

Notice Procedures

The IRS provides direct notice to taxpayers in the instructions to Form 1040, 1040A, and 1040EZ that information provided on U.S. Individual Income Tax Returns may be given to other Federal agencies, as provided by law. HUD agrees to ensure that each applicant, at the time of application, receives written notice that the information provided on the application is subject to verification through computer matching with other Federal agencies for the purpose of locating delinquent debtors. Direct notice consists of appropriate language printed on its application forms or a separate handout provided to the individual.

Categories of Records/Individuals Involved

The debtor records include these data elements: SSN, claim number, program code, and indication of indebtedness. Categories of records include: records of claims and defaults, repayment agreements, credit reports, financial statements, and records of foreclosures.

Period of the Match

Matching will begin at least 40 days from the date copies of the signed (by both Data Integrity Boards) computer matching agreement are sent to both Houses of Congress or at least 40 days from the date this Notice is published in the **Federal Register**, whichever is later, providing no comments are received which will result in a contrary determination. The matching program will be in effect and continue for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other in writing to terminate or modify the agreement.

Dated: October 29, 1998.

Leslie H. Graham, Jr.,

Deputy Director, Office of Information Technology.

[FR Doc. 98-29983 Filed 11-6-98; 8:45 am]

BILLING CODE 4210-01-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for the Nuevo Energy Company/Torch Operating Company Habitat Conservation Plan, Kern County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and receipt of application.

SUMMARY: This notice advises the public that Nuevo Energy Company (Nuevo) and Torch Operating Company (Torch) have applied to the Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended. The proposed permit would authorize the incidental take of 5 listed animal species and the future incidental take, should it become necessary, of 4 listed plant species, 9 unlisted animal species, and 7 unlisted plant species, resulting from oil and gas production in Kern County, California. The permit would be in effect for 30 years.

The Service also announces the availability of an Environmental Assessment for the incidental take permit application. The application includes the proposed Habitat Conservation Plan (Plan) fully describing the proposed project and mitigation and the accompanying Implementing Agreement. This notice is provided pursuant to section 10(a) of the Endangered Species Act and National Environmental Policy Act regulations (40 CFR 1506.6). All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

DATES: Written comments on the permit application and Environmental Assessment should be received on or before December 9, 1998.

ADDRESSES: Comments regarding the application or adequacy of the Environmental Assessment, Habitat Conservation Plan, and Implementing Agreement should be addressed to the Field Supervisor, Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 3310 El Camino, Suite 130, Sacramento, California 95821-6340. Individuals wishing copies of the application or Environmental Assessment for review should immediately contact the above office. Documents also will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Susan Jones or Peter Cross, Sacramento Fish and Wildlife Office, (916) 979-2728.

SUPPLEMENTARY INFORMATION: Section 9 of the Endangered Species Act and Federal regulation prohibit the "taking" of fish and wildlife species listed as endangered or threatened, respectively. That is, no one may harass, harm, pursue, hunt, shoot, wound, kill, trap,

capture or collect listed animal species, or attempt to engage in such conduct (16 U.S.C. 1538). However, the Service may, under limited circumstances, issue permits to take listed fish and wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for threatened species are promulgated in 50 CFR 17.32; regulations governing permits for endangered species are promulgated in 50 CFR 17.22.

Section 9 of the Endangered Species Act generally does not prohibit take of federally listed plants on private lands unless the take or action resulting in take would violate State law. Nuevo/Torch have requested a permit for plants to the extent that their take would be a violation of the Endangered Species Act. Impacts to listed plants also must be addressed in the intra-Service consultation required pursuant to section 7(a) of the Endangered Species Act.

Background

The Plan addresses parcels totaling approximately 21,800 acres in western Kern County to which Nuevo/Torch holds various rights. The Plan does not address Nuevo/Torch mineral interests on Bureau of Land Management land. While the Plan Area covered by the Nuevo/Torch Plan is 21,800 acres, Nuevo/Torch estimates that only about 1,700 acres will be subject to permanent disturbance. The proposed activities addressed by the Plan include oil and gas production operations; construction, maintenance and/or abandonment of oil field equipment; maintenance and inspection of oil field equipment as required by certain regulatory agencies; and any activity required to mitigate an emergency situation, or effects of an emergency situation.

