Program.

—Review findings and recommendations related to International Space Station issues that will be contained in the IOR Task Force Final Report on the Shuttle-Mir Program.

—Review the results of the fact-finding meetings conducted by the IOR Task Force and the Utkin Advisory Expert Council held January 18–22, 1999, in Moscow, Russia.

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Dated: January 8, 1999.

Mathew M. Crouch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 99–882 Filed 1–13–99; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 99–015]

NASA Advisory Council (NAC), Earth System Science and Applications Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Earth System Science and Applications Advisory Committee.

DATES: Wednesday, February 10, 1999, 8:30 a.m. to 5:00 p.m.; and Thursday, February 11, 1999, 8:30 a.m. to 5:00 p.m.

ADDRESSES: NASA Headquarters, Room MIC 7, 300 E Street, SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Robert A. Schiffer, Code YS, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–1876.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Overview of Federal Advisory Committee Regulations

—Update on the Current Program

—ESE Program and Prospects

—First EOS Series Status

—EOSDIS Status

—Focus on the Future

—Review of the post-2002 Mission Scenario (RFI Process)

—Discussion

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: January 8, 1999.

Matthew M. Crouch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 99–883 Filed 1–13–99; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 99–016]

NASA Advisory Council, Life and Microgravity Sciences and Applications Advisory Committee, Space Station Utilization Advisory Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act. Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Life and Microgravity Sciences and Applications Advisory Committee, Space Station Utilization Advisory Subcommittee.

DATES: Tuesday, February 9, 1999, 8:00 a.m. to 5:00 p.m.; Wednesday, February 10, 1999, 8:00 a.m. to 5:00 p.m.

ADDRESSES: Lunar and Planetary Institute, 3600 Bay Area Boulevard, Houston, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Uhran Codes UM, National Aeronautics and Space Administration, Washington, DC, 20546, 202/358–2233.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. Advance notice of attendance to Executive Secretary is requested. The agenda for the meeting will include the following topics:

—Meeting Objectives and Overview

—Response to Prior Recommendations

—Space Station Program

—Early station Utilization Plans & Training Requirements

—Microgravity Research Program

—Life Science Research Program

—Space Development Program

—Earth and Space Science Research Programs

—Partner Utilization Plan & Flight Project Roster

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: January 8, 1999.

Matthew M. Crouch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 99–884 Filed 1–13–99; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Nadene G. Kennedy, Permit Office, Office of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

SUPPLEMENTARY INFORMATION: On December 10, 1998, the National Science Foundation published a notice in the **Federal Register** of permit applications received. Permits were issued on January 7, 1999 to the following applicants:

Charles Stearns, Permit No. 99–017
Lars Wikander, Permit No. 99–019

Nadene G. Kennedy,

Permit Officer.

[FR Doc. 99–818 Filed 1–13–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Denial of Permit Application Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Denial of permit application under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued or denied under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Nadene G. Kennedy, Permit Office, Office of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

SUPPLEMENTARY INFORMATION: On December 10, 1998, the National Science Foundation published a notice in the **Federal Register** of permit applications received. One applicant, Gary Klinkhammer, requested permission to enter two Antarctic Specially Protected Areas. On January 7, 1999 this application was denied.

Nadene G. Kennedy,

Permit Officer.

[FR Doc. 99–819 Filed 1–13–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Mathematical Sciences; 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 and Committee Code: Special Emphasis in Mathematical Sciences (1204).

Date and Time: February 4–6, 1999; 8:30 a.m. until 5:00 p.m.

Place: Room 360, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Alvin Thaler, Program Director, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1880.

Purpose of Meeting: To provide advice and recommendations concerning proposal submitted to NSF for financial support.

Agenda: To review and evaluate proposals concerning the Algebra and Number Theory Program, 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: January 11, 1999.

Linda Allen-Benton,

Acting Director, Division of Human Resource Management.

[FR Doc. 99–863 Filed 1–13–99; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–336]

Northeast Nuclear Energy Company, et al., Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–65 issued to Northeast Nuclear Energy Company, et al. (the licensee, or NNECO), for operation of the Millstone Nuclear Power Station, Unit No. 2, located in Waterford, Connecticut.

The proposed amendment would change Technical Specifications (TSs) 3.5.2, ''Emergency Core Cooling Systems—ECCS Subsystems—Tavg [greater than or equal to] 300 [degrees Fahrenheit];'' 3.6.2.1, ''Containment Systems—Depressurization and Cooling Systems—Containment Spray and Cooling Systems;'' 3.7.1.2, ''Plant Systems—Auxiliary Feedwater Pumps;'' 3.7.3.1, ''Plant Systems—Reactor Building Closed Cooling Water System;'' and 3.7.4.1, ''Plant Systems—Service Water System.'' Changes to the acceptance criteria contained in these TSs are necessary based on revised hydraulic analyses and related accident analyses. Also, the bases of the associated TSs will be modified to address the proposed changes.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

In accordance with 10CFR50.92, NNECO has reviewed the proposed changes and has concluded that they do not involve a significant hazards consideration (SHC). The basis for this conclusion is that the three criteria of 10CFR50.92(c) are not compromised. The proposed changes do not involve an SHC because the changes would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes to the acceptance criteria of the Technical Specification surveillance requirements for various Engineered Safety Features (ESF) pumps are consistent with the hydraulic and accident analyses. The revised acceptance criteria will ensure that pump degradation, which could adversely impact the accident analyses, will be detected.

The proposed changes to the Technical Specification surveillance requirements and associated Bases will have no adverse effect on plant operation or accident mitigation equipment. The proposed changes can not cause an accident, and they do not affect pump operation. The pumps will continue to operate as assumed in the analyses to mitigate the design basis accidents. Therefore, there will be no significant increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes to the acceptance criteria of the Technical Specification surveillance requirements for various ESF pumps are consistent with the hydraulic and accident analyses. The revised acceptance criteria will ensure that pump degradation, which could adversely impact the accident analyses, will be detected.

The proposed changes to the Technical Specification surveillance requirements and associated Bases will not affect the way the pumps are operated during normal plant operations, or how the pumps will operate after an accident. In addition, ESF pump operation is not an accident initiator. Therefore, the proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Involve a significant reduction in a margin of safety.

The proposed changes to the acceptance criteria of the Technical Specification surveillance requirements for various ESF pumps are consistent with the hydraulic and accident analyses. The revised acceptance criteria will ensure that pump degradation, which could adversely impact the accident analyses, will be detected.

The proposed changes to the Technical Specification surveillance requirements and associated Bases will have no adverse effect on equipment important to safety. The equipment will continue to function as assumed in the design basis accident analysis. Therefore, there will be no significant reduction in the margin of safety as defined in the Bases for the Technical Specifications affected by these proposed changes.

The NRC has provided guidance concerning the application of standards in 10CFR50.92 by providing certain examples (March 6, 1986, 51 FR 7751) of amendments that are considered not likely to involve an SHC. The minor change from ''psi'' [pounds per square inch] to ''psid'' [pounds per square inch differential] is enveloped by example (i), a purely administrative change to Technical Specifications. The other changes proposed herein are not enveloped by a specific example.

As described above, this License Amendment Request does not impact the probability of an accident previously evaluated, does not involve a significant increase in the consequences of an accident previously evaluated, does not create the possibility of a new or different kind of accident from any accident previously evaluated, and does not result in a significant reduction in a margin of safety. Therefore, NNECO has concluded that the proposed changes do not involve an SHC.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are

satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By February 16, 1999, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, Connecticut, or the Waterford Public Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, Connecticut. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Lillian M. Cuoco, Esq., Senior Nuclear Counsel, Northeast Utilities Service Company, P.O. Box 270, Hartford, Connecticut, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the

Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated January 4, 1999, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, Connecticut, and the Waterford Public Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, Connecticut.

Dated at Rockville, Maryland, this 8th day of January 1999.

For the Nuclear Regulatory Commission.

Stephen Dembek,

Project Manager, Project Directorate I–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 99–829 Filed 1–13–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–245]

Northeast Nuclear Energy Company, Millstone Nuclear Power Station, Unit 1; Notice of Public Meeting

The NRC will conduct a public meeting at the Waterford Town Hall, 15 Rope Ferry Road, Waterford, Connecticut, on February 9, 1999, to discuss the NRC program for decommissioning Millstone Nuclear Power Station, Unit 1 (MP1) with interested members of the public. The plant is located at a three-unit site operated by Northeast Nuclear Energy Company (NNECO) near the town of Waterford, Connecticut. (The decommissioning activities are for Unit 1 only. Unit 2 is being prepared to resume power operations, and power operations have resumed for Unit 3.) The meeting is scheduled for 7:00–10:00 p.m., and will be chaired by Mr. Tony Sheridan, First Selectman, Town of Waterford. Although this meeting is not a part of the formal decommissioning process defined by NRC regulations, the NRC staff considers it a beneficial practice to meet with the public in the vicinity of the plant early in the decommissioning process. This meeting is intended to provide a forum for the public to have a dialog with the NRC staff on topics deemed by the public to be important for the NRC to consider during its regulatory activities associated with the MP 1 decommissioning. There will be an opportunity for members of the public to ask questions of NRC staff and NNECO representatives and make comments related to decommissioning MP 1. The meeting will be transcribed.

For more information contact Louis L. Wheeler, Non-Power Reactors and Decommissioning Project Directorate, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone 301–415–1444.

Dated at Rockville, Maryland, this 7th day of January 1999.

For the Nuclear Regulatory Commission.

Seymour H. Weiss,

Director, Non-Power Reactors and Decommissioning Project Directorate, Division of Reactor Program Management, Office of Nuclear Regulatory Regulation.

[FR Doc. 99–828 Filed 1–13–99; 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 February 3–6, 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, February 3, 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.: Status of the Proposed Final Revision to 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 status of the proposed final revision to 10 CFR 50.59 and related matters.

10:30 A.M.–12:00 Noon: Proposed Improvements to the NRC Inspection and Assessment Programs (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding proposed improvements to the NRC Inspection and Assessment Programs, including initiatives related to the development of performance indicators and a risk-based inspection program.

1:00 P.M.–1:40 P.M.: Preparation for Meeting with the NRC Commissioners (Open)—The Committee will discuss the following items for meeting with the Commissioners:

- Proposed Revisions to 10 CFR 50.59 (Changes, tests and experiments).
- Options to Make 10 CFR Part 50 Risk Informed.
- Status of ACRS Activities Associated with License Renewal.
- Proposed Rulemaking on the Use of the Revised Source Term.
- Use of PRA Results and Insights in the Regulatory Process.*
- Elevation of Core Damage Frequency to a Fundamental Safety Goal and Possible Revision of the Commission's Safety Goal Policy Statement.*
- NRC Safety Research Program.*

[*Time permitting, these items will be discussed]

2:00 P.M.–3:30 P.M.: Meeting with the NRC Commissioners, Commissioners' Conference Room, One White Flint North (Open)—The Committee will meet with the NRC Commissioners to discuss the items listed above.

4:00 P.M.–7:00 P.M.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports, including those on the NRC Safety Research Program, lessons learned from the review of the AP600 design, and the role of frequency-consequence curves in risk-informed decisionmaking.

Thursday, February 4, 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.: Proposed Final Revision to 10 CFR 50.65 (a)(3) of the Maintenance Rule (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and the Nuclear Energy Institute regarding the proposed final revision to the Maintenance Rule, which would require that the licensees perform safety assessments prior to performing maintenance activities.

10:15 A.M.–11:45 A.M.: SECY–98–244, NRC Human Performance Plan (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the NRC Human Performance Plan.

