Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

This proposed rule would allow the interstate movement of 15 new varieties of *Berberis, Mahoberberis,* and *Mahonia,* which are resistant to black stem rust, into and through States or parts of States designated as protected areas in accordance with the requirements in the regulations. Based on the information provided to us, we have determined that this proposed rule, if adopted, would affect four nurseries that might propagate the new species and numerous retail sales nurseries that might purchase or resell the varieties. This proposed rule would enable those nurseries to move the species into and through protected areas and to propagate and sell the species in States or parts of States designated as protected areas.

Currently, 123 varieties of barberry plants are listed as rust-resistant. Of the 123 varieties currently listed as rust-resistant, many of those varieties are not used any more. Many consumers are choosing newer varieties that are horticulturally more attractive. This rule would add 15 new varieties to the current list of 123 varieties. The addition of these 15 new varieties would only create a greater selection of barberry plant varieties from which consumers can choose. This rule could encourage innovation by allowing nurseries that develop new rust-resistant *Berberis, Mahoberberis,* and *Mahonia* varieties the opportunity to market those varieties in protected areas; however, there is no indication that the periodic introduction of new varieties to the market has any effect on overall sales volumes. Therefore, we do not anticipate that there will be any significant economic impact on those nurseries that handle the new varieties.

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

Executive Order 12372

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

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Incorporation by reference, Plant disease and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 7 CFR part 301 would be amended as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 would continue to read as follows:

Authority: 7 U.S.C. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164-167; 7 CFR 2.22, 2.80, and 371.2(c).

2. Section 301.38–2 would be amended as follows:

a. Paragraph (b) would be amended by adding, in alphabetical order, 13 rust-resistant *Berberis* species to read as set forth below.

c. Paragraph (c)(1) would be amended by adding, in alphabetical order, one rust-resistant Genera *Mahoberberis* species to read as set forth below.

d. Paragraph (c)(2) would be amended by adding, in alphabetical order, one rust-resistant Genera *Mahonia* species to read as set forth below.

§ 301.38–2 Regulated articles.

* * * * *

(b) * * *

* * * * *

B. aggregata X *B. wilsoniae* 'Pirate King'

* * * * *

B. candidula X *B. verruculosa* 'Amstelveen'

* * * * *

B. gagnepainii 'Chenault'

* * * * *

B. integerrima 'Wallichs Purple'

* * * * *

B. soulieana 'Claret Cascade'

* * * * *

B. thunbergii 'Aurea Nana'

* * * * *

B. thunbergii 'Bail Green'

* * * * *

B. thunbergii 'Concorde'

* * * * *

B. thunbergii 'Criruzam' Crimson Ruby

* * * * *

B. thunbergii 'Green Carpet'

* * * * *

B. thunbergii 'Midruzam' Midnight Ruby

* * * * *

B. thunbergii ''Royal Burgundy''

B. thunbergii ''Royal Cloak''

* * * * *

(c) * * *

(1) * * *

* * * * *

M. aquifolium 'Smaragd'

* * * * *

(2) * * *

* * * * *

M. japonica X *M. lomariifolia* ''Charity''

* * * * *

Done in Washington, DC, this 1st day of April 1998.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–9050 Filed 4–6–98; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 274a

[INS No. 1819–96]

RIN 1115–AE70

Limiting Liability for Certain Technical and Procedural Violations of Paperwork Requirements

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: This rule proposes to amend the regulations of the Immigration and Naturalization Service (Service) by limiting liability for certain technical and procedural violations of paperwork requirements for those employers that have made a good faith attempt to comply with a particular employment verification requirement. This rule is necessary to implement section 411 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) Public Law 104–208.

DATES: Written comments must be submitted on or before June 8, 1998.

ADDRESSES: Please submit written comments, in triplicate, to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW., Room 5307, Washington, DC 20536. To ensure proper handling please reference INS No. 1819–96 on your correspondence. Comments are available for public inspection at the above address by calling (202) 514–3048 to arrange for an appointment.