The listed species addressed in the proposed permit are the giant kangaroo rat (*Dipodomys ingens*), Tipton kangaroo rat (*Dipodomys nitratoideus nitratoideus*), blunt-nosed leopard lizard (*Gambelia silus*), San Joaquin kit fox (*Vulpes macrotis mutica*), and the California condor (*Gymnogyps californianus*), federally listed as endangered. The proposed permit also would authorize future incidental take of the San Joaquin antelope squirrel (*Ammospermophilus nelsoni*), short-nosed kangaroo rat (*Dipodomys nitratoideus brevinasus*), western burrowing owl (*Athene cunicularia hypugea*), San Joaquin LeConte's thrasher (*Toxostoma lecontei macmillanorum*), mountain plover (*Charadrius montanus*), California horned lizard (*Phrynosoma coronatum frontale*), San Joaquin coachwhip

(*Masticophis flagellum ruddocki*), Tulare grasshopper mouse (*Onychomys torridus tularensis*), and San Joaquin pocket mouse (*Perognathus inornatus inornatus*), currently unlisted species, should any of them become listed under the Endangered Species Act in the future while the permit is in effect. Nuevo/Torch has not requested authority under the Endangered Species Act for direct take of California condor. Rather, the applicants have requested that authority be given for minimal harassment of California condors that may inadvertently result if condors ever occur in the Plan Area.

Additionally, the Plan addresses avoidance, minimization, and mitigation for impacts to listed and unlisted plant species. These species are the Kern mallow (*Eremalche kernensis*), San Joaquin woolly-threads (*Lembertia congdonii*), and Bakersfield cactus (*Opuntia basilaris treleasei*), federally listed as endangered, and Hoover's eriastrum (*Eriastrum hooveri*), federally listed as threatened. The unlisted plant species are the recurved larkspur (*Delphinium recurvatum*), slough thistle (*Cirsium crassicaule*), oil neststraw (*Stylocline citroleum*), heartscale (*Atriplex cordulata*), Lost Hills crownscale (*Atriplex vallicola*), lesser saltscale (*Atriplex minuscula*), and brittlescale (*Atriplex depressa*). Collectively the listed and unlisted animal and plant species addressed in the Plan are referred to as the "covered species" for the Nuevo/Torch lands.

The Nuevo/Torch Plan is a three-fold program which includes: (1) Compensation, (2) avoidance and minimization of take, and (3) management of conservation lands. The compensation strategy for take resulting from the permanent disturbance of habitat is based on dividing Nuevo/Torch lands into four zones by a combination of habitat quality and land use. These zones are the Oil Zone, White Zone, Green Zone, and Red Zone, and are based on conservation value. The Oil Zone includes land within the administrative oil and gas field boundaries used by the California Division of Oil, Gas and Geothermal Resources. Within the Oil Zone, there is an inner area, known as the Oil Zone-Productive Area, where the currently producing wells are located and, because of the high intensity of production, where habitat value is generally low. That part of the Oil Zone which is outside the Oil Zone-Productive Area is known as the Oil Zone-Step-out Area. The Oil Zone-Step-out Area, where future oil development may occur, has much more limited current development and generally

higher habitat value than the Oil Zone-Productive Area. The White Zone includes agricultural land and other areas with low habitat value; the Green Zone includes land with moderate habitat value that provides valuable linkage and corridor routes; and the Red Zone includes land with high habitat value.

While the habitat value of some Oil Zone land is such that it could be classified as Green or Red Zone land, the Oil Zone designation overrides the habitat value of the land, and the land is considered Oil Zone land for purposes of the Nuevo/Torch Plan. Most of the proposed activities covered by the Nuevo/Torch Plan are anticipated to take place in the Oil Zone-Productive Area. No compensation will be provided for permanent disturbance in the Oil Zone-Productive Area. Compensation for permanent disturbance in the Oil Zone-Step-out Area will be provided at the same rate as for White Zone land.

