

**FOR FURTHER INFORMATION CONTACT:** Mr. James H. Myers, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-2328, Internet: JHM@NRC.GOV.

**SUPPLEMENTARY INFORMATION:** Currently, the State of Oregon has an Agreement with the Nuclear Regulatory Commission (NRC) which grants the State authority to regulate specific categories of radioactive materials formerly regulated by the NRC. This Agreement was entered into on July 1, 1965, pursuant to Section 274b of the Atomic Energy Act of 1954, as amended.

Recently, the NRC received a letter from Oregon Governor John A. Kitzhaber, M.D. (December 8, 1997), requesting relinquishment of the State's authority to evaluate and approve sealed source and devices, and assumption of this authority by NRC. The requested action would involve reassertion of regulatory authority by NRC over activities currently regulated by Oregon pursuant to its Agreement with NRC.

The State of Oregon has conducted two sealed source and device evaluations; the last evaluation was issued in 1997. Governor Kitzhaber indicated that it would not be cost effective to fund and maintain staff to conduct sealed source and device evaluations.

The Commission has agreed to the request and has notified Oregon that effective April 1, 1998, the NRC reassumed authority to evaluate and approve sealed source and device applications within the State of Oregon. The State of Oregon will retain authority to regulate the manufacture and use of sealed sources and devices within the State in accordance with its Section 274b Agreement with the NRC.

Dated at Rockville, Md., this 3rd day of April 1998.

For the Nuclear Regulatory Commission.

**Annette Vietti-Cook,**

*Acting Secretary of the Commission.*

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## OFFICE OF PERSONNEL MANAGEMENT

### Excepted Service; Positions Placed or Revoked

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice.

**SUMMARY:** This gives notice of positions placed or revoked under Schedules A and B, and placed under Schedule C in

the excepted service, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

**FOR FURTHER INFORMATION CONTACT:** Patricia H. Paige, Staffing Reinvention Office, Employment Service (202) 606-0830.

**SUPPLEMENTARY INFORMATION:** The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR 213 on March 20, 1998 (62 FR 13706). Individual authorities established or revoked under Schedules A and B and established under Schedule C between February 1, 1998, and February 28, 1998, appear in the listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities as of June 30 will also be published.

#### Schedule A

No Schedule A authorities were established or revoked during February 1998.

#### Schedule B

No Schedule B authorities were established or revoked during February 1998.

#### Schedule C

The following Schedule C authorities were established during February 1998.

##### *Agency for International Development*

Special Assistant to the Assistant Administrator, Bureau for Latin America and the Caribbean. Effective February 19, 1998.

##### **Department of Agriculture**

Deputy Administrator, Food Stamp Program to the Administrator, Food and Nutrition Service. Effective February 12, 1998.

Special Assistant to the Administrator, Food and Inspection Service. Effective February 12, 1998.

Special Assistant to the Administrator, Food and Inspection Service. Effective February 12, 1998.

Confidential Assistant to the Administrator, Rural Housing Service. Effective February 18, 1998.

Director, Native American Programs to the Assistant Secretary for Congressional Relations. Effective February 18, 1998.

Confidential Assistant to the Administrator, Rural Business Service. Effective February 27, 1998.

Deputy Press Secretary to the Director, Office of Communications. Effective February 27, 1998.

Deputy Press Secretary to the Director, Office of Communications. Effective February 27, 1998.

##### *Department of the Army (DOD)*

Staff Assistant for Policy to the Secretary of the Army. Effective February 10, 1998.

##### *Department of Defense*

Staff Specialist to the Deputy Assistant Secretary of Defense, (European and NATO Affairs). Effective February 23, 1998.

Defense Fellow to the Special Assistant for White House Liaison. Effective February 24, 1998.

Staff Specialist to the Assistant Secretary (Strategy and Threat Reduction). Effective February 25, 1998.

##### *Department of Education*

Special Assistant to the Assistant Secretary, Office of Elementary and Secondary Education. Effective February 4, 1998.

Confidential Assistant to the Special Assistant, Office of the Deputy Secretary. Effective February 19, 1998.

Special Assistant to the Assistant Secretary, Office of Postsecondary Education. Effective February 19, 1998.

##### *Department of Health and Human Services*

Strategic Planning and Policy Coordinator to the Deputy Assistant Secretary for Public Affairs (Policy and Strategy). Effective February 4, 1998.

White House Liaison to the Chief of Staff. Effective February 24, 1998.

Confidential Assistant (Scheduling) to the Director of Scheduling and Advance. Effective February 25, 1998.

##### *Department of Housing and Urban Development*

General Deputy Assistant Secretary for Public Affairs to the Assistant Secretary for Public Affairs. Effective February 24, 1998.

Special Assistant to the Assistant Secretary for Community Planning and Development. Effective February 24, 1998.

##### *Department of Justice*

Program Manager, Violence Against Women Office to the Director, Violence Against Women Office. Effective February 26, 1998.