FOR FURTHER INFORMATION CONTACT:

Angelo Sorrento, Senior Special Agent, Immigration and Naturalization Service, HQINV, 425 I Street, NW., Washington, DC 20536; telephone (202) 514–2998.

SUPPLEMENTARY INFORMATION:

What is the Purpose of This Rule?

This rule proposes to amend Service regulations to implement section 411 of IIRIRA, which was enacted on September 30, 1996. This legislation significantly amended the Immigration and Nationality Act (Act) by allowing employers who have made a good faith attempt to comply with a particular employment verification requirement to correct technical or procedural failures to meet the verification requirement before such failures are deemed to be violations of the Act. This proposed rule ensures that the good faith compliance provision relieves employers from strict liability with respect to minor, unintentional violations of the employment verification requirements, but does not provide a shield for employers to avoid the requirements of the Act.

Isn't the Service Preparing to Change the Form I–9? How Will That Affect This Rule?

This proposed rule applies to technical or procedural verification failures with respect to the current Form I–9 (11/21/91 version). On February 2, the Service published a proposed rule, INS# 1890–97, Reduction in the Number of Acceptable Documents and Other Changes to Employment Verification Requirements (63 FR 5287). A draft revision to the Form I–9 was published for comment with that proposed rule. That revision was intended to simplify and clarify the verification requirements, and the Service hopes that improvements to the form will help employers avoid inadvertent violations. Any changes to the good faith compliance regulations which are required by a future revision of the Form I–9 will be published with appropriate notice and comment periods.

What is the Good Faith Compliance Provision? Does it Apply in all Circumstances?

The good faith compliance provision amends section 274A(b) of the Act by adding a new provision, found in sections 274A(b)(6)(A), (B), and (C) of the Act. Section 274A(b)(6)(A) of the Act provides that a person or entity that has made a good faith attempt to comply with an employment verification requirement of section 274A(b) of the Act will be considered to have complied with the requirement, notwithstanding a technical or procedural failure to meet such requirement. This holds true unless one of two exceptions applies. First, section 274A(b)(6)(B) of the Act provides that a person or entity will be considered not to have complied with the requirement if: (1) the Service or other enforcement agency has explained to the person or entity the basis for the failure; (2) the person or entity has been provided a period of not less than 10 business days, beginning after the date of the explanation, within which to correct the failure; and (3) the person or entity has not corrected the failure within such period. Second, section 274A(b)(6)(C) of the Act provides that a person or entity will be considered not to have complied with the requirement if the person or entity is engaging in a pattern or practice of knowing hire or continuing to employ violations of sections 274A(a)(1)(A) or 274A(a)(2) of the Act.

When does the Good Faith Compliance Provision Take effect?

Section 411 of IIRIRA applies to failures occurring on or after September 30, 1996. Except for timeliness failures, failures to meet a verification requirement continue from the first day the requirement must be met until: (1) the day that the failures are corrected; (2) the day that the failures can no longer be corrected, such as when the Service or other enforcement agency inspects the employer's Employment Verification Forms (Form I–9); or (3) the day that the duty to meet the requirement ceases. Continuing failures that persist on or after September 30, 1996, therefore, fall within the purview of section 411 of IIRIRA, even if the failures first occurred on Form I–9 prepared before the date of enactment. The Service has determined that section 411 of IIRIRA will apply to cases arising out of inspections conducted on or after September 30, 1996. For failures associated with timely completion of the Form I–9, section 411 of IIRIRA will not apply if the requirement to complete the Form I–9 should have been met before September 30, 1996.

What Does This Proposed Rule do?

This proposed rule defines the term *technical or procedural failure to meet such requirement*, clairifes when an employer has not made a good faith attempt to comply with the requirement, and describe show an employer who is notified of technical or procedural failures is required to correct such failures to bring himself or herself into compliance with the employment verification requirements of the Act.

What are Technical or Procedural Verification Failures?