Nuevo/Torch will compensate for permanent habitat disturbance within the White, Green, and Red Zones by preserving high habitat value Red Zone land in the Lokern Natural Area in perpetuity. Funds will be set aside for initial improvements and long term care of preserve lands as the land is set aside to compensate for specific projects. For lands outside the Oil Zone, the Nuevo/Torch Plan assigns "conservation credits" for each acre of land disturbed and each acre acquired for preservation, based on the zone in which it is located. Lands in the Red Zone are valued at 3 credits/acre, lands in the Green Zone are valued at 2 credits/acre, and lands in the White Zone and the Oil Zone-Step-out Area are valued at 1 credit/acre. Compensation will be provided in a ratio of 3 acres of preserved land to every 1 acre of disturbed land. For example, if one acre of Red Zone land is permanently disturbed, then 3 acres of Red Zone land will be preserved in perpetuity as compensation. If 1 acre of White Zone land is permanently disturbed, then one third of an acre of Red Zone land will be preserved in perpetuity as compensation.

Nuevo/Torch estimates that 1,700 acres of habitat will be permanently disturbed, and that 81 percent of that disturbance will be in the Oil Zone-Productive Area. The remaining 29 percent of the disturbance will affect 493 acres, and be compensated for with a total of 833 Red Zone acres.

Nuevo/Torch will designate properties in the Lokern Natural Area as a preserve for use as compensation for permanent habitat disturbance. Three properties controlled by Nuevo/Torch in the Red Zone, the Mallett, Kimble, and

Ransower-Vitelle properties, total 839.9 acres and would be set aside as preservation land as projects occur that require compensation. Nuevo/Torch will manage all three properties as preserve land upon initiation of the Nuevo/Torch Plan.

Nuevo/Torch will implement extensive avoidance and minimization measures which address both animal and plant species in all zones except the Oil Zone. Strict avoidance measures for covered species will be enforced by the Nuevo/Torch Environmental Department. Specific take avoidance measures are presented in Section 5 of the Nuevo/Torch Plan. Nuevo/Torch also will follow the Best Management Practices outlined in Section 5 in order to minimize effects on wildlife. In addition, Nuevo/Torch will conduct annual monitoring of both disturbed land and preservation land and provide reports to the Service and the California Department of Fish and Game.

Environmental Assessment

The Environmental Assessment considers the environmental consequences of five alternatives. Alternative 1, the proposed action, consists of the issuance of an incidental take permit to Nuevo/Torch, and implementation of the Plan and its Implementing Agreement. Alternative 2 consists of development of oil and gas facilities on the proposed preserve lands in the Lokern Natural Area. The level of incidental take under Alternative 2 would likely be greater than under the proposed action. Alternative 3 consists of development of oil production facilities on an alternative site which would have listed species concerns similar to the proposed action. Because of the presence of listed species on the lands associated with alternatives 2 and 3, an incidental take permit would be required for selection and implementation of either alternative. Alternative 4 consists of waiting until the Kern County Valley Floor Habitat Conservation Plan is approved. Under Alternative 5, the No Action Alternative, the Service would not issue an incidental take permit.

This notice is provided pursuant to section 10(a) of the Endangered Species Act and the National Environmental Policy Act of 1969 regulations (40 CFR 1506.6). The Service will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of the National Environmental Policy Act regulations and section 10(a) of the Endangered Species Act. If it is determined that the requirements are met, a permit will be

issued for the incidental take of the listed species. The final permit decision will be made no sooner than 30 days from the date of this notice.

Dated: November 3, 1998.

Michael J. Spear,

Manager, California/Nevada Operations Office, Fish and Wildlife Service, Region 1, Sacramento, California.

[FR Doc. 98-29902 Filed 11-6-98; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Geological Survey

Privacy Act of 1974; as Amended; Revisions to the Existing System of Records

AGENCY: Geological Survey, Department of the Interior.

ACTION: Proposed revisions to an existing system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (5 U.S.C. 552a), the U.S. Geological Survey (USGS) is issuing public notice of its intent to modify an existing Privacy Act system of records notice, USGS-4, "Employee Assistance Program Records." The revisions will update the address of the System Manager(s).

