

does not consider an exemption for small entities appropriate because consumers who use these manufacturers' products would not have the most recent information for the safe and effective use of these OTC ophthalmic vasoconstrictor drug products.

This analysis shows that this proposed rule is not economically significant under Executive Order 12866 and that the agency has undertaken important steps to reduce the burden to small entities. Nevertheless, some entities may incur some impacts, especially private label manufacturers that provide labeling for a number of the affected products. Thus, this economic analysis, together with other relevant sections of this document, serves as the agency's initial regulatory flexibility analysis, as required under the Regulatory Flexibility Act. Finally, this analysis shows that the Unfunded Mandates Act does not apply to the proposed rule because it would not result in an expenditure in any one year by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million.

VI. Paperwork Reduction Act of 1995

FDA tentatively concludes that the labeling requirements proposed in this document are not subject to review by the Office of Management and Budget because they do not constitute a "collection of information" under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Rather, the proposed warning statements are a "public disclosure of information originally supplied by the Federal Government to the recipient for the purpose of disclosure to the public" (5 CFR 1320.3(c)(2)).

VII. Environmental Impact

The agency has determined under 21 CFR 25.30(h) that this action is of a type that is categorically excluded from the preparation of an environmental assessment because these actions, as a class, will not result in the production or distribution of any substance and therefore will not result in the production of any substance into the environment.

VIII. Request for Comments

Interested persons may, on or before May 26, 1998, submit written comments on the proposed regulation to the Dockets Management Branch (address above). Written comments on the agency's economic impact determination may be submitted on or before May 26, 1998. Three copies of all comments are to be submitted, except

that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document and may be accompanied by a supporting memorandum or brief. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 349

Labeling, Ophthalmic goods and services, Over-the-counter drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 349 be amended as follows:

PART 349—OPHTHALMIC DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

1. The authority citation for 21 CFR part 349 continues to read as follows:

Authority: 21 U.S.C. 321, 351, 352, 353, 355, 360, 371.

2. Section 349.75 is amended by revising paragraph (c)(2) and adding paragraph (c)(5) to read as follows:

§ 349.75 Labeling of ophthalmic vasoconstrictor drug products.

* * * * *

(c) * * *

(2) "If you have narrow angle glaucoma, do not use this product except under the advice and supervision of a doctor."

* * * * *

(5) "Pupils may become dilated (enlarged)."

* * * * *

Dated: January 20, 1998.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 98-4531 Filed 2-20-98; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 301

[REG-105162-97]

RIN 1545-AV41

Treatment of Changes in Elective Entity Classification; Hearing Cancellation

AGENCY: Internal Revenue Service, Treasury.

ACTION: Cancellation of notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of cancellation of a public hearing on proposed regulations regarding the classification of entities for federal tax purposes.

DATES: The public hearing originally scheduled for Tuesday, February 24, 1998, beginning at 10:00 a.m. is cancelled.

FOR FURTHER INFORMATION CONTACT:

Lanita Van Dyke of the Regulations Unit, Assistant Chief Counsel (Corporate), (202) 622-7190, (not a toll-free number).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 7701 of the Internal Revenue Code. A notice of proposed rulemaking and notice of public hearing appearing in the **Federal Register** on Tuesday, October 28, 1997 (62 FR 55768), announced that the public hearing on proposed regulations under section 7701 of the Internal Revenue Code would be held on Tuesday, February 24, 1998, beginning at 10:00 a.m., in room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C.

The public hearing scheduled for Tuesday, February 24, 1998, is cancelled.

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 98-4383 Filed 2-20-98; 8:45 am]

BILLING CODE 4830-01-U

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 103

Rules Regarding Standardized Remedial Provisions in Board Unfair Labor Practice Decisions and the Appropriateness of Single Location Bargaining Units in Representation Cases

AGENCY: National Labor Relations Board.

ACTION: Withdrawal of proposed rulemakings.

SUMMARY: The NLRB is indefinitely withdrawing from active consideration two rulemaking proceedings: (1) The Notice of Proposed Rulemaking issued on March 5, 1992 entitled Codification of Standardized Remedial Provisions in Board Decisions Regarding Offers of Reinstatement, Make-Whole Remedies, Computation of Interest, and Posting of Notices (57 FR 7897); and (2) the Advanced Notice of Proposed Rulemaking and Notice of Proposed

Rulemaking issued on June 2, 1994 (59 FR 28501) and September 28, 1995 (60 FR 50146), respectively, entitled Appropriateness of Requested Single Location Bargaining Units in Representation Cases. The Board¹ has decided to take this action given that no action has been taken by the Board on either rulemaking proceeding for several years² and the Board's determination to focus its time and resources on reducing the backlog of adjudicated cases pending before the Board.

FOR FURTHER INFORMATION CONTACT: John J. Toner, Executive Secretary, National Labor Relations Board, 1099 14th Street NW, Room 11600, Washington, D.C. 20570. Telephone: (202) 273-1940.

Dated: Washington, D.C., February 18, 1998.

By direction of the Board.

John J. Toner,

Executive Secretary.