Because the good faith compliance provision applies to technical or procedural failures to comply with a particular verification requirement rather than the verification requirements as a whole, the Service must identify the substantive and technical or procedural components of each statutory verification requirement in section 274(b) of the Act in order to form the basis for the proposed rule.

This rule proposes to define the term *technical or procedural failure to meet such requirement* as the failure of a person or entity to: (1) ensure that an individual provides his or her maiden name, address, or birth date in section 1 of the Form I–9; (2) ensure that an individual provides his or her Alien number on the line next to the phrase in section 1 of the Form I–9, ''A Lawful permanent Resident,'' but only if the Alien number is provided in sections 2 or 3 of the Form I–9 (or on a legible copy of a document retained with the Form I–9 (or on a legible copy of a document retained with the Form I–9 and presented at the I–9 inspection); (3) ensure that an individual provides his or her Alien number or Admission number on the line provided under the phrase in section 1 of the Form I–9, ''An alien authorized to work until'' but only if the Alien number or Admission number is provided in sections 2 or 3 of the Form I–9 (or on a legible copy of a document retained with the Form I–9 and presented at the I–9 inspection); (4) ensure that an individual dates section 1 of the Form I–9; (5) ensure that an individual completes section 1 of the Form I–9 timely by dating section 1 of the Form I–9 at the time of hire, if the time of hire occurred on or after September 30, 1996; (6) ensure that a preparer and/or translator provides his or her name, address, signature, or date; (7) provide the document title, identification number(s) and/or expiration date(s) of a proper List A document or proper List B and List C

documents in section 2 of the Form I–9, but only if a legible copy of the document(s) is retained with the Form I–9 and presented at the I–9 inspection; (8) provide the title, business name and business address in section 2 of the Form I–9; (9) provide the date of hire in the attestation portion of section 2 of the Form I–9; (10) date section 2 of the Form I–9; (11) complete section 2 of the Form I–9 timely by dating section 2 of the Form I–9 within 3 business days of the date the individual is hired or, if the individual is hired for 3 business days or less, at the time of hire if the date on which section 2 had to be completed occurred on or after September 30, 1996; (12) provide the document title, identification number(s), and/or expiration date(s) of a proper List A or List C document in section 3 of the Form I–9, but only if a legible copy of the document is retained with the Form I–9 and presented at the I–9 inspection; or (13) provide the date of rehire in section 3 of the Form I–9.

What are the Principal Verification Requirements That are not covered by This Definition?

Section 274A(b) of the Act delineates three principal employment verification requirements: (1) individual attestation of employment authorization on a verification form; (2) employer attestation on a verification form after examination of identity and employment eligibility documents; and (3) retention of the verification form. The list of technical or procedural failures defined in this proposed rule reflects those components of the statutory provision and current regulations that fall outside the principal components.

The principal components of the *individual attestation* are identified as the subject matter of the attestation, namely, the individual's identification of whether he or she is a citizen or national of the United States, Lawful Permanent Resident or alien authorized to work until a specified date, and the individual's signature. The principal components of the *employer attestation* are identified as the subject matter of the attestation, namely, the examination of proper identity and employment authorization documents, and the employer's signature. The principal components of the *retention requirements* are identified as completion of the Form I–9 itself and maintenance of the Form I–9 for the periods specified in the Act since, without either the Form I–9 or its retention, the employment verification requirements would be ineffectual.

How does the Proposed Rule Address Good Faith Attempts to Comply?

The term *good faith attempt to comply with the requirement* is not directly defined in this proposed rule. Rather, this proposed rule clarifies when an employer has not made a good faith attempt to comply with a particular requirement and, thus, does not gain the benefit of the notification and correction period requirements of section 274A(b)(6) of the Act.

When has an Employer not Made a Good Faith Attempt to Comply?