12:45 P.M.–2:15 P.M.: Proposed Resolution of Generic Safety Issue (GSI) B–61, Allowable ECCS Equipment Outage Periods (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the proposed resolution of GSI B–61 concerning the allowable outage periods for emergency core cooling system (ECCS) equipment.

2:30 P.M.–4:00 P.M.: Fire Protection Issues (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the fire protection issues, including the results of Pilot Fire Protection Functional Inspections.

4:15 P.M.–7:00 P.M.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports,.

Friday, February 5, 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.–9:00 A.M.: Subcommittee Report (Open)—The Committee will hear a report by the Chairman of the Thermal-Hydraulic Phenomena Subcommittee regarding matters discussed during the December 16–17, 1998 meeting.

9:00 A.M.–10:15 A.M.: Follow-up Items Resulting from the ACRS Retreat (Open)—The Committee will discuss the follow-up items resulting from the January 27–29, 1999 ACRS retreat.

10:30 A.M.–11:15 A.M.: Report of the Planning and Procedures Subcommittee (Open/Closed)—The Committee will hear a report of the Planning and Procedures Subcommittee on matters related to the conduct of ACRS business, and organizational and personnel matters relating to the ACRS.

[**Note:** A portion of this session may be closed to discuss organizational and personnel matters that relate solely to the internal personnel rules and practices of this Advisory Committee, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

11:15 A.M.–12:00 Noon: Future ACRS Activities (Open)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the full Committee during future meetings.

1:00 P.M.–1:30 P.M.: 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, including the EDO responses to the ACRS letters on the Proposed Revision to the Enforcement Policy, and on the Reprioritization and Proposed Resolution of Generic Safety Issue–171, ''Engineered Safety Features Failure from Loss-of-Offsite Power Subsequent to a Loss-of-Coolant Accident.''

1:30 P.M.–7:00 P.M.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports.

Saturday, February 6, 1999

8:30 A.M.–12:00 Noon: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports.

12:00 Noon–12:30 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) Pub. L. 92–463, I have determined that it is necessary to close portions of this meeting noted above to discuss matters that relate solely to the internal personnel rules and practices of this Advisory Committee per 5 U.S.C. 552b(c)(2), 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*.

Video teleconferencing 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 video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

Dated: January 7, 1999.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 99–830 Filed 1–13–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee Meeting on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on February 2, 1999, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Tuesday, February 2, 1999—2:00 p.m. until the conclusion of business

The Subcommittee will discuss proposed ACRS activities and related matters. It may also discuss the status of appointment of a new member to the ACRS. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff person named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted

therefor can be obtained by contacting the cognizant ACRS staff person, Dr. John T. Larkins (telephone: 301/415–7360) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: January 7, 1999.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 99–831 Filed 1–13–99; 8:45 am]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

Proposed Data Collection Available for Public Comment and Recommendations

SUMMARY: In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and purpose of information collection: Statement Regarding Contributions and Support: Under Section 2 of the Railroad Retirement Act, dependency on an employee for one-half support at the time of an employee's death can be a condition affecting entitlement to a survivor annuity and can affect the amount of both spouse and survivor annuities. One-half support is also a condition which may negate the public service pension offset in Tier I for a spouse or widow(er). The Railroad Retirement Board (RRB) utilizes Form G–134, Statement Regarding Contributions and Support, to secure information needed to adequately determine if the applicant meets the one-half support requirement. One form is completed by each respondent. Minor non-burden impacting editorial and formatting changes are being proposed to Form G–134.

Estimate of Annual Respondent Burden

The estimated annual respondent burden is as follows:

Form #	Annual responses	Time (Min)	Burden (Hrs)
G–134			
With Assistance	75	15	19
Without Assistance	25	25	10
Total	100		29

Additional information or comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751–3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois 60611–2092. Written comments should be received within 60 days of this notice.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 99–870 Filed 1–13–99; 8:45 am]

BILLING CODE 7905–01–M

RAILROAD RETIREMENT BOARD

Proposed Data Collection Available for Public Comment and Recommendations

SUMMARY: In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board will publish periodic summaries of proposed data collections.

Comments are invited: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and purpose of information collection: Certification of Relinquishment of Rights: OMB 3220–0016. Under Section 2(e)(2) of the Railroad Retirement Act (RRA), an age and service annuity, spouse annuity, or divorced spouse annuity cannot be paid unless the Railroad Retirement Board (RRB) has evidence that the applicant has ceased railroad employment and relinquished rights to return to the service of a railroad employer. Under Section 2(f)(6) of the RRA, earnings deductions are required each month an annuitant works in certain non-railroad employment termed Last Pre-Retirement Non-Railroad Employment.

Normally, the employee or spouse relinquishes rights and certifies that employment has ended as part of the annuity process. however, this is *not always* the case. In limited circumstances, the RRB utilizes Form G–88, Certification of Termination of Service and Relinquishment of Rights, to obtain an applicant's report of termination of employment and relinquishment of rights. One response is required of each respondent. Responses are required to obtain or retain benefits. No changes are proposed to Form G–88.

Estimate of Annual Respondent Burden

The estimated annual respondent burden is as follows:

Form #(s)	Annual Responses	Time (Min)	Burden (Hrs)
G–88	3,600	6	360

Additional information or comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751–3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092. Written comments should be received within 60 days of this notice.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 99–871 Filed 1–13–99; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Extension: Rule 7d–1; SEC File No. 270–176; OMB Control No. 3235–0311]

Existing Collection; Comment Request

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget (''OMB'') for extension and approval.

Section 7(d) of the Investment Company Act of 1940 [15 U.S.C. 80a–7(d)] (the ''Act'' or ''Investment Company Act'') requires an investment company (''fund'') organized outside the United States (''foreign fund'') to obtain an order from the Commission allowing the fund to register under the Act before making a public offering of its securities through the United States mail or any means of interstate commerce. The Commission may issue an order only if it finds both that is legally and practically feasible effectively to enforce the provisions of the Act against the foreign fund, and that the registration of the fund is consistent with the public interest and protection of investors.

Rule 7d–1 [17 CFR 270.7d–1] under the Act, which was adopted in 1954, specifies the conditions under which a Canadian management investment company (''Canadian fund'') may request an order from the Commission permitting it to register under the Act. Although rule 7d–1 by its terms applies only to Canadian funds, funds in other jurisdictions generally have agreed to comply with the requirements of rule 7d–1 as a prerequisite to receiving an order permitting the fund's registration under the Act.

The rule requires Canadian funds that wish to register to file an application with the Commission that contains various undertakings and agreements by the fund. Certain of these undertakings and agreements, in turn, impose the following additional information collection requirements:

(1) The fund must file agreements between the fund and its directors, officers, and service providers requiring them to comply with the fund's charter and bylaws, the Act, and certain other obligations relating to the undertakings and agreements in the application;

(2) The fund and each of its directors, officers, and investment advisers that is not a U.S. resident, must file an irrevocable designation of the fund's custodian in the United States as agent for service of process;

(3) The funds's charter and bylaws must provide that (a) the fund will comply with certain provisions of the Act applicable to all funds, (b) the fund will maintain originals or copies of its books and records in the United States, and (c) the fund's contracts with the custodian, investment adviser and principal underwriter, will contain certain terms, including a requirement that the adviser maintain originals or copies of pertinent records in the United States;

(4) The fund's contracts with service providers will require that the provider perform the contract in accordance with the Act, the Securities Act of 1933 [15 U.S.C. 77a–77z–3], and the Securities Exchange Act of 1934 [15 U.S.C. 78a–78mm], as applicable; and

(5) The fund must file, and periodically revise, a list of persons affiliated with the fund or its adviser or underwriter.

Under section 7(d) of the Act the Commission may issue an order permitting a foreign fund's registration only if the Commission finds that ''by reason of special circumstances or arrangements, it is both legally and practically feasible effectively to enforce the provisions of the [Act].'' The information collection requirements are necessary to assure that the substantive provisions of the Act may be enforced as a matter of contract right in the United States or Canada by the fund's shareholders or by the Commission.

Certain information collection requirements in rule 7d–1 are associated with complying with the Act's provisions. These requirements are reflected in the information collection requirements applicable to those provisions for all registered funds.

The Commission believes that three Canadian funds and one other foreign fund are registered under rule 7d–1. Only one of the registered funds, a Canadian entity, currently is active. Apart from requirements under the Act applicable to all registered funds, rule 7d–1 imposes ongoing burdens to maintain records in the United States, and to update, as necessary, the fund's list of affiliated persons. The Commission staff estimates that the rule requires a total of three responses each year. The staff estimates that a fund makes two responses each year under the rule, one response to maintain records in the United States and one response to update its list of affiliated persons. The Commission staff further estimates that a fund's investment adviser makes one response each year under the rule to maintain records in the United States. Commission staff estimate that each recordkeeping response requires 12.5 hours of support staff time at a cost of $15 per hour, and the response to update the list requires 0.25 hours of support staff time, for a total annual burden of 25.25 hours at a cost of $379. The estimated burden hours are a decrease from the current allocation of 101 burden hours. The decrease of 75.75 hours reflects the current inactive status of two Canadian registrants and one other foreign registrant, as well as the staff's administrative experience with the rule.

If a fund were to file an application under the rule, the Commission estimates that the rule would impose initial information collection burdens (for filing an application, preparing the specified charter, bylaw, and contract provisions, designations of agents for service of process, and an initial list of affiliated persons, and establishing a means of keeping records in the United States) of approximately 90 hours for the fund and its associated persons. The Commission is not including these hours in its calculation of the annual burden because no fund has applied under rule 7d–1 to register under the Act in the last three years.

After registration, a foreign fund may file a supplemental application seeking special relief designed for the fund's particular circumstances. Because rule 7d–1 does not mandate these applications and the fund determines whether to submit an application, the Commission has not allocated any burden hours for the applications.

The estimates of burden hours are made solely for the purposes of the Paperwork Reduction Act. The estimates are not derived from a comprehensive or even a representative

survey or study of Commission rules and forms.

The Commission believes that the one active Canadian registrant and its associated persons may spend (excluding the cost of burden hours) approximately $500 each year in maintaining records in the United States. These estimated costs include fees for a custodian or other agent to retain records, storage costs, and the costs of transmitting records by computer mail or otherwise.

If a Canadian or other foreign fund in the future applied to register under the Act under rule 7d–1, the fund initially might have capital and start-up costs (not including hourly burdens) of an estimated $16,000 to comply with the rule's initial information collection requirements. These costs include legal and processing-related fees for preparing the required documentation (such as the application, charter, bylaw, and contract provisions), designations for service of process, and the list of affiliated persons. Other related costs would include fees for establishing arrangements with a custodian or other agent for maintaining records in the United States, copying and transportation costs for records typically maintained in paper form (such as minutes of directors' meetings), and the costs of purchasing or leasing computer equipment, software, or other record storage equipment for records maintained in electronic or photographic form.

The Commission expects that the fund and its sponsors would incur these costs immediately, and that the annualized cost of the expenditures would be $16,000 in the first year. Some expenditures might involve capital improvements, such as computer equipment, having expected useful lives for which annualized figures beyond the first year would be meaningful. These annualized figures are not provided, however, because, in most cases, the expenses would be incurred immediately rather than on an annual basis. The Commission is not including these costs in its calculation of the annualized capital/start-up costs because no fund has applied under rule 7d–1 to register under the Act pursuant to rule 7d–1 in the last three years.

Written comments are requested on: (a) Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burdens of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, 450 5th Street, NW, Washington, DC 20549.

Direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, Mail Stop 0–4, 450 5th Street, NW, Washington, DC 20549.

Dated: January 7, 1999.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–804 Filed 1–13–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–23635; 812–10426]

Frank Russell Investment Company, et al.; Notice of Application

January 7, 1999.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for an order pursuant to section 17(d) and rule 17d–1 under the Investment Company Act of 1940 (the ''Act'').