##### *Department of Labor*

Special Assistant to the Secretary of Labor. Effective February 18, 1998.

Special Assistant to the Assistant Secretary, Pension and Welfare Benefits Administration. Effective February 20, 1998.

Special Assistant to the Assistant Secretary for Public Affairs. Effective February 20, 1998.

Special Assistant to the Secretary of Labor. Effective February 25, 1998.

#### *Department of State*

Special Assistant to the Assistant Secretary, Bureau of African Affairs. Effective February 12, 1998.

Staff Assistant to the Deputy Assistant Secretary for Strategic Planning. Effective February 24, 1998.

#### *Department of Transportation*

Associate Director, Office of Intergovernmental and Consumer Affairs to the Director, Office of Intergovernmental Affairs. Effective February 5, 1998.

Special Assistant to the Administrator, Federal Highway Administration. Effective February 11, 1998.

#### *Department of the Treasury*

Senior Advisor to the Assistant Secretary for Financial Markets. Effective February 18, 1998.

#### *Department of Veterans Affairs*

Special Assistant to the Deputy Secretary of Veterans Affairs. Effective February 6, 1998.

Special Assistant to the Secretary of Veterans Affairs. Effective February 19, 1998.

Executive Assistant to the Secretary of Veterans Affairs/Deputy Chief of Staff. Effective February 19, 1998.

#### *General Services Administration*

Deputy Associate Administrator to the Associate Administrator for Congressional and Intergovernmental Affairs. Effective February 18, 1998.

#### *National Aeronautics and Space Administration*

Radio Production Specialist to the Associate Administrator, Public Affairs. Effective February 11, 1998.

#### *National Transportation Safety Board*

Confidential Assistant to the Chairman. Effective February 24, 1998.

Special Assistant to the Managing Director. Effective February 25, 1998.

#### *Office of Management and Budget*

Confidential Assistant to the Associate Director for Natural Resources, Energy and Science. Effective February 5, 1998.

#### *Small Business Administration*

National Director for Community Outreach to the Administrator, Small

Business Administration. Effective February 12, 1998.

#### *United States Information Agency*

Supervisory Public Affairs Specialist (New York) to the Associate Director, Bureau of Information, Foreign Press Center. Effective February 26, 1998.

#### *United States Tax Court*

Secretary (Confidential Assistant) to the Judge. Effective February 9, 1998.

**Authority:** 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.

Office of Personnel Management.

**Janice R. Lachance**

*Director.*

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## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 23102; 812-10992]

### Harris & Harris Group, Inc.; Notice of Issuance of Certification

April 6, 1998.

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Issuance of Certification Pursuant to Section 851(e) of the Internal Revenue Code of 1986, as Amended ("Code").

**SUMMARY:** The SEC is issuing a certification pursuant to section 851(e) of the Code that applicant Harris & Harris Group, Inc. ("Harris") was, for the fiscal year ended December 31, 1997, principally engaged in the furnishing of capital to other corporations which are principally engaged in the development or exploitation of inventions, technological improvements, new processes or products not previously generally available.

**FILING DATES:** The application for the certification was filed on January 6, 1998, and amended on March 2, 1998 and April 2, 1998.

**FOR FURTHER INFORMATION CONTACT:** Joseph B. McDonald, Jr., at (202) 942-0564 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application and a certification. The complete application may be obtained for a fee from the SEC's Public Reference Branch, 450 Fifth Street NW.,

Washington, DC 20549 (telephone (202) 942-8090).

### Applicant's Representations

1. Harris is a New York corporation and a closed-end, non-diversified management investment company registered under the Investment Company Act of 1940 ("Act"). On July 26, 1995, Harris elected to become regulated as a business development company pursuant to section 54(a) of the Act.

2. Harris proposes to qualify as a "regulated investment company" under section 851(a) of the Code pursuant to section 851(e) of the Code. Section 851(b) of the Code imposes certain portfolio diversification requirements on investment companies that seek to qualify as a regulated investment company. Section 851(e) of the Code provides an exemption from these diversification requirements if the investment company, among other things, obtains a certification from the SEC that the investment company is principally engaged in the furnishing of capital to other corporations which are principally engaged in the development or exploitation of inventions, technological improvements, new processes or products not previously generally available (collectively, "Development Corporations").

3. Harris has filed an application seeking a certification pursuant to section 851(e) of the Code for the fiscal year ended December 31, 1997. The application describes each company in Harris' portfolio during the fiscal year ended December 31, 1997 that Harris believes to be a Development Corporation. Harris states that, in making this determination, it relied upon information provided by the portfolio companies to Harris and to others, including but not limited to, offering circulars, prospectuses, analyst reports, internal company memoranda, patent applications and similar documents. In addition, Harris generally is represented on the boards of directors of its portfolio companies through member or observer status, and also has direct access to senior management of the companies.

4. The following table shows the composition of the total assets of Harris as of each of the calendar quarters ended March 31, June 30, September 30, and December 31, 1997, as set forth in the Application.