An employer has not made a good faith attempt to comply with a particular requirement when: (a) the employer committed the technical or procedural failure to intentionally avoid the verification requirement or knowingly relied on the good faith compliance provision; (b) the employer corrected or attempted to correct the failure with knowledge, or in reckless disregard of the fact that the correction or the attempted correction contains false information or a material misrepresentation; (c) the employer prepared the Form I–9 with knowledge or in reckless disregard of the fact that the Form I–9 contains false information or a material misrepresentation; or (d) the type of failure was previously the subject of a Warning Notice, Notice of Intent to Fine, or notification of technical or procedural failures. Intentional avoidance of the requirements can be demonstrated circumstantially through such evidence as a large number of unauthorized aliens in the employer's work force combined with a pattern of failures with respect to those unauthorized aliens, or failure of the employer to prepare Forms I–9 for his or her employees until after the Service notifies the employer through the Notice of Inspection that the Service intends to conduct an I–9 inspection. This proposed rule is not intended to provide a shield for employers to avoid the requirements of the Act.

How can Employers Correct Technical or Procedural Verification Failures?

This rule proposes a mechanism for employers to correct technical or procedural failures for which they have been notified. To be deemed to have properly corrected a technical or procedural failure identified in section 1 of the Form I–9, the employer must ensure that the individual, preparer, and/or translator corrects the failure on the Form I–9, initials the correction, and dates the correction. To be deemed to have properly corrected a technical or procedural failure identified in sections 2 or 3 of the Form I–9, the employer must correct the failure on the Form I–9, and then initial and date the correction.

The Service recognizes that the correction of technical or procedural failures is sometimes impossible, whether due to the nature of the failure, such as a timeliness failure, or to the inability of the employer to access the necessary information, such as when the information has been independently destroyed or is inaccessible due to termination of the individual's employment. This rule proposes that, where the employer's explanation of an inability to correct a technical or procedural failure is reasonable, the employer will be deemed to have complied with the requirement, notwithstanding the inability to correct the failure.

This proposed rule in no way affects the Service's authority to enforce verification failures that are not characterized as technical or procedural.

What About the Other Employment-Related IIRIRA Provisions?

This is one of four rules the Service is proposing to implement IIRIRA amendments to section 274A of the Act. In addition to this rule, we are developing and publishing proposed rules to:

(a) Implement sections 412(a), 412(d), and 416 of the IIRIRA by: (1) eliminating certain documents currently used in the employment eligibility verification (Form I–9) process; (2) including any branch of the Federal Government in the definition of *entity* for employer sanctions purposes; and (3) clarifying the Service's authority to compel by subpoena the appearance of witnesses and production of evidence when investigating possible violations of section 274A of the Act. This proposed rule and a proposed revision to the Form I–9 were published for comment on February 2. This proposed rule includes numerous changes intended to simplify the verification procedures;

(b) Implement changes to the application process for obtaining employment authorization from the Service. This proposed rule will include a revision to the Form I–765, Application for Employment Authorization, and revisions to Subpart B of Part 274a; and

(c) Implement section 412(b) of IIRIRA, which permits an employer which is a member of an association of two or more employers that hires an individual who is a member of a collective bargaining unit and is employed under a collective bargaining agreement entered into between one or

more employee organizations and the association to use the Form I–9 completed for that individual within 3 years (or, if less, the period of time that the individual is authorized to be employed in the United States) by a prior employer which is a member of the same association.

Regulatory Flexibility Act

The Commissioner, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule does not have a significant economic impact on a substantial number of small entities. This rule eases the burden on small businesses by ensuring that employers who make a good faith effort to comply with the employment verification provisions are not penalized for technical and procedural failures.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any 1 year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Executive Order 12866

This rule is considered by the Department of Justice, Immigration and Naturalization Service, to be a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review. Accordingly, this regulation has been submitted to the Office of Management and Budget for review.

Executive Order 12612

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

Executive Order 12988 Civil Justice Reform

This proposed rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988.

Paperwork Reduction Act

This proposed rule does not impose any new reporting or recordkeeping requirements. The information collection requirements contained in this rule were previously approved for use by the Office of Management and Budget (OMB). The OMB control number for these collections is contained in 8 CFR 299.5, Display of control numbers.