SUMMARY OF APPLICATION: Applicants request an order that would permit certain funds relying on section 12(d)(1)(G) of the Act to enter into a special servicing agreement.

APPLICANTS: Frank Russell Investment Company (''FRIC''), on behalf of its series, Diversified Equity Fund, Special Growth Fund, Equity Income Fund, Quantitative Equity Fund, International Securities Fund, Real Estate Securities Fund, Diversified Bond Fund, Volatility Constrained Bond Fund, Multistrategy Bond Fund, Limited Volatility Tax Free Fund, U.S. Government Money Market Fund, Tax Free Money Market Fund, Equity I Fund, Equity II Fund, Equity III Fund, Equity Q Fund, Equity T Fund, International Fund, Emerging Markets Fund, Fixed Income I Fund, Fixed Income II Fund, Fixed Income III Fund, Equity Balanced Strategy Fund, Aggressive Strategy Fund, Balanced Strategy Fund, Moderate Strategy Fund, Conservative Strategy Fund, and Money Market Fund; Frank Russell Investment Management Company (''FRIMCo''); Russell Fund Distributors, Inc. (''RFD''); and each existing or future open-end management investment company or series thereof that is part of the same group of investment companies as FRIC under section 12(d)(1)(G)(ii) of the Act and which is, or will be, advised by FRIMCo or any entity controlling, controlled by, or under common control with FRIMCo, or for which RFD or any entity controlling, controlled by, or under common control with RFD, serves as principal underwriter (these investment companies or series thereof, together with FRIC and its series, are referred to in this notice as the ''Frank Russell Funds'').

FILING DATES: The application was filed on November 8, 1996, and amended on October 10, 1997, June 12, 1998, and December 3, 1998.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on February 1, 1999, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW, Washington, DC 20549. Applicants, 909 A Street, Tacoma, WA 98402. Attention: Gregory Lyons, Esq.

FOR FURTHER INFORMATION CONTACT: Christine Y. Greenlees, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth Street, NW, Washington, DC 20549 (tel. (202) 942–8090).

Applicants' Representations

1. FRIMCo is an investment adviser registered under the Investment Advisers Act of 1940. FRIMCo serves as adviser to, and transfer agent for, FRIC. RFD is registered as a broker-dealer under the Securities Exchange Act of 1934. RFD serves as the principal underwriter of the Frank Russell Funds.

2. FRIC is organized as a Massachusetts business trust and registered under the Act as an open-end management investment company. FRIC currently offers 28 series, five of which are ''TopFunds'' [1] and 23 of which are ''Underlying Funds.'' [2] The TopFunds will invest in the Underlying Funds in accordance with section 12(d)(1)(G) of the Act.[3] Each TopFund and certain of the Underlying Funds will be multiple class funds in reliance on rule 18f–3 under the Act.

3. FRIMCo and FRIC propose to enter into a Special Servicing Agreement that would allow an Underlying Fund to bear the expenses of a TopFund (other than advisory fees, rule 12b–1 fees and shareholder servicing fees) in proportion to the average daily value of the Underlying Fund's shares owned by the TopFund. Certain expenses paid by an Underlying Fund to a TopFund under the Special Servicing Agreement may be a fund level expense of the Underlying Fund, while other expenses paid under the Agreement may be a class expense of the Underlying Fund. Any determination to treat such expenses as a class expense or fund level expense of an Underlying Fund would be effected only after approval by the board of directors of the Underlying Fund pursuant to rule 18f–3, and only in compliance with the condition to the application.

4. Applicants submit that the Underlying Fund may experience savings because it would be servicing only one account (*i.e.*, the TopFund), instead of multiple accounts of the shareholders of the TopFund. No Underlying Fund will bear any expenses of a TopFund that exceed Net Benefits, as defined in the condition below, to the Underlying Fund from the arrangement.

[1] The term ''TopFunds'' refers to the following five series of FRIC: Equity Balanced Strategy Fund, Conservative Strategy Fund, Moderate Strategy Fund, Balanced Strategy Fund, and Aggressive Strategy Fund. The term also refers to other investment companies or series thereof currently existing or organized in the future which receive investment advice from FRIMCO, and are intended to invest substantially all of their assets in the Underlying Funds (defined below).

[2] The term ''Underlying Funds'' refers to the following series of FRIC: Equity I Fund, Equity II Fund, Equity III Fund, International Fund, Fixed Income I Fund, Fixed Income II Fund, Fixed Income III Fund, Equity Q Fund, Equity T Fund, Emerging Markets Fund, Money Market Fund, Diversified Equity Fund, Special Growth Fund, Equity Income Fund, Quantitative Equity Fund, International Securities Fund, Real Estate Securities Fund, Diversified Bond Fund, Volatility Constrained Bond Fund, Multistrategy Bond Fund, Limited Volatility Tax Free Fund, U.S. Government Money Market Fund, and Tax Free Money Market Fund. The term also refers to each existing and future open-end management investment company or any series of that company that is part of the same group of investment companies as FRIC under section 12(d)(1)(G)(ii) of the Act, and (1) is, or will be, advised by FRIMCo or any entity controlling, controlled by, or under common control with FRIMCo, or (2) for which RFD or any entity controlling, controlled by, or under common control with RFD, serves as principal underwriter.

[3] The TopFunds may not be Underlying Funds.

Applicants' Legal Analysis

1. Section 17(d) of the Act and rule 17d–1(a) under the Act provide that an affiliated person of, or a principal underwriter for, a registered investment company, or an affiliate of such person or principal underwriter, acting as principal, shall not participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement in which the registered investment company is a participant unless the SEC has issued an order approving the arrangement.

2. Rule 17d–1(b) provides that, in passing upon exemptive requests under the rule, the SEC will consider whether participation of the investment company in the joint enterprise, joint arrangement, or profit-sharing plan on the basis proposed is consistent with the provisions, policies, and purposes of the Act and the extent to which the participation is on a basis different from or less advantageous than that of other participants.

3. Applicants request relief under section 17(d) and rule 17d-1 to permit them to enter into the Special Servicing Agreement in which the Underlying Funds may pay certain expenses of the TopFunds. Applicants contend that each Underlying Fund will pay a TopFund's expenses only in direct proportion to the average daily value of the Underlying Fund's shares owned by the TopFund to ensure that expenses of the TopFund are borne proportionately and farily. Applicants also state that prior to an Underlying Fund's entering into the Special Servicing Agreement, and at least annually thereafter, the board of trustees of FRIC, including a majority of the trustees who are not interested persons of FRIC (the ''Board''), will determine that the Special Servicing Agreement will result in Net Benefits, as defined in the condition below, to the Underlying Fund. In making the annual determination, one of the factors the Board will consider is the amount of Net Benefits actually experienced by each class of shareholders of the Underlying Fund and the Underlying Fund as a whole during the preceding year. For these reasons, applicants state that the requested relief meets the standards of section 17(d) and rule 17d-1.

Applicants' Condition

Applicants agree that the order will be subject to the following condition:

Prior to FRIC entering into the Special Servicing Agreement with respect to an Underlying Fund, and at least annually thereafter, the Board must determine, through the process described in Section II of the application, that the Special Servicing Agreement will result in quantifiable benefits to each class of shareholders of the Underlying Fund and to the Underlying Fund as a whole that will exceed the costs of the Special Servicing Agreement borne by each class of shareholders of the Underlying Fund and by the Underlying Fund as a whole (''Net Benefits''), and that the premises supporting the data provided to the Board in this regard are reasonable and appropriate. In making the annual determination, one of the factors the Board must consider is the amount of Net Benefits actually experienced by each class of shareholders of the Underlying Fund and the Underlying Fund as a whole during the preceding year. The Underlying Fund will preserve for a period of not less than six years from the date of a Board determination, the first two years in an easily accessible place, a record of the determination and the basis and information upon which the determination was made. This record will be subject to examination by the SEC and its staff.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–805 Filed 1–13–99; 8:45 am]

BILLING CODE 8010–01–M

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1995, as Amended by Pub. L. 104–13; Proposed Collection, Comment Request

AGENCY: Tennessee Valley Authority.

ACTION: Proposed collection; comment request.

SUMMARY: The proposed information collection described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended). The Tennessee Valley Authority is soliciting public comments on this proposed collection as provided by 5 CFR 1320.8(d)(1). Requests for information, including copies of the information collection proposed and supporting documentation, should be

directed to the Agency Clearance Officer: Wilma H. McCauley, Tennessee Valley Authority, 1101 Market Street(WR 4Q), Chattanooga, Tennessee 37402–2801; (423) 751–2523. Comments should be sent to the Agency Clearance Officer no later than March 15, 1999.

SUPPLEMENTARY INFORMATION:

Type of Request: Regular submission.

Title of Information Collection: Comprehensive Services Program.

Frequency of Use: Daily.

Type of Affected Public: Independent Power Distributors.

Small Businesses or Organizations Affected: No.

Federal Budget Functional Category Code: 271.

Estimated Number of Annual Responses: 1,000.

Estimated Total Annual Burden Hours: 83.

Estimated Average Burden Hours Per Response: .083.

Need For and Use of Information: The evaluation request will help determine overall satisfaction with the TVA Comprehensive Services Program. The information will be used as an indicator for the quarterly Business Plan report.

William S. Moore,

Senior Manager, Administrative Services.

[FR Doc. 99–875 Filed 1–13–99; 8:45 am]

BILLING CODE 8120–08–P

TENNESSEE VALLEY AUTHORITY

Tellico Reservoir Land Management Plan, Blount, Loudon, and Monroe Counties

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Notice of intent.

SUMMARY: This notice is provided in accordance with the Council on Environmental Quality's regulations (40 CFR 1500 to 1508) and TVA's procedures implementing the National Environmental Policy Act. TVA will prepare an Environmental Impact Statement (EIS) on alternatives for management of certain TVA-owned lands surrounding Tellico Reservoir in Loudon, Monroe, and Blount Counties, Tennessee. The plan will help guide TVA resource management and property administration decisions on 12,649 acres of public land under TVA control.

DATES: Comments on the scope of the EIS must be received on or before February 1, 1999.

ADDRESSES: Written comments should be sent to Jon M. Loney, Manager, Environmental Management, Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902–1499.

FOR FURTHER INFORMATION CONTACT: Harold M. Draper, NEPA Specialist, Environmental Management, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 8C, Knoxville, Tennessee 37902–1499; telephone (423) 632–6889 or e-mail hmdraper@tva.gov.

SUPPLEMENTAL INFORMATION:

Background

The gates to Tellico Dam were closed in 1979, creating the Tellico Reservoir. The waters of Tellico Reservoir and Fort Loudoun reservoir are joined by a 500-foot wide canal. Approximately 38,480 acres of land was acquired for the Tellico Project. Of that, 16,500 acres are covered by water during normal summer pool. Subsequent transfers of land by TVA for economic, industrial, residential or public recreation development have resulted in a current balance of 12,649 acres of TVA land on Tellico Reservoir.

In April of 1982, the Tellico Reservoir Development Agency (TRDA) was created by the Tennessee Legislature to cooperate with TVA in the development of approximately 10,582 acres of land along the reservoir. TRDA was created with the mandate to plan programs and implement activities for the comprehensive development of designated lands within the Tellico Reservoir project area. TVA anticipates that TRDA will cooperate in the preparation of this EIS.

This EIS will tier from TVA's Final EIS, Shoreline Management Initiative: An Assessment of Residential Shoreline Development Impacts in the Tennessee Valley (November 1998). That EIS evaluated alternative policies for managing residential uses along TVA's reservoir system, including Tellico Reservoir.