[FR Doc. 98-4543 Filed 2-20-98; 8:45 am]

BILLING CODE 7545-01-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 948

West Virginia Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is proposing to clarify three final rule decisions, to remove a required amendment, and to vacate its retroactive approval of amendments to the West Virginia permanent regulatory program (hereinafter referred to as the West Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The clarifications concern West Virginia statutes pertaining to administrative appeals and the State Environmental Quality Board, and the required amendment pertains to termination of

jurisdiction. The proposed actions are intended to comply with a settlement agreement reached in *West Virginia Mining and Reclamation Association (WVMRA) v. Babbitt*, No. 2: 96-0371 (S.D. W.Va.).

DATES: Written comments must be received on or before 4:00 p.m. on March 25, 1998. If requested, a public hearing on the proposed amendments will be held at 1:00 p.m. on March 20, 1998. Requests to present oral testimony at the hearing must be received on or before 4:00 p.m. on March 10, 1998.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to Mr. Roger W. Calhoun, Director, Charleston Field Office at the address listed below.

Copies of the West Virginia program, the program amendment decision that is the subject of this notice, and the administrative record on the West Virginia program are available for public review and copying at the addresses below, during normal business hours, Monday through Friday, excluding holidays.

Mr. Roger W. Calhoun, Director,
Charleston Field Office, Office of
Surface Mining Reclamation and
Enforcement, 1027 Virginia Street,
East, Charleston, West Virginia 25301
Telephone: (304) 347-7158
West Virginia Division of
Environmental Protection, 10
McJunkin Road, Nitro, West Virginia
25143, Telephone: (304) 759-0515.

In addition, copies of the amendments that are the subject of this notice are available for inspection during regular business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, Morgantown Area Office, 75 High Street, Room 229, P.O. Box 886, Morgantown, West Virginia 26507, Telephone: (304) 291-4004
Office of Surface Mining Reclamation and Enforcement, Beckley Area Office, 323 Harper Park Drive, Suite 3, Beckley, West Virginia 25801, Telephone: (304) 255-5265.

FOR FURTHER INFORMATION CONTACT: Mr. Roger W. Calhoun, Director, Charleston Field Office; Telephone: (304) 347-7158.

SUPPLEMENTARY INFORMATION:

I. Background on the West Virginia Program

On January 21, 1981, the Secretary of the Interior conditionally approved the West Virginia program. Background information on the West Virginia program, including the Secretary's findings, the disposition of comments, and the conditions of the approval can be found in the January 21, 1981,

Federal Register (46 FR 5915-5956). Subsequent actions concerning the West Virginia program and previous amendments are codified at 30 CFR 948.10, 948.12, 948.13, 948.15 and 948.16.

II. Discussion of the Proposed Amendment

In a series of three letters dated June 28, 1993, and July 30, 1993 (Administrative Record Nos. WV-888, WV-889 and WV-893), the West Virginia Division of Environmental Protection (WVDEP) submitted an amendment to its approved permanent regulatory program that included numerous revisions to the West Virginia Surface Coal Mining and Reclamation Act (referred to herein as "the Act", WVSCMRA § 22A-3-1 *et seq.*) and the West Virginia Surface Mining Reclamation Regulations (CSR § 38-2-1 *et seq.*). OSM approved the proposed revisions on durable rock fills on August 16, 1995, (60 FR 42437-42443) and approved with exceptions, the proposed revisions on bonding on October 4, 1995, (60 FR 51900-51918). OSM approved, with exceptions, the remaining amendments on February 21, 1996, (61 FR 6511-6537). See 30 CFR 948.15 for the provisions that were partially approved by OSM. See 30 CFR 948.16 for required amendments.

On April 18, 1996, the WVMRA, the West Virginia Coal Association, and the Tri-State Coal Operators Association, Inc. filed an appeal, pursuant to section 526(a)(1) of SMCRA, 30 U.S.C. 1276(a)(1), challenging certain OSM decisions contained in the February 21, 1996, **Federal Register** Notice, including the decision to make approval of the amendment retroactive. (Administrative Record Number WV-1027) On October 29, 1997, the parties reached a settlement agreement with respect to six of the seven counts contained in the above referenced case. (Administrative Record Number WV-1077). The other count, pertaining to the use of passive treatment systems after final bond release, was decided by the United States District Court for the Southern District of West Virginia in OSM's favor. See *WVMRA v. Babbitt*, No. 2: 96-0371 (S.D. W.Va. July 11, 1997) (Administrative Record Number WV-1072). This rulemaking is proposed in order that OSM may fulfill its obligations with respect to five of the six counts of the appeal which are addressed by settlement agreement. The remaining count addressed in the settlement agreement, pertaining to the

¹ Members Fox, Liebman, Hurtgen and Brame. Chairman Gould agrees with his colleagues as to the notice of proposed rulemaking regarding standardized remedial orders in Board unfair labor practice decisions, but dissents from the withdrawal of the notice of proposed rulemaking regarding the appropriateness of single location bargaining units in representation cases.

² A Congressional rider attached to each of the NLRB's 1996, 1997, and 1998 appropriations bills has prohibited the Agency from expending any funds to promulgate a final rule regarding the appropriateness of single location bargaining units in representation cases.