List of Subjects in 8 CFR Part 274a

Administrative practice and procedure, Aliens, Employment, Penalties, Reporting and recordkeeping requirements.

Accordingly, part 274a of chapter I of title 8 of the Code of Federal Regulations is proposed to be amended as follows:

PART 274a—CONTROL OF EMPLOYMENT OF ALIENS

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

Authority: 8 U.S.C. 1101, 1103, 1324a; 8 CFR part 2.

2. Section 274a.1 is amended by:

a. Removing the ''.'' at the end of paragraph (1)(2) and replacing it with a '';'' and by

b. Adding a new paragraph (n) to read as follows:

§ 274a.1 Definitions

* * * * *

(n) The term *technical or procedural failure to meet such requirement* means failure of a person or entity to:

(1) In section 1 of the Form I–9:

(i) Ensure that an individual hired or recruited or referred for a fee provides his or her maiden name, address, or birth date;

(ii) Ensure that an individual provides his or her Alien number on the line next to the phrase ''A Lawful Permanent Resident'', but only if the Alien number is provided in sections 2 or 3 of the Form I–9 (or on a legible copy of a document retained with the Form I–9 and presented at the I–9 inspection);

(iii) Ensure that an individual provides his or her Alien number or Admission number on the line provided under the phrase ''An alien authorized to work until'', but only if the Alien number or Admission number is provided in sections 2 or 3 of the Form I (or on a legible copy of a document retained with the Form I–9 and presented at the I–9 inspection);

(iv) Ensure that an individual dates section 1 of the Form I–9;

(v) Ensure that an individual completes section 1 of the Form I–9 timely by dating section 1 of the Form I–9 at the time of hire, if the time of hire occurred on or after September 30, 1996; and

(vi) Ensure that a preparer/translator provides his or her name, address, signature, and date.

(2) In section 2 of the Form I–9:

(i) Provide the document title, identification number(s) and/or expiration date(s) of a proper List A document or proper List B and List C documents, but only if a legible copy of the document(s) is retained with the Form I–9 and presented at the I–9 inspection;

(ii) Provide the title, business name, and business address;

(iii) Provide the date of hire in the attestation portion;

(iv) Date section 2 of the Form I–9; and

(v) Complete section 2 of the Form I–9 timely by dating section 2 of the Form I–9 within 3 business days of the date the individual is hired or, if the individual is hired for 3 business days or less, at the time of hire, if the date on which section 2 had to be completed occurred on or after September 30, 1996.

(3) In section 3 of the Form I–9:

(i) Provide the document title, identification number(s), and/or expiration date(s) of a proper List A or List C document, but only if a legible copy of the document is retained with the Form I–9 and presented at the I–9 inspection; and

(ii) Provide the date of rehire.

3. Section 274a.2 is amended by adding a new paragraph (e) to read as follows:

§ 274a.2 Verification of employment eligibility.

* * * * *

(e) *Good faith compliance with the employment verification requirements notwithstanding technical or procedural failures.* (1) In the case of I–9 inspections conducted on or after September 30, 1996, an employer or recruiter or referrer for a fee will not be subject to civil monetary penalties under § 274a.10(b) for technical or

procedural failures to meet a requirement of section 274A(b) of the Act if the employer or recruiter or referrer for a fee made a good faith attempt to meet such requirement. An employer or recruiter or referrer for a fee will not be considered to have made a good faith attempt to meet such requirement when:

(i) The technical or procedural failure was committed with the intent to avoid a requirement of the Act, as demonstrated by the totality of circumstances including but not limited to the substantial presence of unauthorized aliens hired by the employer combined with a pattern of repeated failures in the completion of the Form I–9 with respect to such unauthorized aliens, or failure of the employer to prepare the Form I–9 until after the employer is served with a Notice of Inspection;

(ii) The technical or procedural failure was committed in knowing reliance on section 274A(b)(6) of the Act;

(iii) The employer or recruiter or referrer for a fee corrected or attempted to correct the technical or procedural failure with knowledge or in reckless disregard of the fact that the correction or attempted correction contained a false, fictitious, or fraudulent statement or material misrepresentation, or has no basis in law or fact;

(iv) The employer or recruiter or referrer for a fee prepared the Form I–9 with knowledge or in reckless disregard of the fact that the Form I–9 contained a false, fictitious, or fraudulent statement or material misrepresentation, or has no basis in law or fact; or

(v) The type of failure was previously the subject of a Warning Notice described in § 274a.9(c) or Notice of Intent to Fine described in § 274a.9(d), or a notice of technical or procedural failures.