One of the major objectives of the Tellico Project and the integrated land plan developed for it was to develop and use the acquired project lands in a way that would make the maximum possible contribution to the economy of the region. Based on current growth trends and the inevitable pressures for change TVA has decided to reevaluate the allocation of its remaining public land on Tellico Reservoir to determine if changes are needed to further support the objectives of the project.

TVA develops reservoir land management plans to help in the management of reservoir properties in its custody. These plans seek to integrate land and water benefits, provide for public benefits, and balance competing and sometimes conflicting resource uses. Plans are approved by the TVA Board of Directors.

Proposed Action and Alternatives

TVA proposes to develop a reservoir land management plan to guide land-use approvals, private water use facility permitting, and resource management decisions on Tellico Reservoir. The plan would identify land use zones in broad categories. It is anticipated that lands currently committed to a specific use would be allocated to that current use unless there is an overriding need to change the use. Such commitments include transfers, leases, licenses, contracts, power lines, outstanding land rights, or TVA developed recreation areas. At this time, TVA anticipates that at least three alternative plans would be analyzed in the EIS. One alternative plan would rely on the existing land use plan established by contract with the Tellico Reservoir Development Agency. This plan allocates land into three categories: TVA retained land, sub-allocated to cultural/public use/open space areas, industrial development areas, and natural/wildlife areas; transferred land, sub-allocated to private residential areas, industrial development areas, and commercial recreation areas; and easement land-land under easement for recreation areas or to the Eastern Band of the Cherokee Indians. This would be the ''No Action'' Alternative.

A second alternative plan would allocate land into categories that emphasize sensitive resource management (preservation and enhancement of wetlands, biodiversity, and archaeological and historic resources) and natural resource conservation. A third alternative plan would include sensitive resource management and natural resource conservation but would also analyze the potential for expanded commercial recreation and residential development along a portion of the northeast reservoir shoreline. This involves a proposal made by Tellico Landing, Inc., to develop TVA tracts in this area along with other non-TVA properties for these uses. Other alternative uses for TVA tracts of land along the reservoir that may be considered include industrial/commercial development, developed recreation, and residential development.

Scoping

TVA anticipates that the EIS will discuss the effects of the alternative plans on the following resources and issue areas: visual resources, cultural resources, threatened and endangered species, terrestrial ecology, wetlands, recreation, water quality, aquatic

ecology, socioeconomics, floodplains, prime farmland, noise, and air quality. TVA is interested in receiving comments on these and any additional issues to be addressed in the EIS. The EIS will address environmental issues and impacts raised in public scoping. A scoping meeting is expected to be held in the near future. Persons interested in attending or receiving more information should call 800–TVA–LAND prior to the meeting to confirm the time and location.

Kathryn J. Jackson,

Executive Vice President, Resource Group.

[FR Doc. 99–874 Filed 1–13–99; 8:45 am]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–99–29]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before February 4, 1999.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

Comments may also be sent electronically to the following internet address: 9–NPRM–CMTS@faa.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW, Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Brenda Eichelberger (202) 267–7470 or Terry Stubblefield (202) 267–7624, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on January 8, 1999.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 29311
Petitioner: Kitty Hawk Aircargo, Inc.
Sections of the FAR Affected: 14 CFR 121.438(a)(1)
Description of Relief Sought/ Disposition: To permit Kitty Hawk to allow each of its second-in-command (SIC) pilots that have fewer than 100 hours of flight time as SIC in part 121 operations in the type of airplane being flown to perform takeoffs and landings at airports designated as special airports.

Docket No.: 29427
Petitioner: Boeing Commercial Airplane Group
Sections of the FAR Affected: 14 CFR 25.1435(b)(1)
Description of Relief Sought/ Disposition: To permit Boeing partial exemption from the requirements in lieu of a static test of 4500 psig. Boeing proposes to demonstrate compliance with a range of motion test for only the hydraulic tubing added for the 737–700C Main Deck Cargo Door (MDCD) system at just below the system relief pressure of 3400 psig.

Docket No.: 29386
Petitioner: Mr. Archie D. Van Beek
Sections of the FAR Affected: 14 CFR 45.29(b)(1)
Description of Relief Sought/ Disposition: To permit you to operate your Maule M–5 airplane displaying 3-inch high nationality and registration markings instead of the 12-inch-high marking required by the regulation.

Dispositions of Petitions

Docket No.: 25636
Petitioner: International Aero Engines (IAE)
Sections of the FAR Affected: 14 CFR 21.325(b) (1) and (3)
Description of Relief Sought/ Disposition: To permit export airworthiness approvals to be issued for Class I products (engines) assembled and tested in the United Kingdom, and for Class II and III products manufactured in the IAE consortium countries of Germany, Japan, and the United Kingdom.
Grant, December 29, 1998, Exemption No. 4991E

Docket No.: 6605A
Petitioner: Mr. Robert W. Fortnam
Sections of the FAR Affected: 14 CFR 91.109 (a) and (b)(3)
Description of Relief Sought/ Disposition: To permit petitioner to conduct recurrent flight training in Beechcraft Bonanza, Baron, and Travel Air aircraft, and recurrent flight training in simulated instrument flight in Beechcraft Baron and Travel Air aircraft, when those aircraft are equipped with a functioning throwover control wheel in place of functioning dual controls.
Grant, December 31, 1998, Exemption No. 6605A

Docket No.: 29157
Petitioner: US Airways
Sections of the FAR Affected: 14 CFR 121.434(c)(1)(ii)
Description of Relief Sought/ Disposition: To permit US Airways to substitute a qualified and authorized check airman for an FAA inspector when an FAA inspector is not available to observe a qualifying pilot in command (PIC) who is completing initial or upgrade training, as specified in the performance of prescribed duties during at least one flight leg that includes a takeoff and a landing, subject to certain conditions and limitations.
Grant, December 30, 1998, Exemption No. 6849

Docket No.: 26732
Petitioner: Air Transport Association of America
Sections of the FAR Affected: 14 CFR 121.652 (a) and (c)
Description of Relief Sought/ Disposition: To permit a pilot in command (PIC) conducting operations to perform an instrument approach procedure to the weather minima prescribed by this exemption during the first 100 hours of service as PIC, in the type airplane he or she is operating, using an alternative means approved by the Administrator to satisfy the requirements.

Grant, January 5, 1999, Exemption No. 5549D

[FR Doc. 99–856 Filed 1–13–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–99–28]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before February 4, 1999.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

Comments may also be sent electronically to the following Internet address: 9–NPRM–CMTS@faa.gov.

The petition, any comments, received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Brenda Eichelberger (202) 267–7470 or Terry Stubblefield (202) 267–7624, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on January 8, 1999.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: CE152
Petitioner: Raytheon Aircraft Company
Sections of the FAR Affected: 14 CFR 23.775(e)
Description of Relief Sought/ Disposition: To permit Raytheon Aircraft Company to operate the Raytheon Model 3000 airplane at altitudes greater than 25,000 feet and up to 31,000 feet, as requested for certification.

Docket No.: 29356
Petitioner: Grand Canyon Airlines, Inc.
Sections of the FAR Affected: 14 CFR 119.1(e)(2)
Description of Relief Sought/ Disposition: To permit Grand Canyon Airlines (GCA) to conduct sightseeing flights beyond the 25-statute-mile radius of Grand Canyon National Park Airport without meeting certain requirements of part 119, for the purpose of allowing GCA to comply with the operating rules of 14 CFR part 135 rather than 14 CFR part 121.

Dispositions of Petitions

Docket No.: 28097
Petitioner: Columbia Helicopters, Inc.
Sections of the FAR Affected: 14 CFR 133.19(a)(3)
Description of Relief Sought/ Disposition: To permit Columbia Helicopters, Inc. to conduct external-load operations in the United States using Canadian-registered rotorcraft.
Grant, December 16, 1998, Exemption No. 6045B

Docket No.: 23771
Petitioner: Cessna Aircraft Company
Sections of the FAR Affected: 14 CFR 91.9(a) and 91.531(a)(1)(2)
Description of Relief Sought/ Disposition: To allow certain qualified pilots of Cessna Citation Model 550, S560, 552, or 560 aircraft to operate those aircraft without a pilot who is designated as second in command.
Grant, December 23, 1998, Exemption No. 4050K

Docket No.: 28440
Petitioner: GE Celma S.A.
Sections of the FAR Affected: 14 CFR 145.47(b)
Description of Relief Sought/ Disposition: To permit GE to use the calibration standards of the Instituto Nacional de Metrologia, Normalizacao e Qualidade Industrial (INMETRO) in lieu of the calibration standards of the U.S. National Institute of Standards and Technology (NIST) to test its inspection and test equipment.
Denial, November 25, 1998, Exemption No. 6546A

Docket No.: 29256
Petitioner: American Airlines, Inc.
Sections of the FAR Affected: 14 CFR 145.45(f)
Description of Relief Sought/ Disposition: To permit American to place copies of its inspection procedures manual (IPM) in strategically located libraries at its Tulsa Maintenance Base Repair Station in Tulsa, Oklahoma, and its alliance maintenance Base Repair Station in Fort Worth, Texas, rather than providing a copy of its IPM to each of its supervisory and inspection personnel at those locations.
Grant, December 22, 1998, Exemption No. 6848

Docket No.: 28492
Petitioner: VARIG S. A.
Sections of the FAR Affected: 14 CFR 145.47(b)
Description of Relief Sought/ Disposition: To permit VARIG to use the calibration standards of the Instituto Nacional de Metrologia, Normalizacao e Qualidade Industrial (INMETRO) in lieu of the calibration standards of the U.S. National Institute of Standards and Technology (NIST) to test its inspection and test equipment.
Grant, November 25, 1998, Exemption No. 6552

Docket No.: 28663
Petitioner: Goodyear do Brasil Produtos de Borracha Ltda.
Sections of the FAR Affected: 14 CFR 145.47(b)
Description of Relief Sought/ Disposition: To permit Goodyear to use the calibration standards of the Instituto Nacional de Metrologia Normalizacao e Qualidade Industrial in lieu of the calibration standards of the U.S. National Institute of Standards and Technology to test its inspection and test equipment.
Grant, November 27, 1998, Exemption No. 6547A

Docket No.: 28470
Petitioner: Compoende Aeronautica Ltda.
Sections of the FAR Affected: 14 CFR 145.47(b)
Description of Relief Sought/ Disposition: To permit Compoende to use the calibration standards of the Instituto Nacional de Metrologia

Normalizacao e Qualidade Industrial in lieu of the calibration standards of the U.S. National Institute of Standards and Technology to test its inspection and test equipment.

Grant, November 27, 1998, Exemption No. 6550A

[FR Doc. 99–857 Filed 1–13–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting on Aircraft Certification Procedures Issues

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Federal Aviation Administration Aviation Rulemaking Advisory Committee to discuss aircraft certification procedures issues.

DATES: The meeting will be held on January 21, 1999, at 9:00 a.m. Arrange for oral presentations by January 15, 1999.

ADDRESSES: The meeting will be held at the General Aviation Manufacturers Association, 1400 K Street, NW., Suite 801, Washington, DC 20005–2485.

FOR FURTHER INFORMATION CONTACT: Marisa Mullen, Transportation Industry Analyst, Office of Rulemaking (ARM–205), 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–7653, fax: (202) 267–5075.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Aviation Rulemaking Advisory Committee to be held on January 21, 1999, at 9:00 a.m. at the General Aviation Manufacturers Association, 1400 K Street, NW., Suite 801, Washington, DC 20005–2485.