EFFECTIVE DATE: 5 U.S.C. 552a(e)(11) requires that the public be provided a 30-day period in which to comment on the intended use of the information in the system of records. The Office of Management and Budget, in its Circular A-130, requires an additional 10-day period (for a total of 40 days) in which to make these comments. Any persons interested in commenting on this revised system of records may do so by submitting comments in writing to the U.S. Department of the Interior, U.S. Geological Survey, USGS Privacy Act Officer, National Center, MS-807, 12201 Sunrise Valley Drive, Reston, Va 20192. Comments received within 40 days of publication in the **Federal Register** (December 21, 1998), will be considered. The system will be effective as proposed at the end of the comment period, unless comments are received which would require a contrary determination.

ADDRESSES: Send written comments to U.S. Department of the Interior, U.S. Geological Survey, USGS Privacy Act Officer, National Center, MS-807, Reston, Virginia, 20192. Hand deliver comments to the same address.

FOR FURTHER INFORMATION CONTACT: Chief, Branch of Employee/Labor Management Relations, Office of Personnel, U.S. Geological Survey,

National Center, MS-601, Reston, Virginia, 20192.

SUPPLEMENTARY INFORMATION: The USGS is proposing to amend the system notice for USGS-4, "Employee Assistance Program Records," to more accurately and clearly describe the address of the System Manager(s). The revision reflects a change of address in the Reston, Virginia, and the Atlanta, Georgia, System Managers locations.

Dated: October 28, 1998.

Paul R. Celluzzi,

Chief, Corporate Information Technology Branch, Office of Information Services.

Accordingly, the USGS proposes to amend the "Employee Assistance Program Records," USGS-4 in its entirety to read as follows:

INTERIOR/USGS-4

SYSTEM NAME:

Employee Assistance Program—Records, USGS-4.

SYSTEM LOCATION:

This system of records is located with the contractor providing counseling services.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. Geological Survey employees and their families who seek, are referred, and/or receive assistance through the Employee Assistance Program (EAP).

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system include documentation of visits to employee counselors (Federal, State, local government, or private), the problem assessment, the recommended plan of action to correct the major issue, referral to community or private resource for assistance with personal problems, referral to community or private resource for rehabilitation or treatment, results of referral, and other notes or records of discussions held with the employee made by the EAP counselor. Additionally, records in this system may include documentation of treatment by a therapist or at a Federal, State, local government, or private institution.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 290dd-1; 42 U.S.C. 290ee-1.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used by the Employee Assistance Program Counselor to document the nature of an individual's problem and progress made

to correct the problem. The primary uses of these records are: (1) For the EAP counselor to document the nature of individual's problem and progress made to correct the problem, and, (2) record an individual's participation in and the results of community or private referrals for solution of problems, rehabilitation, or treatment programs. These records and information may be used to disclose information to qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report or otherwise disclose patient identities in any manner (when such records are provided to qualified researchers employed by the Department of the Interior all patient identifying information will be removed).

Note: Disclosure of information pertaining to an individual with a history of alcohol or drug abuse must be limited in compliance with the restrictions of the confidentiality of Alcohol and Drug Abuse Patient Records Regulations, 42 CFR part 2. Disclosure of records pertaining to the physical and mental fitness of employees are, as a matter of Department policy, afforded the same degree of confidentiality.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved by the name of the individual on whom they are maintained.

SAFEGUARDS:

These records are maintained in locked file cabinets with access strictly limited to those persons employed by the contractor(s) who are directly involved in the alcohol and drug abuse prevention function of the U.S. Geological Survey's Employee Assistance Program as that term is defined in 42 CFR, part 2.

RETENTION AND DISPOSAL:

Retained and disposed of according to Bureau Records Disposition Schedule, RCS/Item 405-04 a and b.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Branch of Employee/Labor Management Relations, Office of Personnel, U.S. Geological Survey, 601 National Center, Reston, Virginia 20192; Atlanta Personnel Officer, U.S. Geological Survey, 3850 Holcomb Bridge Rd., Norcross, Georgia 30092;