(2) An employer or recruiter or referrer for a fee will be subject to civil money penalties under § 274a.10(b) notwithstanding paragraph (e)(1) of this section if, after receiving notice of the technical or procedural failure(s), the employer or recruiter or referrer for a fee does not voluntarily correct the failure(s) on the Form I–9 by the date specified in the notice. The date specified in the notice must be at least 10 days after the date the notice is received in the case of personal service and 15 days after the date on the notice in the case of service by certified or regular mail. No penalty will apply if the failure could not reasonably be corrected, and the employer or recruiter or referrer for a fee provides a Service officer with an explanation of why the failure(s) cannot reasonably be corrected by the date specified in the notice. This explanation may be written or oral at the discretion of the Service officer. The employer or recruiter or referrer for a fee will be deemed to have properly corrected a technical or procedural failure where the employer or recruiter or referrer for a fee:

(i) In the case of a failure in section 1 of the Form I–9, ensures that the individual, preparer and/or translator corrects the failure on the Form I–9, initials the correction, and dates the correction; or

(ii) In the case of a failure in sections 2 or 3 of the Form I–9, corrects the failure on the Form I–9, initials the correction, and dates the correction.

Dated: March 29, 1998.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 98–8969 Filed 4–6–98; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

9 CFR Part 200

Petition for Rulemaking: Packer Livestock Procurement Practices

AGENCY: GIPSA, Agriculture.

ACTION: Notice of release of analysis regarding petition for rulemaking.

SUMMARY: The Secretary of Agriculture received a petition for rulemaking submitted by the Western Organization of Resource Councils (WORC) on October 12, 1996. The petition requested that the Department of Agriculture (USDA) initiate rulemaking to restrict certain livestock procurement practices regarding forward contracting and packer feeding. In order to facilitate full discussion of the issues raised in the petition, USDA published the petition in the **Federal Register** on January 14, 1997 (62 FR 1845) and requested public comment. The comment period closed on April 14, 1997. A team of USDA personnel reviewed the petition, comments, the congressionally-mandated concentration study that USDA completed in 1996, and other available economic studies.

The Secretary of Agriculture has not yet reached a conclusion regarding WORC's petition for rulemaking. USDA is continuing an open dialogue with industry participants to address livestock pricing and concentration issues. In the spirit of that dialogue, the analysis of the petition and comments is available on GIPSA's internet homepage (http://www.usda.gov/gipsa/lateadd/lateadd.htm).

ADDRESSES: You may request a copy of the analysis by contacting the Deputy Administrator, Packers and Stockyards Programs, GIPSA, USDA, Stop 3641, 1400 Independence Avenue, SW, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Jay A. Johnson, Acting Director, Packer and Poultry Division, (202) 720–7363.

Dated: March 30, 1998.

David R. Shipman,

Acting Administrator.

[FR Doc. 98–8987 Filed 4–6–98; 8:45 am]

BILLING CODE 3410–EN–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Docket No. 28814; Summary Notice No. PR–98–1]

Petition for Rulemaking; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Notice of petition for rulemaking received.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice publishes a petition requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Publication of this notice is not intended to affect the legal status of any petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number involved and must be received on or before June 8, 1998.

ADDRESSES: Send comments in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket No. 28814, 800 Independence Avenue, SW, Washington, DC 20591. Comments may also be sent electronically to the following internet address: 9-NPRM-CMTS@faa.dot.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G,