The agenda for this meeting will include:

(1) A discussion and vote on the ''Production Certification and Parts Manufacturing'' draft notice of proposed rulemaking (NPRM);

(2) A status report on the Delegation System Working Group tasking; and

(3) A discussion of future meeting dates, locations, activities, and plans.

Copies of materials which will be presented for discussion and vote may be obtained by contacting Marisa Mullen at the address, telephone number, or facsimile number provided in the **FOR FURTHER INFORMATION CONTACT** section.

Attendance is open to the interested public, but will be limited to the space available. The public must make arrangements by January 15, 1999, to present oral statements at the meeting. The public may present written statements to the committee at any time by providing 25 copies to the Executive Director, or by bringing the copies to the meeting. In addition, sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting. Arrangements may be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Washington, DC, on January 8, 1999.

Brian Yanez,

Assistant Executive Director for Aircraft Certification Procedures Issues, Aviation Rulemaking Advisory Committee.

[FR Doc. 99–858 Filed 1–13–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33696]

Dallas Area Rapid Transit—Acquisition and Operation Exemption—Lines of Union Pacific Railroad Co.

Dallas Area Rapid Transit (DART), a political subdivision of the State of Texas, has filed a notice of exemption under 49 CFR 1150.41 to acquire (by purchase) approximately 1 mile of rail line owned by Union Pacific Railroad Company (UP) between approximately milepost 748.25 and approximately milepost 747.25 in the vicinity of Rowlett, TX.[1]

The earliest the transaction could be consummated was December 22, 1998, the effective date of the exemption (7 days after the exemption was filed).

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33696, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Kevin M. Sheys, 1350 Eye Street, NW, Suite 200, Washington, DC 20005.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: January 7, 1999.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 99–746 Filed 1–13–99; 8:45 am]

BILLING CODE 4915–00–P

[1] Applicant states that it will grant trackage rights to UP (or UP's designee) on the subject line and that freight railroad operations on the subject line will be conducted by UP (or UP's designee) pursuant to the trackage rights. According to DART, UP (or UP's designee) will seek the Board's approval for the trackage rights in a separate filing.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–242282–97]

Proposed Collection; Comment Request For Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG–242282–97 (TD 8734), General Revision of Regulations Relating to Withholding of Tax on Certain U.S. Source Income Paid to Foreign Persons and Related Collection, Refunds and Credits; Revision of Information Reporting and Backup Withholding Regulations; and Removal of Regulations Under Part 35a and of Certain Regulations Under Income Tax Treaties (1.1441–1(e), 1.1441–4(a)(2), 1.1441–4(b)(1) and (2), 1.1441–4(c), (d), and (e), 1.1441–5(b)(2)(ii), 1.1441–5(c)(1), 1.1441–6(b) and (c), 1.1441–8(b), 1.1441–9(b), 1.1461–1(b) and (c), 301.6114–1, 301.6402–3(e), and 31.3401(a)(6)–1(e)).

DATES: Written comments should be received on or before March 15, 1999 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue

Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW, Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: General Revision of Regulations Relating to Withholding of Tax on Certain U.S. Source Income Paid to Foreign Persons and Related Collection, Refunds and Credits; Revision of Information Reporting and Backup Withholding Regulations; and Removal of Regulations Under Part 35a and of Certain Regulations Under Income Tax Treaties.

OMB Number: 1545–1484.

Regulations Project Number: REG–242282–97 (formerly INTL–62–90; INTL–32–93; INTL–52–86; INTL–52–94).

Abstract: This regulation prescribes collections of information for foreign persons that received payments subject to withholding under sections 1441, 1442, 1443, or 6114 of the Internal Revenue Code. This information is used to claim foreign person status and, in appropriate cases, to claim residence in a country with which the United States has an income tax treaty in effect, so that withholding at a reduced rate of tax may be obtained at source. The regulation also prescribes collections of information for withholding agents. This information is used by withholding agents to report to the IRS income paid to a foreign person that is subject to withholding under Code sections 1441, 1442, and 1443. The regulation also requires that a foreign taxpayer claiming a reduced amount of withholding tax under the provisions of an income tax treaty must disclose its reliance upon a treaty provision by filing Form 8833 with its U.S. income tax return.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals or households, not-for-profit institutions, farms, and Federal, state, local or tribal governments.

The burden for the reporting requirements is reflected in the burden of Forms W–8BEN, W–8ECI, W–8EXP, W–8IMY, 1042, 1042S, 8233, 8833, and the income tax return of a foreign person filed for purposes of claiming a refund of tax.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 7, 1999.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 99–887 Filed 1–13–99; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Low Income Taxpayer Clinics Grant Program: Availability of Draft Grant Application Package

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: This document contains a Notice that the IRS has made available, for public comment, a draft of the Low Income Taxpayer Clinic Grant application package. The IRS solicits public comment in order that interested parties may present their views to the IRS prior to implementation of the new grant program during 1999. Consideration will be given to these comments before a final grant application package is adopted in Spring 1999. Copies of the draft grant application package can be downloaded from the IRS Internet site at: *http://www.irs.ustreas.gov*.

DATES: Submit written comments on or before February 27, 1999.

ADDRESSES: Send submissions to: Internal Revenue Service (Attn: LITC Grant C7–171), 5000 Ellin Road, Lanham, MD 20706. Alternatively, submit commits and data via electronic mail (e-mail) to: **lowincomeclinic@ccmail.irs.gov*.

FOR FURTHER INFORMATION CONTACT: Concerning the grant program and the submissions of comments, Eli McDavid, 202–283–0181 (not a toll free number).

SUPPLEMENTARY INFORMATION: Section 3601 of the IRS Restructuring and Reform Act of 1998, Public Law 105–206, added new section 7526 to the Internal Revenue Code. Section 3601 authorizes the IRS, subject to the availability of appropriated funds, to make grants to provide matching funds for the development, expansion, or continuation of qualified low income taxpayer clinics. Section 3601 authorizes the IRS to provide grants to qualified organizations that provide legal assistance to low-income taxpayers having disputes with the IRS. The IRS also may provide grants to qualified organizations that operate programs to inform individuals, for whom English is a second language, about their rights and responsibilities under the Internal Revenue Code. Copies of the draft grant application package can be downloaded from the IRS Internet site at: *http://www.irs.ustreas.gov*. The IRS is soliciting written comments on this draft grant application package on or before February 27, 1999. Consideration will be given to these comments before a final grant application package is adopted in Spring 1999.

Issues for Comment

The IRS invites public comments on the following issues (and any others) raised by the new grant program or draft application package:

(1) What should be considered a ''nominal fee'' for purposes of section 7526(b)(1)(A)(I)?

(2) How should satisfaction of the ''90%/250%'' income requirements contained in section 7526(b)(1)(B)(I) be determined?

(3) What should be considered in evaluating the ''criteria for awards'' set forth in section 7526(b)(4)?

Deborah Butler,

Assistant Chief Counsel, Office of Assistant Chief Counsel (Field Service).

[FR Doc. 99–848 Filed 1–11–99; 1:41 pm]

BILLING CODE 4830–01–U

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition Determinations: ''Gustave Moreau: 1826–1898''

AGENCY: United States Information Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit ''Gustave Moreau: 1826–1898,'' imported from abroad for temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with the foreign lenders. I also determine that the exhibition or display of the listed exhibit objects at the Art Institute of Chicago, Chicago, Illinois, from on or about February 10, 1999, to on or about April 25, 1999, and the Metropolitan Museum of Art, New York, New York, from on or about May 24, 1999, to on or about August 22, 1999, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For a copy of the list of exhibit objects or for further information, contact Carol Epstein, Assistant General Counsel, Office of the General Counsel, United States Information Agency, at 202/619–6981, or USIA, 301 4th Street, SW, Room 700, Washington, DC 20547–0001.

Dated: January 11, 1999.

Les Jin,

General Counsel.

[FR Doc. 99–833 Filed 1–13–99; 8:45 am]

BILLING CODE 8230–01–M

UNITED STATES INFORMATION AGENCY

Conference for Bidders on Fulbright Senior Scholar Program

ACTION: Notice of Conference for Bidders on Fulbright Senior Scholar Program for organizations that missed the January 12, 1999 conference.

SUMMARY: Because the Notice about the Conference for Bidders held on January 12, 1999, did not appear in the **Federal Register** earlier than January 12, 1999, the United States Information Agency is prepared to convene a second Conference for Bidders if requested by organizations that were unable to attend the original conference.

ADDITIONAL INFORMATION: Interested organizations should contact Rosalind Swenson at (202) 619–4360 prior to January 20, 1999 to schedule the conference.

The Fulbright Senior Scholars Program was announced in the **Federal Register**, Volume 63, Number 204, pages 56698–56702, on October 22, 1998.

Dated: January 11, 1999.

Judith Siegel,

Deputy Associate Director for Educational and Cultural Affairs.

[FR Doc. 99–943 Filed 1–13–99; 8:45 am]

BILLING CODE 8230–01–M

Federal Register

Thursday
January 14, 1999

Part II

Environmental Protection Agency

40 CFR Part 141

National Primary Drinking Water Regulations: Analytical Methods for Microbes, Lead, and Magnesium; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 141

[WH–FRL–6218–7]

National Primary Drinking Water Regulations: Analytical Methods for Microbes, Lead, and Magnesium

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On July 31, 1998, EPA proposed changes relating to analytical test methods for the measurement of total coliforms, *Escherichia coli*, and pesticides (63 FR 41134). Consistent with that proposal, the Agency is proposing to approve two new analytical methods, the E*Colite test and ColiBlue24 test, as options for detecting total coliforms and *E. coli* in drinking water. Both organisms must be monitored under EPA's drinking water regulations on total coliforms. In addition, the Agency is also proposing to approve a new lead method. By today's action, EPA is making available to the public studies that demonstrate that these three methods are at least as good as EPA's previously approved methods for detecting total coliform bacteria and *E. coli*, and lead, in drinking water. The Agency evaluated data on the two coliform methods and one lead method and found them to be at least as good as EPA's ''reference'' methods.

In addition to these three tests, the Agency proposes six analytical methods for magnesium. This action compensates for an omission in the Stage 1 Disinfectants and Disinfection Byproducts (DBP) Rule, which was promulgated on November 30, 1998. The DBP Rule allows certain surface water systems that are unable to achieve the specified level of total organic carbon removal to meet instead one of several alternative performance criteria, including the removal of 10 mg/L magnesium hardness from source water. The rule, however, does not include any analytical methods for magnesium.

EPA invites public comment on whether the Agency should approve the E*Colite test and ColiBlue24 test for total coliforms and *E. coli*, the lead method, and the six magnesium methods.

DATES: Written comments should be postmarked, delivered by hand, or electronically mailed on or before March 1, 1999.

ADDRESSES: Any person may submit written or electronic comments on these new data supporting the earlier proposed rule, described below. Written comments may be sent to the W–98–27 Drinking Water Analytical Methods Clerk, U.S. Environmental Protection Agency, Water Docket, MC 4101, 401 M Street, SW, Washington, DC 20460. EPA would appreciate an original and 3 copies of your comments and enclosures (including references, if cited). Commenters should use a separate paragraph for each method or issue discussed. No facsimiles (faxes) will be accepted because EPA cannot ensure their submission to the Water Docket. Commenters who would like acknowledgment of receipt of their comments should include a self-addressed, stamped envelope.

Electronic comments should be sent to the Internet address: ow-docket@epamail.epa.gov. Avoid use of special characters and any form of encryption. EPA will attempt to clarify electronic comments if a transmission error occurs. Comments provided electronically will be considered timely if they are submitted electronically by 11:59 p.m. (Eastern time) on March 1, 1999. Commenters may also provide disks. If comments are sent via the Internet or on disks, they must be formatted in WordPerfect 5.1 or 6.1, or ASCII, and identified by the docket number W–98–27. A printout of the electronic comments will be filed for the official record.

The record for this rulemaking has been established under docket number W–98–27. Copies of the supporting documents (including references and methods cited in this document) are available for review at the U.S. Environmental Protection Agency, Water Docket, EB 57, 401 M Street, SW, Washington, DC 20460. For access to the docket materials, call 202–260–3027 on Monday through Friday, excluding Federal holidays, between 9 a.m. and 3:30 p.m. Eastern Time for an appointment. Today's **Federal Register** document has been placed on the Internet for public review and downloading at the following location: http://www.epa.gov/fedrgstr.

FOR FURTHER INFORMATION CONTACT: EPA Safe Drinking Water Hotline, for general information. Callers within the United States may reach the Hotline at 800–426–4791. The Hotline is open Monday through Friday, excluding Federal holidays, from 9 a.m. to 5:30 p.m. Eastern Time.

For technical information regarding microbiology methods, contact Paul S. Berger, Ph.D., Office of Ground Water and Drinking Water (MC–4607), U.S. Environmental Protection Agency, Washington, DC 20460, telephone 202–260–3039. For technical information regarding chemistry methods, contact Dan Schmelling, Office of Ground Water and Drinking Water (MC–4607), U.S. Environmental Protection Agency, Washington, DC 20460, telephone 202–260–1439.

SUPPLEMENTARY INFORMATION:

I. Regulated Entities

Entities potentially regulated by this action are listed below:

Category	Example of regulated entities
Industry	(1) All water systems that serve at least 25 year-round residents or have at least 15 service connections used by year-round residents (Community water system). (2) All water systems that regularly serve at least 25 of the same persons over 6 months per year, but not year-round (Non-transient, non-community water system). (3) All water systems that serve at least 25 people daily for at least 60 days during a year, but less than 6 months (Transient, non-community water systems).
State, Local, and Tribal Governments	Same as above.
Federal Government	Same as above.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your facility is regulated by this action, you should carefully examine the applicability of current drinking water standards and monitoring requirements in § 141.21 for coliforms and § 141.80 for lead of title 40 of the Code of Federal Regulations, and § 141.135(a)(3) of the **Federal Register** for the Stage 1 DBP Rule. If you have questions regarding

the applicability of this action to a particular entity, consult one of the persons listed in the **FOR FURTHER INFORMATION CONTACT** section.

II. Explanation of Today's Actions

On July 31, 1998, EPA proposed to approve analytical methods for several pesticides and microbial contaminants (total coliforms and *E. coli*) for compliance with the maximum contaminant levels for these contaminants under the Safe Drinking Water Act at 63 FR 41134. Today's proposed rule would approve two additional methods for total coliforms and *E. coli*, and one additional method for lead. If approved, laboratories may either use these tests or any other EPA-approved test for total coliforms or *E. coli*, and lead, in drinking water.

In addition, on July 29, 1994, the Agency proposed the Stage 1 DBP Rule at 59 FR 38668, and promulgated the rule on November 30, 1998. The DBP Rule requires subpart H systems (public water systems covered by EPA's Surface Water Treatment Rule) that use conventional treatment to remove total organic carbon (TOC) by enhanced coagulation or enhanced softening. For systems practicing enhanced softening that cannot achieve the specified level of TOC removal, the rule allows such systems to meet instead one of several alternative performance criteria, including the removal of 10 mg/L magnesium hardness (as $CaCO_3$) from the source water. Analytical methods for TOC were described in the proposed rule and a subsequent NODA at 62 FR 59388 (Nov. 3, 1997). However, the rule omitted analytical test methods for magnesium. Today's proposed rule compensates for this omission by identifying several such methods for magnesium and providing an opportunity for comment. For all methods in today's proposal, the Agency intends to seek approval from the Office of the Federal Register in order to incorporate the methods by reference in the final rule.

On October 6, 1997, EPA published a notice of the Agency's intent to implement a Performance Based Measurement System (PBMS) in all of its programs to the extent feasible (62 FR 52098). The Agency is currently determining the specific steps necessary to implement PBMS in its programs and preparing an implementation plan. As part of this process, EPA is currently evaluating what relevant performance characteristics should be specified for monitoring methods used in the water programs under a PBMS approach to ensure adequate data quality. EPA would then specify performance requirements in its regulations to ensure that any method used for determination of a regulated analyte is at least equivalent to the performance achieved by other currently approved methods. EPA expects to publish its PBMS implementation strategy for water programs in the **Federal Register** in the early calendar year 1999.

Once EPA has made its final determinations regarding implementation of PBMS in programs under the Safe Drinking Water Act, EPA would incorporate specific provisions of PBMS into its regulations, which may include specification of the performance characteristics for measurement of regulated contaminants in the drinking water program regulations. In addition to requesting comment on the methods described below, EPA is also seeking comment on the application of PBMS in its Drinking Water program and on the establishment of performance characteristics for the methods addressed in this document.

1. Methods for Total Coliforms and E. coli

EPA is proposing to approve the following total coliform/ *E. coli* methods that would be used for demonstrating compliance with the Total Coliform Rule.

a. E*Colite Test

The E*Colite test simultaneously determines the presence of total coliforms and *E. coli*, both of which must be monitored under the Total Coliform Rule at 40 CFR 141.21. The E*Colite test involves a dehydrated medium to which a 100-mL water sample is added. The test consists of a packaged sterile burst-a-seal bag divided into three compartments. The upper compartment is used for sample collection and optionally contains a sodium thiosulfate tablet to eliminate free chlorine and/or bromine in the water. The middle compartment of the bag contains the medium for growth and enzyme substrates for detection of total coliforms and E. coli. The lower compartment optionally holds a bactericide (a quaternary amine) that the analyst can introduce to kill the grown coliforms.

First, a 100-mL water sample is added to the upper compartment and the bag sealed. Then the water sample is pushed through the burst-a-seal into the medium, and the two are mixed. The bag is then incubated for 28 hours at 35°C (the bag may first need to be placed in a 35°C water bath for 10 minutes to bring the sample up to incubation temperature quickly). After incubation, the bag is observed for the presence of a blue/green color. If present, the sample is total coliform-positive. If the blue/green color is also fluorescent under an ultraviolet light (366 nm), the sample is *E. coli*-positive. If the blue/green sample does not fluoresce after 28 hours, the sample should be incubated an additional 20 hours (total 48 hours of incubation), and checked again for fluorescence.

The E*Colite test is based on the detection of two enzymes: beta-D-galactosidase and beta-D-glucuronidase, which are characteristic of the total coliform group and *E. coli*, respectively. Coliforms produce beta-D-galactosidase, which hydrolyzes X-GAL in the medium to produce a blue chromogen. E. coli produces beta-D-glucuronidase, which hydrolyzes 4-methylumbelliferyl-beta-D-glucuronide (MUG) in the medium that releases a fluorescent compound.

EPA has statistically evaluated comparability data submitted by the manufacturer, and has determined that results obtained with the E*Colite test are not statistically different from the Agency's reference method for total coliforms and *E. coli*. The manufacturer observed a false-positive error of 16.0% and 7.2% for total coliforms and *E. coli*, respectively. The false-negative rate, respectively, was 3.7% and 9.2%. Based on these results, EPA believes that the E*Colite test is satisfactory as a compliance method for total coliforms and *E. coli*.

The method description for E*Colite test is available from Charm Sciences, Inc., 36 Franklin Street, Malden, MA 02148–4120. Their telephone number is (781) 322–1523. This information is also available in the docket for today's document.

b. ColiBlue24 Test

The ColiBlue24 test is a membrane filtration method that simultaneously determines the presence or absence of total coliforms and *E. coli*, both of which must be monitored under the Total Coliform Rule (40 CFR 141.21). The test involves filtering a 100-mL drinking water sample through a 47-mm membrane filter which is transferred to a 50-mm petri plate containing an absorbent pad saturated with M-ColiBlue24 Broth. After incubation at 35°C for 22±2 hours, the membrane is examined for colony growth. The presence of total coliforms is indicated by red colonies; if *E. coli* is also present, blue colonies will be observed.

M-ColiBlue24 Broth is a nutritive lactose-based medium containing inhibitors to eliminate growth of non-coliforms. Total coliform colonies growing on the medium are identified

by a nonselective dye, 2,3,5-triphenoltetrazolium chloride (TCC), which produces red colonies. The selective identification of E. coli is based on the detection of the beta-glucuronidase enzyme. The test medium includes the chromogen 5-bromo-4-chloro-3-indoxyl-beta-D-glucuronide (BCIG) which is hydrolyzed by the enzyme, releasing an insoluble indoxyl salt that produces blue colonies.

EPA has statistically evaluated comparability data submitted by the manufacturer, and has determined that the ColiBlue24 test is not statistically different from the Agency's reference method for total coliforms and *E. coli.* With regard to specificity, 25 different water samples from seven different geographical locations were analyzed for total coliforms and *E. coli* by the ColiBlue24 test and the reference methods. Positive and negative cultures were then validated by standard tests. These results indicated that ColiBlue24 had a false positive rate of 26.8% and 2.5% for total coliforms and *E. coli*, respectively. The false negative rate was 1.6% and 0%, respectively. Using M-Endo LES as a comparison to M-ColiBlue24 for total coliform specificity, the M-Endo false positive error was 29.6% and the undetected target error was 3.4%. EPA believes that these results show that the specificity of the ColiBlue24 test for total coliforms and *E. coli* is reasonable.

With regard to performance comparability, investigators analyzed 10 samples spiked with wastewater from 10 different sites and compared the ColiBlue24 method with EPA's reference methods for the detection of chlorine-injured total coliforms and E. coli. The results indicate that detection of total coliforms and *E. coli* by ColiBlue24 does not differ significantly from the standard method and that this conclusion is consistent across all samples. After 24 hours, the ColiBlue24 test had an average of 1.07 times more total coliform-positive responses than the reference method and 1.01 times more *E. coli*-positive responses than the reference method. This study suggests that the ColiBlue24 test could recover chlorine-injured coliforms as well as EPA's reference methods. The above studies suggest that the ColiBlue24 test performs satisfactorily and its performance is at least as good as the reference methods for total coliforms and *E. coli.*

The method description for ColiBlue24 Test is available from the Hach Company, 100 Dayton Avenue, Ames, IA 50010. Their telephone number is (515) 232–2533. Of course, this information is also available in the docket for today's document.

2. Magnesium Tests

Today's notice proposes to approve six magnesium methods, which are grouped into the following three analytical techniques. These methods would be used to demonstrate compliance with the treatment requirements of the Stage 1 DBP Rule.

a. Atomic Absorption (AA) Spectrophotometric Methods ((Standard Method 3500-Mg B (APHA, 1995) and ASTM D 511–93 B (ASTM, 1998))

In the measurement of magnesium by atomic absorption spectrometry, a sample is aspirated into a flame and atomized. Addition of interference-suppressing agents may be necessary. A light beam is directed through the flame, into a filter or monochromator set at 285.2 nm, and onto a detector which determines the light absorbed by the magnesium. The concentration of magnesium is proportional to absorbance within the linear range of the instrument. These methods are generally applicable to magnesium concentrations in the range 0.02–3.0 mg/L, depending on the instrument and method employed. Higher concentrations may be analyzed by dilution of the sample prior to analysis.

b. Inductively Coupled Plasma (ICP) Methods ((Standard Method 3500-Mg C (APHA, 1995) and EPA Method 200.7 (EPA, 1994))

An ICP source consists of a stream of argon gas ionized by an applied radio frequency field. This field is inductively coupled to the ionized gas by a coil surrounding a quartz torch that supports and confines the plasma. Analysis of magnesium by ICP involves generation of a sample aerosol in a nebulizer and subsequent injection into the ICP. This subjects the constituent atoms to temperatures of 6000 to 8000 °K, resulting in almost complete dissociation of molecules and excitation of atomic emission. A portion of the emission spectrum (usually 279.08 or 279.55 nm for magnesium) from the ICP is isolated for intensity measurement. The efficient excitation provided by the ICP results in low detection limits and the linear range of the instrument may span four orders of magnitude (APHA 1995).

c. Complexation Titrametric Methods (Standard Method 3500–Mg E (APHA 1995) and ASTM D 511–93 A (ASTM 1998))

These methods measure magnesium as the difference between hardness (equal to calcium plus magnesium) and calcium. Hardness is measured by titration of a sample with EDTA (ethylenediamine tetraacetic acid)at pH 10. Calcium is determined by titration of a separate aliquot of sample with EDTA at a pH of 12–13, where the magnesium is precipitated. A chemical indicator is added to the sample to allow observation of the endpoint. These methods are generally applicable in a range from 1 to 1000 mg/L of calcium plus magnesium expressed as calcium, but may fail in the analysis of highly colored waters or waters that contain high concentrations of metals (ASTM, 1998).

3. Test for Lead

Today's notice proposes the following lead method that would be used for demonstrating compliance with the monitoring requirement for lead in 40 CFR 141.89.

Method 1001: Lead in Drinking Water Differential Pulse Aniodic Stripping Voltammetry (DPAV)

This method is for the determination of dissolved and total recoverable lead in drinking water. For dissolved lead, a 125-mL sample is collected, passed through a 0.45 µm filter, and acidified to pH<2 prior to shipment to the laboratory. For total recoverable lead, the sample is acidified to pH<2 prior to shipment to the laboratory. Samples for total recoverable lead must be acid-digested before analysis. In either case (dissolved or total recoverable lead), A 50-mL aliquot of acid-preserved or acid-digested sample is neutralized with sodium hydroxide. A 5-mL portion of the neutralized sample is decanted to a sample tube, buffered to pH 4, and conditioned with an excess of supporting electrolyte to ensure the precision of the analysis. Then a decomplexing agent is added to release lead from polyphosphate complexes.

The lead in the conditioned sample is determined by DPAV using a precalibrated disposable sensor. The lead in the sample is concentrated by plating onto the working electrode of the disposable sensor and then it is stripped back into solution by raising the electrode potential. As the lead returns to solution, a peak of current is detected. The peak potential identifies the metal and the peak height is proportional to the concentration of the lead. The peak height is converted to micrograms per liter of lead by reference to calibration curves in the instrument software. Quality is assured through calibration and verification with external referenced standard solutions.

EPA has statistically evaluated comparability data submitted by the manufacturer, and has determined that the results using the DPAV method described above are not statistically different from the Agency's reference methods for lead (without sample compositing). The manufacturer observed a method detection limit of 2 µg/L lead. The standard deviation of replicate observations (n=10) of a calibration standard containing 15 µg/L lead was 0.75 µg/L. With multiple batches of tablet reagents and sensors, the relative standard deviation of sets of observations (n=10) containing 15 g/L lead varied from 2.1 to 3.8%. A drinking water sample initially containing 8 µg/L lead, was fortified to a total concentration of 48 µg/L. The mean percent recovery of the added 40 g/L lead was 110% and the corresponding standard deviation of the percent recoveries of multiple analyses was 1.5%. Similar recoveries were obtained from other drinking water matrices.

The description for Method 1001 for Lead in Drinking Water Differential Pulse Aniodic Stripping Voltammetry is available from Palintest LTD, 21 Kenton Lands Road, PO Box 18395, Erlanger, KY 41018. The telephone number is (606) 341–7423.

II. Regulation Assessment Requirements

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that today's proposal is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review.

B. Regulatory Flexibility Act (RFA)

Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 et seq., as amended by SBREFA, EPA generally is required to conduct a regulatory flexibility analysis describing the impact of the regulatory action on small entities as part of rulemaking. However, under section 605(b) of the RFA, if EPA certifies that the rule will not have a significant economic impact on a substantial number of small entities, EPA is not required to prepare a regulatory flexibility analysis.

The Small Business Administration (SBA) defines a small business as 50,000 or less. However, the RFA allows an Agency to use an alternative definition of ''small'' if that Agency has consulted with the SBA on the alternative definition and has proposed the alternative in the **Federal Register** and taken public comment. EPA defines small entities as those public water systems serving 10,000 or fewer customers. In accordance with the RFA requirements, EPA consulted with the SBA on this definition and proposed the definition in the **Federal Register** (63 FR 7620–7621; February 13, 1998). EPA finalized this definition in the final Consumer Confidence Report regulation on August 19, 1998 (63 FR 44524–44525).

This proposed rule would provide public water systems additional options for detecting total coliforms and *E. coli* under the Total Coliform Rule and for measuring lead under the Lead and Copper rule. It would also allow certain systems using softening to analyze for magnesium under the DBP Rule, if they are unable to meet the the specified level of total organic carbon removal. The rule would not impose additional requirements. Therefore, pursuant to section 605(b) of the RFA, 5 U.S.C. 605(b), the Agency certifies that this proposal would not have a significant economic impact on a substantial number of small entities.

C. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted.

In addition, before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's rule contains no Federal mandate under the regulatory provisions of Title II of the UMRA, because it would impose no enforceable ''duty'' on any State, local, or tribal governments or the private sector. Moreover, the rule would not contain any Federal mandate that would result in expenditures of $100 million or more by State, local, and tribal governments, in the aggregate, or by the private sector, in any one year. The rule would merely approve use of additional analytical methods for total coliforms and *E. coli* under the Total Coliform Rule and an additional method for lead under the Lead and Copper Rule. Systems would be able to choose between already approved methods for total coliforms/*E. coli* and lead and the new methods. The proposed rule would also approve six methods for magnesium under the Stage 1 DBP Rule, allowing certain systems using softening that are unable to meet the specified level of total organic carbon removal to analyze for magnesium instead. EPA estimates that the cost of a magnesium analysis should not exceed $20 per sample; systems analyzing magnesium under the DBP Rule would be required to collect 24 samples per year, which would cost no more than $20 × 24= $480 per year. EPA

believes that less than 1% of the 1,395 surface water systems covered by the DBP Rule will choose to monitor for magnesium. Therefore, today's proposal is not subject to the requirements of sections 202 and 205 of the UMRA. In addition, this action contains no regulatory requirements that might significantly or uniquely affect small governments. Therefore, it is not subject to section 203 of the UMRA.

D. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, 44 U.S.C.3501 et seq., EPA must submit an information collection request covering information collection requirements in a rule to the Office of Management and Budget for review and approval. This proposed rulemaking does not contain any information collection requirements, and therefore is not covered under the Paperwork Reduction Act. Therefore, preparation of an information collection request to accompany this document is unnecessary.

E. Science Advisory Board and National Drinking Water Advisory Council, and Secretary of Health and Human Services

In accordance with section 1412 (d) and (e) of the SDWA, the Agency is submitting this proposal to the Science Advisory Board, the National Drinking Water Advisory Council, and the Secretary of Health and Human Services for their review.

F. National Technology Transfer and Advancement Act (NTTAA)

Under section 12(d) of the NTTAA, the Agency is required to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., material specifications, test methods, sampling procedures, business practices, etc.) that are developed or adopted by voluntary consensus standard bodies. Where available and potentially applicable voluntary consensus standards are not used by EPA, the Act requires the Agency to provide Congress, through OMB, an explanation for the reasons for not using such standards.

In preparing today's proposed rule, EPA searched for consensus methods that would be acceptable for compliance determinations under the SDWA for the measurement of magnesium. EPA is proposing use of magnesium testing protocols in Standard Methods for the Examination of Water and Wastewater and ASTM because they are highly respected and widely used consensus references. By providing notice of the Agency's intention to approve these methods, the Agency also acts consistent with provisions of the NTTAA. This notice also is proposing to approve two new methods for detection of total coliforms and *E. coli*, and one method for lead, which are not yet consensus methods. However, EPA has previously approved consensus methods for coliforms and *E. coli* and lead, and the three new methods will be considered for incorporation into Standard Methods for the Examination of Water and Wastewater. EPA invites comments on the potential use of voluntary consensus standards in this notice, as well as identification and information about other voluntary consensus standards that the Agency could consider for the analysis of total coliforms, *E. coli*, lead, and magnesium under the SDWA.

G. Executive Order 13045—Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045 applies to any rule that: (1) Is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have 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 proposed rule is not subject to E.O. 13045 because it is not economically significant and does not concern a risk that EPA has reason to believe may have a disproportionate effect on children. Further, EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This proposed rule is not subject to E.O. 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

H. Executive Order 12875—Enhancing the Intergovernment Partnership

Under Executive Order 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, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 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 any written communications from the governments, and a statement supporting the need to issue the regulations. 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.''

This rule would not create a mandate, or impose any enforceable duties, on State, local or tribal governments. It would merely provide additional options for analyzing water samples or, for the case of magnesium methods, allow certain systems under the D/DBP Rule to monitor for magnesium. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

I. Executive Order 13084—Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13084, 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, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires the Agency 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 officials 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.''

This rule would not significantly or uniquely affect the communities of Indian tribal governments. It would

impose no additional costs on such communities. It would merely provide additional options for analyzing water samples or, for the case of magnesium methods, allow certain systems under the D/DBP Rule to monitor for magnesium. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

III. References

APHA. American Public Health Association. 1995. Standard Methods for the Examination of Water and Wastewater (19th ed.), 1015 Fifteenth Street NW, Washington, DC 20005.

ASTM. American Society for Testing and Materials. 1998. Annual Book of ASTM Methods, 1998, Vol. 11.01. 101 Barr Harbor Drive, West Conshohocken, PA 19428.

EPA. U.S. Environmental Protection Agency. 1994. Methods for the determination of metals in environmental samples—Supplement I. EPA–600/R–94–111.

List of Subjects in 40 CFR Part 141

Environmental protection, Analytical methods, Chemicals, Intergovernmental relations, Reporting and recordkeeping requirements, Water supply.

Dated: January 7, 1999.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, part 141 of chapter I title 40, Code of Federal Regulations, are proposed to be amended as follows:

PART 141—NATIONAL PRIMARY DRINKING WATER REGULATIONS

1. The authority citation for part 141 continues to read as follows:

Authority: 42 U.S.C. 300f, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–4, 300j–9, and 300j–11.

2. In § 141.21, the Table in paragraph (f)(3) is revised to read as follows:

§ 141.21 Coliform sampling.

* * * * *

(f) * * *

(3) * * *

Organism	Methodology	Citation [1]
Total Coliforms [2]	Total Coliform Fermentation Technique [3, 4, 5]	9221A, B.
	Total Coliform Membrane Filter Technique [6]	9222A, B, C.
	Presence-Absence (P–A) Coliform Test [5, 7]	9221D.
	ONPG–MUG Test [8]	9223.
	Colisure Test [9]	
	E*Colite Test [10]	
	ColiBlue24 Test [11]	

The procedures shall be done in accordance with the documents listed below. The incorporation by reference of the following documents was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the documents may be obtained from the sources listed below. Information regarding obtaining these documents can be obtained from the Safe Drinking Water Hotline at 800–426–4791. Documents may be inspected at EPA's Drinking Water Docket, 401 M Street, SW, Washington, D.C. 20460 (Telephone: 202–260–3027); or at the Office of Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, D.C. 20408.

[1] Methods 9221A,B, 9222A,B,C, 9221D and 9223 are contained in Standard Methods for the Examination of Water and Wastewater, 18th edition, 1992 and 19th edition, 1995, American Public Health Association, 1015 Fifteenth Street NW, Washington, D.C. 20005; either edition may be used.

[2] The time from sample collection to initiation of analysis may not exceed 30 hours. Systems are encouraged but not required to hold samples below 10 °C during transit.

[3] Lactose broth, as commercially available, may be used in lieu of lauryl tryptose broth, if the system conducts at least 25 parallel tests between this medium and lauryl tryptose broth using the water normally tested, and this comparison demonstrates that the false-positive rate and false-negative rate for total coliform, using lactose broth, is less than 10 percent.

[4] If inverted tubes are used to detect gas production, the media should cover these tubes at least one-half to two-thirds after the sample is added.

[5] No requirement exists to run the completed phase on 10 percent of all total coliform-positive confirmed tubes.

[6] MI agar also may be used. Preparation and use of MI agar is set forth in the article, ''New medium for the simultaneous detection of total coliform and *Escherichia coli* in water'' by Brenner, K.P., et al., 1993, Appl. Environ. Microbiol. 59:3534–3544.

[7] Six-times formulation strength may be used if the medium is filter-sterilized rather than autoclaved.

[8] The ONPG–MUG Test is also known as the Autoanalysis Colilert System. A source for this test is referenced at § 141.21(f)(5)(iii).

[9] The Colisure Test must be incubated for 28 hours before examining the results. If an examination of the results at 28 hours is not convenient, then results may be examined at any time between 28 hours and 48 hours. A description of the Colisure Test may be obtained from the Millipore Corporation, Technical Services Department, 80 Ashby Road, Bedford, MA 01730.

[10] The method description for E*Colite Test is available from Charm Sciences, Inc., 36 Franklin Street, Malden, MA 02148–4120.

[11] The method description for ColiBlue24 Test is available from the Hach Company, 100 Dayton Avenue, Ames, IA 50010.

* * * * *

3. In § 141.23, in paragraph (k)(1), the Table is amended by adding a new entry for ''magnesium'' and by adding a new methodology to the end of the entry for ''lead'' to read as follows:

§ 141.23 Inorganic chemical sampling and analytical requirements.

* * * * *

(k) * * *

(1) * * *

Contaminant	Methodology	EPA	ASTM	SM	Other
* * * * *	.....	.....	.....	.....	Method
Lead	* * * * *				
	Differential Pulse Aniodic Stripping Voltammetry	.....	.....	.....	1001.[13]
* * * * *	* * * * *	.....	D 511–93 B	3500-Mg B	
Magnesium	Atomic Absorption	200.7 [14]	.....	3500-Mg C	
	ICP	.....	D 511–93 A	3500-Mg E	

Contaminant	Methodology	EPA	ASTM	SM	Other
	Complexation Titrametric Methods				

* * * * * * *

[13] The description for Method 1001 for lead is available from Palintest LTD, 21 Kenton Lands Road, PO Box 18395, Erlanger, KY 41018.
[14] The description for EPA Method 200.7 is found in Methods for the Determination of Metals in Environmental Samples—Supplement I (1994). EPA–600/R–94–111.

* * * * * * *

[FR Doc. 99–893 Filed 1–13–99; 8:45 am]
BILLING CODE 6560–50–P

Reader Aids

Federal Register

Vol. 64, No. 9

Thursday, January 14, 1999

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids — **202–523–5227**

Laws — **523–5227**

Presidential Documents

Executive orders and proclamations — **523–5227**

The United States Government Manual — **523–5227**

Other Services

Electronic and on-line services (voice) — **523–4534**

Privacy Act Compilation — **523–3187**

Public Laws Update Service (numbers, dates, etc.) — **523–6641**

TTY for the deaf-and-hard-of-hearing — **523–5229**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications:

http://www.access.gpo.gov/nara

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access:

http://www.nara.gov/fedreg

E-mail

PENS (Public Law Electronic Notification Service) is an E-mail service that delivers information about recently enacted Public Laws. To subscribe, send E-mail to

listproc@lucky.fed.gov

with the text message:

subscribe publaws-l <firstname> <lastname>

Use listproc@lucky.fed.gov only to subscribe or unsubscribe to PENS. We cannot respond to specific inquiries at that address.

Reference questions. Send questions and comments about the Federal Register system to:

info@fedreg.nara.gov

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATES, JANUARY

1–384 4
385–730 5
731–984 6
985–1096 7
1097–1500 8
1501–1714 11
1715–2114 12
2115–2418 13
2419–2544 14

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
12543 (See Notice of Dec. 30, 1998) 383
12544 (See Notice of Dec. 30, 1998) 383
13110 2419

Administrative Orders:
Presidential Determinations:
No. 99–9 of December 24, 1998 983

Notices
December 30, 1998 383

5 CFR

550 1501
2634 2421
2635 2421
2636 2421

7 CFR

254 1097
301 385
353 1098
801 731
930 387
982 2422
989 2425
1788 1
1951 392

Proposed Rules:
300 2151
319 2151
782 2152
981 430

9 CFR

78 ..... 5, 394
301 732
317 732
318 732
320 732
381 732

Proposed Rules:
93 2449

10 CFR

Proposed Rules:
50 ..... 57, 432
70 1542
72 1542
430 ..... 1272, 1545

12 CFR

Proposed Rules:
701 ..... 58, 776
713 58
715 776
741 ..... 58, 776

13 CFR

120 2115

Proposed Rules:
121 2153
125 2153

14 CFR

39 ..... 5, 395, 749, 751, 985, 987, 989, 1106, 1108, 1110, 1112, 1114, 1116, 1118, 1502, 1715, 1716, 1994, 2016, 2038, 2061, 2428
71 ..... 8, 9, 10, 11, 12, 13, 1716, 2119, 2120
91 1076
97 ..... 1717, 1724
121 ..... 958, 1076
125 1076
135 ..... 958, 1076
145 958

Proposed Rules:
39 ..... 435, 438, 441, 443, 445, 785, 787, 1545, 1549, 1552, 2157, 2161
71 ..... 60, 447, 1142, 1554, 1555, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 2449, 2450, 2452, 2453
93 2086

15 CFR

740 2429
742 2429
744 1120
748 2429
772 1120
902 13

Proposed Rules:
806 2454

16 CFR

305 926

Proposed Rules:
308 61

17 CFR

1 16
3 1725
145 24
147 24
210 1728
229 1728
240 1728
249 1728
279 2120
405 1735

Proposed Rules:
30 1566

18 CFR

Proposed Rules:
161 789
250 789

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT JANUARY 14, 1999

COMMERCE DEPARTMENT
Export Administration Bureau
Export administration regulations:
License exception CTP; high performance computers exports to China; published 1-14-99

GOVERNMENT ETHICS OFFICE
Financial disclosure, ethical conduct standards, and outside employment limitations; corrections and update; published 1-14-99

INTERIOR DEPARTMENT
Fish and Wildlife Service
Endangered and threatened species:
Topeka shiner; published 12-15-98

TRANSPORTATION DEPARTMENT
Federal Aviation Administration
Airworthiness directives:
British Aerospace; published 12-10-98
Westland Helicopters Ltd.; published 12-30-98
Class B airspace; published 1-14-99

TRANSPORTATION DEPARTMENT
National Highway Traffic Safety Administration
Motor vehicle safety standards:
Occupant crash protection—
Air bag on-off switch telltale location in new vehicles; published 1-14-99

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT
Animal and Plant Health Inspection Service
Plant-related quarantine, domestic:
Mexican fruit fly; comments due by 1-19-99; published 11-20-98

AGRICULTURE DEPARTMENT
Food and Nutrition Service
Child nutrition programs:
Women, infants, and children; special supplemental nutrition program—
Bloodwork requirements; comments due by 1-19-99; published 11-19-98

COMMERCE DEPARTMENT
Export Administration Bureau
Export administration regulations:
India and Pakistan; exports and reexports of items controlled for nuclear nonproliferation and missile technology; sanctions; comments due by 1-19-99; published 11-19-98

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration
Fishery conservation and management:
Northeastern United States fisheries—
Atlantic sea scallop; comments due by 1-19-99; published 11-18-98
West Coast States and Western Pacific fisheries—
Bottomfish and seamount groundfish; comments due by 1-19-99; published 11-18-98
Marine mammals:
Endangered fish or wildlife—
Cook Inlet beluga whales; status review; comments due by 1-19-99; published 11-19-98

DEFENSE DEPARTMENT
Acquisition regulations:
Federal procurement; affirmative action reform; comments due by 1-19-99; published 11-20-98

ENERGY DEPARTMENT
Acquisition regulations:
Management and operating contracts; financial management clauses; comments due by 1-19-99; published 11-18-98

ENERGY DEPARTMENT
Federal Energy Regulatory Commission
Natural Gas Policy Act:
Interstate natural gas pipelines—
Business practice standards; comments due by 1-22-99; published 12-23-98
Short-term transportation services regulation; comments due by 1-22-99; published 10-16-98

ENVIRONMENTAL PROTECTION AGENCY
Air programs; approval and promulgation; State plans for designated facilities and pollutants:
Tennessee; comments due by 1-19-99; published 12-18-98
Air quality implementation plans; approval and promulgation; various States:
California; comments due by 1-20-99; published 12-21-98
Maine; comments due by 1-19-99; published 12-17-98
Missouri; comments due by 1-21-99; published 12-22-98
New Hampshire; comments due by 1-19-99; published 12-17-98
South Carolina; comments due by 1-19-99; published 12-18-98
Tennessee; comments due by 1-21-99; published 12-22-98
Air quality planning purposes; designation of areas:
Massachusetts et al.; comments due by 1-19-99; published 12-17-98
Superfund program:
National oil and hazardous substances continency plan—
National priorities list update; comments due by 1-22-99; published 12-23-98

FARM CREDIT ADMINISTRATION
Farm credit system:
Federal regulatory review; comments due by 1-19-99; published 11-18-98

FEDERAL COMMUNICATIONS COMMISSION
Radio and television broadcasting:
Broadcast and cable EEO rules and policies; comments due by 1-19-99; published 12-1-98
Radio services, special:
Mobile satellite services; 2 GHz spectrum allocation; comments due by 1-19-99; published 12-17-98
Private land mobile services—
700 MHz band; public safety radio spectrum; priority access service requirements; comments due by 1-19-99; published 1-7-99
Radio stations; table of assignements:
Minnesota; comments due by 1-19-99; published 12-14-98
Radio stations; table of assignments:
Louisiana; comments due by 1-19-99; published 12-7-98

FEDERAL MARITIME COMMISSION
Ocean freight forwarders, marine terminal operations, and passenger vessels:
Marine terminal operator schedules; comments due by 1-19-99; published 12-17-98
Ocean transportation intermediaries; licensing, financial responsibility requirements and general duties; comments due by 1-21-99; published 12-22-98
Tariffs and service contracts:
Carrier automated tariff systems; comments due by 1-20-99; published 12-21-98
Service contract filings; comments due by 1-22-99; published 12-23-98

FEDERAL RESERVE SYSTEM
Consumer leasing (Regulation M):
Lease advertisements, multiple-item leases, renegotiations and extensions and estimates of official fees and taxes; disclosures; comments due by 1-22-99; published 12-7-98
Truth in lending (Regulation Z):
Calculation of payment schedules involving private mortgage insurance, etc.; comments due by 1-22-99; published 12-7-98

HEALTH AND HUMAN SERVICES DEPARTMENT
Food and Drug Administration
Food additives:
Adhesive coatings and components—
Dimethylpolysiloxane coatings; comments due by 1-22-99; published 12-23-98
Food for human consumption:
Beverages—
Fruit and vegetable juices and juice products;